

MINUTES

April 1, 2008

Chairman Petit called the Planning Commission Meeting to order at 7:10 p.m. in the City Council Chamber. The following Commission members were in attendance:

Paul Petit, Chairman
Councilwoman Paula McFarland (7:50 p.m.)
Corsino Delgado, Finance Director
Anthony Sylvia, P.E., Public Works Director
Charles Rossi
James Moran

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
Lynn Furney, AICP, Senior Planner
Vito Sciolto, Esq., City Solicitor
Ron Ronzio, Stenographer
J. Resnick, Senior Clerk

The following members of the public attended:

Gerard Fontaine
A. Vasconcellos
Louis Federici, PLS

Carlos Borja
Yates
Kevin McAllister, Esq.

William Perrotti
Michael Sepe
Robert Murray, Esq.

APPROVAL OF MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend *approval* of the minutes of the March 5, 2008, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Lippitt Farm Phase I – Preliminary Plan

Major Subdivision with street extension
Laten Knight Road
AP 30/4, Lot 250

Attorney Robert Murray, representing the property owner, WFD Associates, stated that issues arose last week that are being addressed and requested that this Preliminary Plan hearing be continued to the May 6, 2008, Planning Commission Meeting. He also apprised the Commission that the Master Plan approval is set to expire in May; therefore, if for some reason the Preliminary Plan does not move forward next month, he will be requesting an extension of the Master Plan approval at the May 6, 2008, Planning Commission Meeting.

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to *continue* this Preliminary Plan public hearing to the May 6, 2008, Planning Commission Meeting.

Aye votes: Chairman Petit, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Rossi. Nay votes: none.

Replat of the Vendetti Plat – Preliminary Plan

Major Subdivision with street extension
Oxford Street and Lark Avenue
AP 7/4, Lots 3849, 1072 and 2981

Mr. Pezzullo explained the proposal to subdivide and re-plat the existing 42,842 square feet of land area (three existing lots that were created last year as part of the 'Vendetti Plat'). The proposal is to subdivide the three lots into four lots; one for the existing single family home, one for the two-family home currently under construction, and two additional duplex structures. He stated that all of the proposed lots meet the minimum frontage and area requirements within the B-1 Zone, and all lots will be serviced by public water and sewer.

Mr. Pezzullo went on to address the concerns of the Engineering Division in regard to all proposed curb cuts for the new roadway, which must be consistent with the City of Cranston Building Code. The Engineering Division also requested that the balance of the City owned land as part of the right-of-way be landscaped by the applicant, preferably with low maintenance landscaping materials. Mr. Pezzullo noted that both of these issues will be fully addressed when this application is reviewed by the Site Plan Review Committee.

The proposal remains much the same as the Master Plan proposal with the exception of the elimination of the original hammerhead proposed. This Preliminary Plan proposes a traditional cul de sac bulb, which is preferred.

No public testimony was offered on this matter.

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Preliminary Plan subject to the conditions denoted below.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified/return receipt mail and the meeting agenda has been properly posted. Newspaper advertisement for this subdivision was published in the 3/13/08 edition of the Cranston Herald.
2. The proposed subdivision, and its resulting gross density of approximately 7.1 residential units per acre, is consistent with the City of Cranston Comprehensive Plan and its Future Land Use Map which designates the property as "Residential" allowing more than 8 residential units per acre and therefore will not impair or alter its intent or purpose.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the **B-1** single and two-family residential zone.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods, and will reflect their existing characteristics.
5. The proposed lots have adequate permanent physical access to Oxford Street and Lark Avenue, improved public roadways located within the City of Cranston.

6. Significant cultural, historic, or natural features that contribute to the attractiveness of the community have not been identified on the site.
7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on subject lots, according to pertinent regulations and building standards would be impracticable.
8. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
9. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for suitable building sites.
10. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions for Approval

The following conditions shall apply to this Preliminary Plan, in addition to other applicable state and local requirements.

1. Applicant shall obtain ***Final Site Plan Review Committee*** approval prior to the applicant submitting the Final Plan with the Planning Department for Final Plat recording.
2. Final Plan shall depict the proposed driveway openings of no more than 20' is width.
3. Submit final sewer easement language that is to be recorded at the time of Final Plan submission.
4. Applicant shall provide a performance guarantee of \$63,000 with a separate 2% administrative fee of \$1,260.
5. Applicant shall install 6" concrete curbing along the entire frontages of Oxford Street and Lark Avenue to the satisfaction of the Public Works / Engineering Division.
6. Final Plan submission shall include a detailed landscaping plan including street tree installation along the perimeter of Lark Avenue and the extension of Oxford Street.
7. Payment of Eastern Cranston Capital Facilities Impact Fees of \$2,373.84 (\$593.46 x 4) at the time of plat recording.

Aye votes: Chairman Petit, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Rossi. Nay votes: none.

EXTENSION OF TIME

Crestwood Estates

AP 28, Lot 1023

In response to a request for a one year extension of the Preliminary Plan approval granted to Crestwood Estates by the Planning Commission on April 5, 2005, the Planning Commission took the following action.

Upon motion made by Mr. Delgado and seconded by Mr. Moran, the Commission unanimously voted to *approve* a one-year extension of the Preliminary Plan approval, with the condition that the applicant appear before the Planning Commission at the October 7, 2008 Planning Commission meeting to discuss the status of the remaining unresolved issues.

Aye votes: Chairman Petit, Mr. Moran, Mr. Rossi, Mr. Sylvia and Mr. Delgado. There were no nay votes.

PERFORMANCE GUARANTEES

Greenfield Commons -

Performance guarantee reduction request

Mr. Pezzullo explained that a request was received from Mr. Mark Perrotti for reduction of existing Sovereign Bank Letter of Credit No.4973, in the amount of \$131,000.

Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to *reduce* the existing performance guarantee by \$75,000, leaving a balance of \$56,000; in accordance with the Engineering Division's recommendation.

Aye votes: Chairman Petit, Mr. Sylvia, Mr. Delgado, Mr. Moran and Mr. Rossi. Nay votes: none.

Orchard Meadows

Performance guarantee release request

Mr. Pezzullo explained that a request was received from Mr. Peter Alviti for release of existing Bristol County Bank Letter of Credit No. 215 in the amount of \$127,500.

In accordance with the Engineering Division's recommendation, and upon motion made by Mr. Moran and seconded by Mr. Sylvia, the Commission unanimously voted to *release* Bristol County Letter of Credit No. 215 in its entirety.

Aye Votes: Chairman Petit, Mr. Delgado, Mr. Rossi, Mr. Sylvia, Mr. Moran. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

GAETANO NOCERA 40 BROOK VIEW DRIVE SCITUATE RI 02831 (OWN) AND CARLOS BORJA 33 MONTICELLO STREET PROVIDENCE RI 02904 (APP) have filed an application for permission to operate an auto repair / tire repair shop from an existing building with restricted frontage and side yard setback on an undersized lot at **140 Farmington Avenue**. AP 8/4, Lot 6, area 5500+/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off Street Parking.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance 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.*"

Findings of Fact:

1. The application is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Commercial and Services."
2. Within the 400' zoning notification radius, there is 1 large industrial use, 5 mixed commercial/residential buildings, 6 three-family dwellings, 8 two-family dwellings 1, 30 unit apartment complex, and 2 single family dwellings. The area within the 400' radius is zoned C-4, C-5 and B-1.
3. Four parking spaces are provided in the front of the building.
4. The rear portion of the lot and building is located in Providence.
5. The application states that the existing use is a tire repair shop. The assessor's field card shows that the previous business operating in the building was Silver Lake Iron Works; therefore, the addition of auto repair to the existing business use, will not alter the general

character of the surrounding area, and will not impair the intent or purpose of the Zoning Code.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend *approval*, with the following conditions:

1. All vehicles scheduled for repair are to be parked on the premises, with no overflow parking on the street.
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye Votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Moran and Mr. Sylvia. Nay Votes: none.

GERALD V & CAROL FONTAINE 355 OLNEY ARNOLD ROAD CRANSTON RI 02921 (OWN/APP) has filed an application for permission to re-configure a lot line and leave an existing single family dwelling on an undersized lot with restricted frontage and side yard setback at **355 Olney Arnold Road**. AP 26/1, Lot 22, area 13,420+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, Schedule of Intensity 17.20.120.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance 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.*"

Findings of Fact:

1. The application's residential dwelling is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential, 1-4 units per acre."
2. The applicant's lot and house was existing in 1955, when the abutting Olney Arnold Estates was platted and recorded.
3. The applicant's garage was built in 1986 as the result of a ZBR variance received for the construction of a 2-car garage with a restricted side yard setback.
4. In October 2002, a variance was received for construction of living space over the garage. The sideyard setback noted in the ZBR decision was 4 feet.
5. The surveyed plan shows that most of the existing driveway, and the garage with living space above is actually partially located on the abutting property to the north. (The City's 2006 Assessor's Maps does not show an encroachment).
6. An Administrative Subdivision has been submitted to the Planning Department (by the applicant) that moves the side lot line 13' in order to provide a 2.5' side yard setback for the garage and living space, and a 4.5' side yard setback for a shed in the rear yard.
7. The proposed property line change will increase the frontage to 63 feet (from 50 feet) and increase the total lot area. from 12,042 sq. ft. to 13,420 sq. ft. hereby lessening the lot's nonconformity.
8. Thirty, single family houses are located within the 400' zoning notification radius, 4 of those houses have restricted side yard setbacks, as seen on the City's GIS aerial maps.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Moran, the Commission unanimously voted to recommend *approval*, as the application will not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Code, and with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye Votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Moran and Mr. Sylvia. Nay Votes: none.

SOPRANO REALTY COMPANY 4 NOTTINGHAM DRIVE HOPE RI 02831 (OWN/APP) has filed an application for permission to leave an existing legal non conforming 5000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,481+/- SF lot [parcel A] and leave an existing legal non-conforming 7000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,877+/- SF lot [parcel B] at **225 Macklin Street and 86 Calder Street**. AP 11, Lot 2064, area 41,358 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance 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.*"

Findings of Fact:

1. The application with its preexisting uses is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which calls for industrial uses to be made of the property.
2. Three industrial buildings are located on the parcel (lot 2064). The two legal nonconforming buildings fronting on Macklin Street were constructed in 1960 and 1965, prior to the adoption of the current zoning ordinance. The remaining building, fronting on Calder Street, was built in 1972 as Tyler Truck Service.
3. In December 2006, the proposed subdivision of this same property received preliminary approval from the Planning Commission.
4. Within the 400' Zoning Board of Review (ZBR) notification radius, there are thirty two (32) single-family, one (1) two-family, and two (2) mixed-use structures. Additionally, there are ten (10) commercial uses and fifteen (15) manufacturing uses within this radius.
5. The 3 residential homes located directly across from the applicant's property on Macklin Street were built in 1970, 1973, and 1973; several years after the applicant's industrial buildings were operational. The homes are located in a residential zone as delineated on the official 1965 Zoning Maps.
6. Within the 400' zoning notification radius, there are fifteen (15) existing manufacturing establishments. Most of these establishments are situated on multiple undersized lots that are considered merged for zoning purposes.
7. The new lot line permits 20' and 30' side yard setbacks that conform to zoning (min. 20' required). All other restricted yard setbacks are existing.
8. The average lot size of the fifteen (15) manufacturing uses is 18,252 square feet. Only three (3) of these, or 20%, have the minimum required 30,000 square foot lot size required within the M-1 zone. The average lot size of the proposed parcels is 20,679 square feet which is 2,427 square feet or 7.5% larger than the average lot size of the manufacturing establishments within the radius. Therefore, the proposed application will not alter the general character of the area, nor impair the intent or purpose of the Zoning Ordinance.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend *approval*, as the application is consistent with the goals and Future Land Use Map of the City's Comprehensive Plan, with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye Votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Moran and Mr. Sylvia. Nay Votes: none.

JOSEPH DESANTO AND PATRICIA A LEFF 410 GARDEN CITY DRIVE CRANSTON RI 02920 (OWN) AND FINANCIAL CONCEPTS INC DOUGLAS WATTS 9 MERCER ROAD NATICK MA 01760 (APP) AND RANDOLPH HOLDING II LLC 730 CENTRE OF N E BLVD COVENTRY RI 02816 have filed an application for permission to renovate an existing building into a Randolph Savings Bank branch with drive-thru with restricted frontage and side yard set back at **875 Pontiac Avenue**. AP 9/1, lot 3200, area 12,476 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance 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.*"

Findings of Fact:

1. The application's proposed use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Commercial and Services."
2. The application received Preliminary Approval with 10 conditions, from the Site Plan Review Committee on January 23, 2008.
3. Section 17.28.010 of the Cranston Zoning Code, entitled "Drive-in uses", requires lot sizes to be 20,000 sq. ft. The existing lot is 7,524 sq. ft. short. However the applicant received (on March 24, 2008), an access easement from the City Council, for the 19' of land between the applicant's property line and the Garden City Drive back of sidewalk. (The City property is currently paved, and was used by the former convenience store).
4. The site plan shows a side yard setback of 15.6' for the building where 20' feet is required by the drive-in ordinance.
5. There is a proposed 0' side yard setback for the canopy over the drive-thru.
6. The driveway on Garden City Drive is less than the required 40' of separation from another drive way opening to the west (residential).
7. The driveway opening on Pontiac Avenue is 1.1' from the side lot line, where 20' is required. This, however, is an existing condition.
8. The City's Traffic Engineer has approved the parking and circulation plan.
9. Portions of the applicant's side property line passes through the proposed drive thru lanes, thereby not allowing any landscaped buffer to be installed along the property line. Portions of the drive-in lanes and landscaped area are actually on the abutting residential property, and not on the subject lot. Moving the westerly property line to the westerly face of curb of the landscaped area would eliminate the encroachment of the drive-thru lane on the abutting property, eliminate the necessity for a rear yard setback variance, and create the required landscaped buffer zone between the commercial use and the residential use.
10. There are three other commercial uses on Pontiac Avenue within the 400' zoning notification radius.

11. All signage conforms with the maximum square footage allowed per the Zoning Ordinance.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *approval*, as the application is consistent with the goals and Future Land Use Map of the City's Comprehensive Plan, with the following conditions:

1. Submit an administrative subdivision that would relocate the westerly lot line to follow the outside (westerly) curb line of the landscaped area, hereby eliminating the encroachment of a commercial use on residential property. (One of the abutting property owners is the same as one of the owners of the subject property.)
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye Votes: Chairman Petit, Mr. Rossi, Mr. Moran and Mr. Sylvia. Mr. Delgado recused.

Nay Votes: none.

COMPREHENSIVE PLAN UPDATE

Mr. Lapolla informed the Commission that the staff has completed their review of the Housing, Recreation and Open Space Elements of the draft Comprehensive Plan and are approximately half way through reviewing the Services and Facilities Element. He stated that the first four revised elements will be distributed to the Commission when they are complete.

In regard to the Economic Development Element, the City is in the process of developing an Economic Development Plan that will be included in this element.

The Commission decided to schedule the first public workshop to solicit ideas/comments on the draft Comprehensive Plan on Tuesday, May 13, 2008, at 7 p.m. The meeting will be held in the City Council Chamber. Mr. Lapolla stated that he will contact The Providence Journal and the Cranston Herald to publicize this special meeting.

MISCELLANEOUS

Resolution of the City Council – Amending Chapter 13, Section 13.01 of the Home Rule Charter

Mr. Lapolla called attention to the above referenced Resolution, stating that the resolution seeks to remove the City Council delegate from the Planning Commission and replace that Commissioner with an elector of the city.

Impact Fees

Mr. Lapolla stated that the City is seeking to adjust the impact fees currently in place for new development. This will involve meeting with various department directors to determine an appropriate increase.

Wellington Corridor

Mr. Lapolla informed the Commission that the firm, Jacobs Engineering, has been contracted to perform the study of the feasibility of locating a train station along Wellington Avenue.

Cranston Print Works

Mr. Lapolla stated that the developer of the proposed adaptive re-use of the Cranston Print Works project, Cranston Print Works Company and Cathedral Development Group, Inc., are seeking to negotiate a grant greater than the amount approved by Rhode Island Housing. In the hopes of receiving a larger grant amount, the developer has not yet made public announcement of the project.

Phenix Terrace Comprehensive Permit

Mr. Lapolla informed the Commission that the Comprehensive Permit for the Phenix Terrace project is moving along and is expected to be filed as soon as next month.

ADJOURNMENT

Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 8:10 p.m.

NEXT MEETINGS

Tuesday, May 6, 2008, at 7 p.m. in the City Council Chamber.

Tuesday, May 13, 2008, at 7 p.m. in the City Council Chamber for discussion of the five year Comprehensive Plan update.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary