

MINUTES

April 3, 2007

Chairman Petit called the meeting to order in the City Council Chamber at 7:05 p.m. He announced that the agenda item known as '150 Unit Apartments-Natick and Phenix-Master Plan', would be continued. The following Commission members attended:

Paul M. Petit, Chairman
Paula McFarland, Councilwoman, Vice Chair
Corsino Delgado, Finance Director
Ernest Carlucci, Acting Public Works Director
Charles Rossi

Also present were:

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

The following members of the public attended:

Richard Bzdyra	Mary Shekarchi	John DiBona, Esq.
Peter Alviti	Frank DiLanna	David DiLanna
Thomas Enright	Toni Enright	Melissa Johnson
William Volpi	Stephen Cipolla	Denise Cipolla
Gary Tantimonaco	Dennis Signorello	Ray Healy
Gail Roy	Harold Lawton	Franklyn Cooke
Mr. & Mrs. McGill	Jody Sceery	David Allaire
Gary Ashness	John Shewchuk	Dorothy Shewchuk
Marie Sweet	Maral Rachdouni	Frederick Hall
Edith Hall	Emily Fenger	Angelo Palmieri
Katherine Bearman	Evelyn Kone	D. Thibert
Frank Zaino	Richie Zackarian	Jo-Anna Zackarian
Robert D. Murray, Esq.		

MINUTES

Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the minutes of the March 6, 2007 Planning Commission Meeting.

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to *approve* the minutes of the March 15, 2007 Planning Commission Meeting.

ORDINANCES

None

SUBDIVISION AND LAND DEVELOPMENT PLANS

Helen Estates – Preliminary Plan

Major Subdivision with street extension
Echo Lane
AP 27/3, Lots 102, 177 and 180

Peter Alviti, P.E., Hudson Place Associates, gave an explanation of the proposal to subdivide this 5 acre parcel into nine lots, seven new building lots, one for the existing home and one drainage/utility lot. He explained that the proposal is less dense than the surrounding area. The water table and septic design has been approved by RIDEM. Existing drainage flows downhill from west to east and he emphasized that this pattern will be maintained, with stormwater directed into the adjacent existing brook. No increase in volume of stormwater is anticipated. He also mentioned the negligible impact the proposed development will have on the schools and/or traffic. A 20 ft. easement to access the detention pond will be created and accessed via a gravel City-owned drive. He further stated that the detention pond should remain dry between rain events and require minimal maintenance every 3-5 years. The homes will be serviced by public water.

Maral Martuni, 73 Council Rock Road, expressed concern with water run-off. She stated that there are no storm drains on Echo Lane, and the stormwater runs down to her property. She requested that the City install storm drains in the area.

Mr. Alviti responded that the drainage proposal is designed for a 100 year storm event, explaining that the 100 year storm is the benchmark used by FEMA. He stated that none of the existing area should be impacted by the proposed development and that the drainage plans have been approved by RIDEM.

Mr. Pezzullo presented the staff memorandum, dated April 3, 2007, which is attached and made part of these minutes. He further emphasized that the City's Engineering Division has reviewed and is satisfied with the drainage proposal. The Engineering Division has requested that Echo Lane and the proposed cul-de-sac have curbing. Waivers for cul-de-sac length, provision of sidewalks and pavement width were approved at Master Plan.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan submittal subject to the following conditions.

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60 as well as the City of Cranston's Subdivision and Land Development Regulations and offers the following 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. This major subdivision proposal has been properly advertised per Section V.F.3.g of the City of Cranston Subdivision Regulations and the notice appeared in the 3/15/07 edition of the Cranston Herald.
2. The proposed subdivision, and its resulting gross density of approximately 1.6 residential units per acre, is consistent with the City of Cranston Comprehensive Plan and its Future Land Use Map which designates the property in question as "Residential" allowing one to four 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 **A-20** single 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 property in question has adequate permanent physical access to Echo Lane, an improved public roadway, located within the City of Cranston. The resulting lots will also have adequate permanent physical access to the proposed roadway of Coletta Court.
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. Proposed Lot 4 must provide a minimum of 125' of frontage on the Final Plan submission. (124.97' has been shown on the plan)
2. Depict the installation of permanent markers denoting the RIDEM jurisdictional wetland buffer on the Final Record Plan.
3. Eliminate the second gravel access point for the maintenance of the proposed detention basin from Council Rock Road on the Final Record Plan.
4. Applicant shall install 6" concrete curbing along the entire frontage of Echo Lane and Coletta Court.
5. Coordinate with the Providence Water Supply Board for the needed water main extension and provide their final approval documentation.
6. Homeowners Association documents, if proposed, to reference the RIDEM wetland jurisdiction and to summarize prohibited activities within this area, or provide sample language that will appear on all applicable deeds referencing this wetland area.
7. Payment of Western Cranston Water District fees of \$13,520 (\$1,352 x 7) at the time of plat recording.
8. Payment of Western Cranston Capital Facilities Impact Fees of \$9,726.5 (\$1,389.50 x 7) at the time of plat recording.
9. Provide a performance guarantee in the amount of \$127,000 with a separate 2% administrative fee of \$2,540 at the time of Final Plat recording.

Voting aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Mr. Carlucci. There were no nay votes.

Equestrian Estates “Moses Plat”- Master Plan

Laten Knight Road

Major Residential Planned Development with street extension

AP 28, Lot 11

Peter Alviti, P.E., Hudson Place Associates, representing property owners, Lawrence and Elizabeth Moses, explained the proposal to develop this parcel as a Residential Planned Development (RPD) and subdivide the 15.85 acre parcel into 9 lots, six new building lots, one for the existing home, one open space lot and one drainage/utility and open space lot. The property contains an existing home, large barn and pasture for the keeping of horses. A brook exists on the easterly portion of the parcel, with brush wetlands with 50-100 ft. perimeters. Wetlands also exist along a drainage ditch that runs along Laten Knight Road. Wetlands represent approximately two acres of the property.

Mr. Alviti went on to explain that the property is being developed in a single phase as an RPD in order to leave more open space and create less roadway. The entire northerly portion of the site will remain open space. The lots will be 30,000 sq. ft., which is larger than required. The entrance and existing wetland along Laten Knight Road will shield the development from the roadway. The developer proposes to provide public water and sewer from the lines that exist on Pippin Orchard Road.

Mr. Alviti explained that the matter of the Western Cranston Water District Fee Schedule is pending as the existing District does not include this area. He stated that an ordinance is needed to determine what the fee should be.

Area resident, Frank Zaino, 225 Laten Knight Road, stated that four years ago the subject property was deemed Historic Farm Land by the City Council and questioned the disturbance of the property. He stated that Mr. Brock Bierman “backhoed and created the existing drainage ditch along Laten Knight Road so that the property would not be developed.” He stated that Laten Knight Road is a narrow roadway without gas, sewers or water, and he asked why the existing large barn is not depicted on the plan presented; questioning if permits were obtained for the construction of the barn.

Mr. Cimino Parente, 15 Lauren Court, stated that the rear of his property abuts the subject parcel. He feels that six homes are “being squeezed” into an area that is zoned for 2 acre house lots. He stated that he is not opposed to “maybe two homes”, which would not have as much of an impact on Laten Knight Road; a narrow road. Further, he cautioned setting a precedent for the area.

Anthony Lupino, 15 Blackwell Court, asked who would pay for the extension of the water and sewer line from Pippin Orchard Road. He also stated that it was his understanding that the low-pressure sewer line was installed for use by Hope Highlands Elementary School.

Mr. Pezzullo explained that a build-out analysis will be done by the Planning Department in the next 6-12 months to determine what the new WCWD fee should be. He explained that the developer is responsible for extension of the water and sewer lines. He further explained that the RPD provides for more open space. The same number of lots can be developed under the conventional subdivision scenario.

Mr. Lapolla then interjected, stating that the revised draft Comprehensive Plan does address development in this area. Mr. Alviti concurred, stating that the sewer line was constructed oversize to accommodate this type of development and to prevent pollution of the ground and ground water, as would be the case with septic systems. He stated that area residents may tie into the line at no expense. He further reiterated that the RPD condenses the development and produced the same number of lots.

Ms. Marie Sweet, Conservation Commission Chair, stated that the proposed open space will not be for use by all residents, rather, it is owned by the developer. Mr. Pezzullo interjected, stating that no further development can be done on the open space portion of the property. It will remain open space into perpetuity.

Mr. Richard Santarian asked if there will be public water, stating that he has two wells that have had to be extended. Mr. Pezzullo stated that the developer prefers to provide public water for the newly created lots, reiterating that we will not know for 6 months to one year; once the build-out analysis is done.

Mr. Frank Zaino again addressed the Commission, asking how a detention pond can be placed next to an existing home. Mr. Pezzullo responded that the 'Freedom to Farm Act' allows farmers to fill in wetlands if need be. Farmland is not held to the same standard of development as traditional subdivision.

Ms. Gail Roy, 157 Laten Knight Road, stated that she has lived in her present residence for 53 years and there has never been a road there. In response, Mr. Alviti stated that the dirt road has existed since the 1920's.

Mr. Samuel Parente addressed the Commission, stating that they should "look at the parcel as the engineer makes it sound easy to develop, however, he feels it does not fit".

Councilwoman McFarland expressed concern with the Providence Water Supply Board's position on this development, and she also requested the building official provide response on the proposal.

There being no further public testimony, Mr. Pezzullo presented the staff memorandum, dated April 3, 2007, which is made part of these minutes. He stated that the property owner has the right to develop his property in this manner as long as open space is provided. The developer will need to work with Veolia Water as the only sewer available for this development is the RISE Return Line. The plans do not give any details of the sewer system. It only states that the sewer would be connected to the Public Sewer System. Before this plat is approved by the City of Cranston, the Low Pressure Sewer System for this plat should be adequately addressed. When the Preliminary Plans are submitted, they are to have all of the calculations that are required in order to perform the hydraulic model. The cost of the hydraulic model is the responsibility of the developer. The hydraulic model will determine if the proposed LPSS can connect to the RISE Return Line.

Mr. Pezzullo further stated that an access easement should be provided to the Open Space area to the north for use by residents. Also, the revised plan shall depict the barn and address the matter of the minimum of ten acres required for the keeping of livestock.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *continue* this matter to the May 1, 2007 Planning Commission Meeting.

Voting aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

Apple House Estates, Section 6 – Preliminary Plan – Cont'd

Major Subdivision with street extension

Terminus of Rome Court

AP 26, Lot 4

Ms. Mary Shekarchi, representing property owners Frank and Christine DiLanna, informed the Commission that the applicants have received RIDEM approval for the proposed subdivision and

that RIDEM “stands behind” the issuance of the permit. Richard Bzdyra, Ocean State Planners, asked that the proposal be allowed to move forward.

Marie Sweet, Cranston Conservation Commission, stated that a comprehensive job site walk was conducted in late March. She thanked those that attended the walk and for addressing the concerns of the Conservation Commission and the neighbors.

Mr. John Shewchuk, 135 Rome Drive, stated that although the stream will be behind the proposed development, he remains concerned with drainage.

Mr. Bzdyra requested waiver for provision of sidewalk and granite curbing. He stated that posts, rather than granite markers, will be used to delineate the wetlands.

Mr. Pezzullo stated that the waivers requested were approved at Master Plan. He stated that the site has a high water table. The stream is to the east of the Shewchuk property. The proposal has been prepared and reviewed by licensed engineers. Clarification of the ‘area of concern’ has been determined to be a wetland area and is being treated as such.

Discussion ensued regarding the City’s ownership and maintenance of bridges. Councilwoman McFarland stated that the City does not want to own any more bridges or provide maintenance. However, Mr. Pezzullo and Mr. Bzdyra stated that maintenance of the bridge is minimal and the Public Works Department has the equipment necessary to main the proposed detention pond and roadway repair that is part of routine city maintenance. Providence Water Supply Board is “on board” and is maintaining the culvert. The vortechs will be maintained by the Homeowner’s Association.

As a result of this conversation, Councilwoman McFarland stated that the City is “not doing a good job of maintaining infrastructure”. Mr. Pezzullo responded that the possibility of maintenance of drainage ponds by homeowner’s associations be considered in future proposals.

There being no further testimony the Commission moved to a vote. Upon motion made by Mr. Delgado and seconded by Councilwoman McFarland, 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:

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston’s Subdivision and Land Development Regulations and finds as follows:

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 and return/receipt mailing and the meeting agenda has been properly posted. This major subdivision has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations and appeared in the February 22, 2007 edition of the *Cranston Herald*.
2. The proposed subdivision and its resulting gross density of approximately .45 residential units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the property in question as “Residential” allowing 1-4 units per acre and therefore the proposal will not impair 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 **A-20** single family residential zone.
4. The property in question has adequate permanent physical access to Rome Court, an improved public roadway located within the City of Cranston.

5. Cultural/historic features that contribute to the attractiveness of the community have been identified, surveyed, and properly documented. These cultural resources, however, will not be impacted by this development since they lie outside of the proposed building envelopes as well as those areas with anticipated disturbance.
6. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.
7. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
8. 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.
9. 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.
10. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.

Conditions for Approval:

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

1. Final Record Plan shall depict the installation of permanent markers denoting the RIDEM jurisdictional wetland buffer.
2. Final Record Plan shall clearly denote that the ownership and maintenance for the drainage structures located on Parcel B will be the sole responsibility of the homeowners association and not the City of Cranston.
3. Final Plan submittal shall include the conservation easement for the areas that fall within the RIDEM jurisdictional wetland buffer as well as sample deeds referencing the wetlands and prohibited activities without RIDEM approval.
4. Coordinate with the Providence Water Supply Board for the installation of the needed water main extension from Rome Court.
5. Provide a performance guarantee in the amount of \$364,000 with a 2% administrative fee of \$7,280 at the time of Final Plat recording.
6. Payment of \$9726.50 (1389.50 x 7 units) in Cranston Capital Facilities Impact fees at time of Final plat recording.
7. Payment of \$9,464.00 (1,352 x 7 units) in Western Cranston Water District Impact fees prior to Final plat recording.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

Scituate Crossing – Preliminary Plan

Minor Subdivision without street extension

Scituate Avenue

AP 20/2, Lot 2121

Attorney John DiBona explained that in June the applicant will be requesting of the City Council a zone change from A-20 to B-2 for the purpose of constructing two duplex structures on the 19,210 sq. ft. parcel. He further explained that this Comprehensive Plan change will be in conformance with the Comprehensive Plan Future Land Use Map from A-8 – B-2. The property is surrounded by a B-2 Zone. In conclusion, he requested that final plan approval be handled administratively.

Richard Bzdyra, Ocean State Planners, stated that drainage will be accomplished through a leaching basin on site. Physical Alteration Permits have been obtained from RIDEM for this project.

A concerned resident of the neighboring condominium development expressed concern with increased traffic at the Scituate Vista entrance and additional traffic that would result at the newly created access road for this proposed development.

Mr. Pezzullo stated that access is proposed on the private property. He reiterated that a zone change to B-2 conforms to the Comprehensive Plan Future Land Use Map. No waivers are requested or needed for this proposal.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, 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

Staff has reviewed this Preliminary Plan application for conformance with the required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulation and finds as follows:

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 first class mail on 3/16/07 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 11 residential units per acre are consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
3. The proposed development does not conform to the City of Cranston Zoning Code. However, the proposed zoning designation of B-2 is consistent with the density prescribed in the Comprehensive Plan, Future Land Use Map.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Scituate Avenue an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Payment of Western Cranston Capital Facilities Impact Fees of \$4,168.50 (\$1,389.50 x 3) at the time of Final plat recording.
2. Payment of Western Cranston Water District Impact Fee of \$4,056 (\$1,352 x 3) at the time of Final plat recording.
3. Obtain written final approval from Veolia Water for the proposed development consistent with all standards of design associated with the City of Cranston's **ANNEX A – Design of Sewers** prior to Final Plan submittal.
4. Coordinate with the Providence Water Supply Board for the needed water service connection and provide final water design approval with the Final Plan submission.
5. Installation of 6" concrete curbing along the frontage of Scituate Avenue to the satisfaction of the Public Works/Engineering Division and the Building Department at the time of Building Permit.
6. Final Plan to be handled administratively.
7. Application must receive approval of the proposed change of zone from A-20 to B-2.

Voting aye: Chairman Petit, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEE

Western Industrial Complex East

Pending expiration of existing Letter of Credit

Mr. Arthur Delfino, 295 Industrial Park LLC, has provided the City of Cranston with United States Fire Insurance Company Bond No. 610-2296001 in the amount of \$171,000 which is set to expire on 5/7/07.

Communication with the Engineering Division confirms that the planned public improvements have not been completed as of this date; therefore, the developer will need to extend the existing Bond for one additional year, or the City will need to withdraw the funds prior to its expiration.

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to:

1. Allow the extension of the United States Fire Insurance Company Bond No. 610-2296001 to May 7, 2008 if received prior to April 25, 2007; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by April 25, 2007.

Voting Aye: Chairman Petit, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW

CINDY HEALY 108 SINCLAIR AVENUE CRANSTON RI 02907 (OWN/APP) has filed an application for permission to convert an existing freestanding two car garage into a dwelling unit with an existing 2-family dwelling on an undersized lot at **108 Sinclair Avenue**. AP 6/1 Lot 1401, area 4700 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.20.070 More than one dwelling structure on any lot prohibited.

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 density of 13.4 residential units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcel as “Residential” allowing more than 8 residential units per acre”.
2. The total number of houses within the 400’ radius, including the single and two family dwellings, is 65 (57 single-family and 8 two-family).
3. The average residential density within the radius is one unit per 3,375 square feet of lot area. The applicant’s proposal is considerably denser (1 unit per 1,566.66 sq. ft.) than the existing residential development in the surrounding neighborhood.
4. There are no three family dwellings within the 400 ft. radius in Cranston. The average lot size of two-family dwellings within the 400’ ZBR notification radius is 4924 sq. ft. whereas the size of the subject parcel is only 4,700 sq. ft.
5. The applicant’s current density is 2,350 sq. ft of lot area per each residential unit. The average per unit density for the area’s 2 family dwellings is 2,462 sq. ft. The applicant’s existing density is already greater than the average within the radius. Therefore, the applicant’s proposal is considerably denser (1 unit per 1,566 sq. ft.) than the existing 2 family development in the surrounding neighborhood.
6. The proposal will result in a residential unit with a restricted side and rear yard of 2 feet each, which is out of character with every house within the 400’ radius.
7. Therefore, the proposal to convert a garage into a third unit on an undersized lot will alter the general character of the surrounding area and impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Delgado and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *denial*; in accordance with R.I.G.L. 45-24-41, in that the proposal alters the general character of the neighborhood and will impair the intent and purpose of the Zoning Ordinance.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

CALART ASSOCIATES 400 RESERVOIR AVENUE PROVIDENCE RI 02907 (OWN/APP) have filed an application for permission to build a new 72’ X 160’ +/- four story office building with restricted height on **Pontiac Avenue**. AP 6/2, Lots 721, 722, 723, 1458, 1534, 1539, and abandon portion of Richfield Road, area 1.91 +/- acres, zoned C-2. 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 conforms to the amended Comprehensive Plan's Future Land Use Map which designates this area as Commercial and Services. The proposal also conforms to the following Policies and Goals in the Comprehensive Plan:
 - a. The proposal will not compromise the stability of the established neighborhood but will maintain it through continued economic development and revitalization (*Cranston Comprehensive Plan Policy H-4.2*).
 - b. The proposal will contribute to the revitalization of an underutilized area for uses that are in keeping with the need and values of the neighborhood (*Cranston Comprehensive Plan Goal ED-4*).
 - c. The proposal will add to the City's taxable property base commercial structures which meet the needs of residents (*Cranston Comprehensive Plan Goal ED-3*).
 - d. The proposal will increase employment opportunities for Cranston Residents (*Cranston Comprehensive Plan Policy Goal ED-1A*).
 - e. The proposal will promote commercial development that serves local needs and harmonizes with surrounding land uses (*Cranston Comprehensive Plan Policy Goal LU-3*).
 - f. The proposal will promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use and the availability of existing and proposed public and/or private services and facilities [*R.I.G.L 45-22.2.3.(C)(1)*].
2. The application was submitted for Pre-application review to the City's Site Plan Review Committee on December 30, 2005.
3. The proposal requires site plan review consideration prior to hearing by the Zoning Board. The SPR Committee is currently scheduled to render a preliminary decision on this application on April 10, 2007, and will forward a copy of that decision to the Zoning Board of Review for consideration at their April 10, 2007 meeting.
4. Office buildings are allowed uses in a C-2 zone, with a maximum building height of 30 feet. The proposed building will have a height of 35'-8" on the Pontiac Avenue façade, and because of the decreasing slopes on the site, the building will have a lower, walk out level, and a height of 46' on the Rt. 10 façade. A central arch located on both sides of the building, will be 8'-4" higher than the roof line.
5. The proposed Calart II building height is lower than the existing Calart building on Reservoir Ave. There is a 2-1/2 story 31 unit apartment building directly across the street with a building height of 30.3 feet. The apartment building is located on a raised parking lot that is 2-3 feet higher than the elevation of Pontiac Avenue. Because of the lower elevation of the subject site, the new Calart II building should appear to have the same overall roof height as the apartment building across the street, and therefore, the proposal will not impair the intent or purpose of the Zoning Code.
6. An administrative subdivision merging the applicant's lots with abandoned Richfield Avenue (City Council Resolution 2006-44) was recorded on March 30, 2007.
7. The application's off street parking provisions (316 spaces) exceed the number that is required by ordinance (287 spaces).
8. A RI DOT physical alteration permit will be needed for the project.
9. A RIDEM Wetlands permit will be needed for the project, as the proposed building is to be located within a 100' riverbank wetland.

Recommendation:

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

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.
2. Obtain a Physical Alteration Permit from the RIDOT.
3. Obtain a RIDEM Wetlands permit.
4. Project Approval from the Site Plan Review Committee.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

DAVID AND TAMMY ALLAIRE AND GARY AND DEBORAH ASHNESS 1967 DIVISION ROAD EAST GREENWICH RI 02818 (OWN/APP) have filed an application for permission to leave and convert an existing legal non-conforming 4 unit dwelling to a 3 unit dwelling on a proposed 13,519 +/- SF undersized [lot 2145 "parcel A"] and re-configure a lot line for a proposed 7,036 +/- SF [lot 925 "parcel B"] at **5 Frankfort Street**. AP 6/4, Lot 925 and 2145, area 20,555 +/- SF, zoned B-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 received Preliminary Subdivision approval from the Planning Commission on January 9, 2007.
2. The application will result in a density of 8.5 residential units per acre. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
3. There are 62 single-family, 11 two-family, 1 three-family, and 1 four-family structures located within the 400' Zoning Board of Review (ZBR) notification radius.
4. The average land area provided for each unit of the 13 other multi-family structures located within that portion of the 400 ft. radius that is zoned B-1 is 3,563 square feet. The proposed density for Parcel A is 4,506 sq. ft. per unit, which is 26% larger than the average density in the neighborhood, and is therefore consistent with the character of the general area.
5. The application states that the existing structure on Parcel A is proposed to be reduced from a 4-unit to 3-unit dwelling and therefore, the existing overall residential density will not change as a result of the proposal.

Recommendation:

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

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.
2. Verification that the existing 4th unit on Parcel A has been removed prior to the building permit being issued on Parcel B.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

TORTI REALTY INC. 721 CENTRAL PIKE JOHNSTON RI 02919 AND IRENE & EMANUAL TORTI 1135 PLAINFIELD STREET JOHNSTON RI 02919 (OWN) AND THE LAMAR COMPANIES 360 WARREN AVENUE EAST PROVIDENCE RI 02914 (APP) have filed an application for permission to change an existing billboard from a static face to a digital [animated] face on **West Russe Street**. AP 6/4, 7/3, Lots 3322, 3232 & 3761, area 21,386 +/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 K (2), N, Q Signs.

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. Billboards are allowed in industrial M-2 zones.
2. The billboard use complies with the Comprehensive Plan's Future Land Use Map's designation of Industrial uses for this area.
3. Billboard heights are restricted to 25 feet, however the 39 ft. height is a pre-existing, legal, non-conforming use.
4. The existing billboard has 672 sq. ft. of sign area (48' x 14). The zoning ordinance allows 500 sq. ft. of billboard surface.
5. The billboard abuts Route 10, and is not located within 500' of a residential zone, which conforms with the zoning ordinance.
6. Of the three billboards located within 1000 feet of the applicant's property, only one is located across the freeway, and within 225 feet of the subject billboard. This does not conform with the current zoning code's minimum separation distance of 500 feet, however this billboard also predates the current zoning ordinance.
7. The proposal requires approval from the RI Department of Transportation, as the billboard abuts Route 10.

Recommendation:

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

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.
2. Approval from the RI Department of Transportation for compliance with "RIDOT Outdoor Advertising Rules and Regulations" adopted February 22, 2007.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

MARC J SPIRITO 742 ATWOOD AVENUE CRANSTON RI 02920 (OWN) AND PAUL J MATRULLO 1280 PARK AVENUE CRANSTON RI 02910 (APP) have filed an application for permission to leave an existing legal non-conforming 2 family dwelling with restricted front and side yard setback on an undersized 6342 +/- SF [lot 1677] and build a new 24' X 44' single family

dwelling on the abutting undersized 4000+/- SF [lot 1676] at **742 Atwood Avenue**. AP 12/2, Lot 1676 and 1677, area 10,342 +/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard Lots of Record.

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 density of 12.6 residential units per acre is not consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Commercial and Services."
2. There are 45 houses within the 400' zoning notification radius, which includes 32 single family, 8 two family, 3 three family and 2 four family dwellings.
3. The average residential density within the radius is one unit per 8,156 square feet of lot area. The applicant's proposal is considerably denser (1 unit per 3,447 sq. ft. of lot area) than the existing residential development in the surrounding neighborhood.
4. The average lot size for single family dwelling in the radius area is 9,247 sq. ft., whereas the applicant's proposed single family lot is 4,000 sq. ft.
5. The average lot size of two-family dwellings within the 400' ZBR notification radius is 10,745 sq. ft. whereas the size of the applicant's 2 family parcel is only 6,342 sq. ft.
6. The applicant's existing 2 family density is 5,171 sq. ft. of lot area per each residential unit. The average per unit density for the area's 2 family dwellings is 5,373 sq. ft. The applicant's existing density is already greater than the average within the radius. Therefore, the applicant's proposal is denser than the existing 2 family development in the surrounding neighborhood.
7. The proposal to construct a single family on an undersized lot will alter the general character of the surrounding area and impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to recommend *denial*; in accordance with R.I.G.L. 45-24-41, in that the proposal is inconsistent with the Comprehensive Plan Future Land Use Map, alters the general character of the neighborhood, and will impair the intent and purpose of the Zoning Ordinance.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

DENNIS AND KATHLEEN SIGNORELLO 93 MOCKINGBIRD DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 16' X 20' +/- 3-seasons room on an existing single-family dwelling with restricted rear yard setback at **93 Mockingbird Drive**. AP 37/4 Lots 514, area 11,221 +/- SF, zoned A-8. 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 is consistent with and will not impair the intent or purpose of the Comprehensive Plan, which designates this area as residential.
2. The proposed rear yard setback is 15.3 ft., where a 20 ft. rear yard setback is required by the Zoning Code.
3. An analysis using the City's GIS shows that 2 out of the 37 houses within the 400 ft. zoning radius area have restricted rear yard setbacks of 14 ft. and 19 ft. Both of those houses are located on a corner lot. The applicant's house is also on a corner lot.
4. Sec. 17.20.110 of the Zoning Code, *Residential Yard Exceptions* states "One yard of a corner lot shall be designated as a principal front yard." A variance would not be needed, had the applicant's front door faced Stony Acre Dr., as this same space, north of the building, would be considered a side yard, with a required setback of 10 feet.
5. Therefore, the application will not alter the general character of the surrounding area, and will not alter the intent or purpose of the Zoning Code.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval*, 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.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

TOMMASSO AND MARIA MARZILLI 22 EVERLY STREET CRANSTON RI 02920 (OWN/APP)

have filed an application for permission to build a new 2 family dwelling on a 6182+/- SF undersized [lot 2378] at **22 Everly Street**. AP 7/1, Lot 2378, area 6182 +/- SF, zoned B-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's proposed density of 14 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
2. There are 60 single, 23 two family, and 6 three family dwellings within the 400' zoning notification radius.
3. 17 out of the 23 two family dwellings are on pre-existing lots that are less than the required 8,000 sq. ft.
4. Therefore, the proposal to construct a 2-family on an undersized lot will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
5. The proposed dwelling meets all required yard setback distances.

6. The site plan submitted does not show the required off-street parking area for 4 cars. The proposed 26' x 44' house leaves side yard setbacks of 8.9 feet, which are not wide enough for a driveway to a rear parking area.
7. A 10' driveway would provide access to a rear parking area.

Recommendation:

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

1. No parking to be allowed in the front yard.
2. Reduce the width of the house to 42' in order to leave sufficient room for a minimum 10' wide driveway for access to a rear parking area containing four spaces.
3. Review and approval of the rear parking layout by the City's Traffic Engineer.
4. 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.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

TEMPLE SINAI 30 HAGEN AVENUE CRANSTON RI 02920 (OWN) AND OMNIPPOINT COMMUNICATIONS INC A WHOLLY OWNED SUBSIDIARY OF T-MOBILE USA INC 15 COMMERCE SUITE B NORTON MA 02766 (APP) have filed an application for a special use permit to build a 90 foot monopole wireless telecommunications tower and related equipment enclosure at **30 Hagen Avenue**. AP 18, Lot 1335, area 11.6 +/- acres, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.76.010 Telecommunications Facilities, 17.20.030 Schedule of Uses.

This application was reviewed for conformance with Chapter 17.76.010 of the Cranston Zoning Code, entitled *Telecommunications Facilities*, which establishes criteria for the issuance of Special Use permits for telecommunication towers.

Findings of fact:

On February 6, 2007, the Commission unanimously voted to *table* this application to allow the applicant the time to explore the possibility of co-location on a tower located on New London Ave. at Mulligan's Island Driving Range. Nothing has been submitted as of the date of today's meeting.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission reaffirmed the decision to *table* the application as no new information has been submitted by the applicant.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

NEXT MEETING

A meeting date change to May 3, 2007 in the Cranston East High School Auditorium is not necessary, therefore, the meeting will be on Tuesday, May 1, 2007, as originally scheduled, in the City Council Chamber.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to adjourn at 10:15 p.m.

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary