

## MINUTES

**April 4, 2006**

At 7:20 p.m. Vice Chairman Paul Petit announced that the Dynamic Estates application would not be heard by the Commission due to errors in the radius property abutters list submitted by the applicant. He stated that the property abutters would be re-notified when the application is again placed on the Planning Commission Agenda.

Chairman Guglietta called the Planning Commission meeting to order in the Cranston High School East Auditorium at 7:35 p.m. The following Commission members were in attendance:

William Guglietta, Chairman  
Paul Petit, Vice Chairman  
Stephen Devine  
Charles Rossi

Also attending were:

Jared L. Rhodes, Planning Director  
Jason M. Pezzullo, Principal Planner  
Lynn Furney, Senior Planner  
Vito Sciolto, Esq., Asst. City Solicitor  
Joanne Resnick, Senior Clerk  
Tracey Shepherd, Stenographer

The following members of the public attended:

Mario Carlino  
Richard Bzdyra  
Ellen Falvey  
Blake Palmer  
Elaine Lavin  
Timothy Almonte  
Jose Santos  
John Mancini  
Syl Pauley  
John DiBona

Carlo Testa  
Lori Carlino  
George & Linda Passett  
Yuriy Chekuro  
Donald Lavin  
Thomas Dettore  
Bill Goebel  
Paul Bannon  
Peter Alviti  
Robert Murray

Gary Plumer  
Diane Macera  
Kristen Silva  
Ireyna Chekuro  
Lucy Brophy  
Bill Brophy  
Susan Passarella  
Frank Passarella  
Frank Paolino

## MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the March 7, 2006 meeting.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the March 20, 2006 special meeting.

### **ORDINANCE COMMITTEE ITEMS**

Ordinance #2-06-07 - Ordinance amending the Comprehensive Plan of 1992 (Burton St. II)

Ordinance #2-06-08 – Ordinance in amendment of Chapter 30 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Burton St. II)

Subject Site: AP 12, Lots 997-1002 and the southerly 40 ft. width by the entire depth of Lot 996

Attorney John DiBona for the applicant, Carlino Testa Developers, LLC, explained the amendment proposes to change the current A-6 zoning designation (single family residential minimum 6,000 sq. ft. lot size) of the subject site to a B-2 Zone (single, two and multi-family dwellings). A similar application for this area was approved by the City Council in September, 2004; and this proposal seeks to further extend the proposed B-2 zoning designation across Burton Street and encompass the 26,955 sq. ft. lot area denoted above. He stated that the 1992 Comprehensive Plan recommends this type of development. He stated that in the near future the applicant will seek abandonment of Burton Street and that it is the applicant's intent to expand the condominium development proposed for the adjacent lots onto the subject parcel. The original condominium development has received Master Plan approval from the Planning Commission.

Mr. Peter Alviti, P.E., Hudson Place Associates, began his presentation by stating that the subject site is suitable for this type of development and that existing infrastructure can handle the increased demand for water and sewer. He stated that drainage will be connected to the RI Department of Transportation drainage system.

Mr. DiBona noted that at this time the application being considered is for Comprehensive Plan amendment and change of zone. Further details will be required as the application progresses to the revised Master Plan and Preliminary Plan stages.

Attorney Robert Colagiovanni, representing several of the property abutters, stated that the residents concerns are as follows: 1) ingress and egress, 2) grading of the site and drainage, 3) interference with existing businesses on Atwood Avenue, and 4) safety issues related to increased traffic in the area. He presented a petition with in excess of 60 signatures of property owners within a 400 ft. radius of the subject site. He stated that at the time the 16 condominium units were approved by the Planning Commission, the residents did not know that the applicant intended to add eight more units.

Mr. Thomas Dettore, 80 Cornell Street, a direct abutter, objected to this type of expansion, stating that it will affect all of the properties on Cornell Street who are already affected by noise and traffic from the existing Stop & Shop Supermarket on Atwood Avenue. He is concerned that the change of zone could be further extended into their neighborhood.

Mr. John Iafate, 198 Randall Street, expressed concern with decreased water pressure and increased traffic from the proposed development, stating that there are many young children in the area.

Mr. Bill Brophy, 108 Cornell Street, stated that many years ago when he built his home he chose this particular area because it was a single family neighborhood, never anticipating this type of development nearby.

There being no further public comments, Mr. Rhodes presented the staff's findings of fact, denoted in his memorandum to the Commission dated March 29, 2006, which is attached and

made part of these minutes. He mentioned that in August, 2004, the earlier, similar proposal received approval from the Planning Commission. In response to the residents concerns with the future abandonment of Burton Street, he pointed out that the vacant land will allow six multi-family homes or four single family homes (excluding the area of the proposed Burton Street abandonment). He explained that the multi-family, transitional designation is to provide a divide between the more intense commercial development that exists on Atwood Avenue and the single family development which exists to the north and west.

Chairman Guglietta interjected that the single-family designation would end with the proposed multi-family, transitional area. He stated that if the subject site were to be used for single family development, four single family homes could be constructed on the site. The net increase of this proposal is two additional units (excluding the area of the proposed Burton Street abandonment).

Mr. Devine interjected, asking how far back from the existing commercial development should the multi-family, transitional designation be allowed to extend. In view of the above testimony, Chairman Guglietta then reiterated that at this time the Commission is considering the Comprehensive Plan amendment and zone change only. The applicant is required to come back before the Commission with any future proposals.

Mr. Rhodes stated that the proposed condominium development will also be reviewed by the Site Plan Review Committee as well to ensure that the proposal conforms to landscaping requirements, lighting, etc. set forth in the Site Plan Review Ordinance of the City of Cranston Zoning Code.

There being no further testimony, Mr. Petit motioned to approve, which was seconded by Mr. Guglietta. The Commission was unable to formally act on the ordinance since a majority vote (4) of all of its members (7), either for or against, could not be sustained as required by the City Charter. Two of the four Commission members in attendance voted to recommend approval of the ordinances in question (Mr. Guglietta and Mr. Petit) and two voted not to recommend approval (Mr. Devine and Mr. Rossi). Therefore, the Commission was unable to forward a formal recommendation on the proposed ordinances to the City Council.

## **SUBDIVISION AND LAND DEVELOPMENT PLANS**

### **Tory Woods – Master Plan**

Major Subdivision – with street extension  
Old Scituate Avenue  
AP 36/4, Lots 1 & 20 and AP 37/3, Lots 138 & 839

Attorney John DiBona, for the applicant, F. Paolino Homes, Inc., briefly described the proposal to subdivide the 10.60 acre parcel into fifteen lots; two lots for the existing homes, two detention basin lots, one open space lot and ten new building lots. He stated that the present configuration is that Lot #11 will incorporate the open space lot, and Lot #2 will have minimal disturbance on existing vegetated areas. He stated that waivers are requested for sidewalks, cul-de-sac length and pavement width and that a traffic report was submitted by Mr. Paul Bannon for the subject site.

Mr. Kevin Morin, P.E., DiPrete Engineering, further described the site, stating that the subject parcel has frontage on Old Scituate Avenue. The area to the north and northeast is an industrial area. There are no wetlands. The development will be serviced by public water and ISDS. RIDEM site suitability documentation will be provided with the Preliminary Plan submittal. He stated that 1400 ft of roadway is proposed and that the cul-de-sac would be relocated to the end of the right-of-way, as requested by staff.

Two detention ponds are proposed, with outflow to be determined by the Public Works Department. Landscape buffer will be proposed in the open space lot at the time of Preliminary Plan submittal.

Mr. Devine asked that Mr. Morin check to determine ownership of Old Scituate Avenue. A Physical Alteration Permit from RI Department of Transportation will be necessary for the road opening on Old Scituate Avenue should it be owned by the State.

Ms. Ellen Falvey, 153 Charcalee Drive, expressed concern with the existing noise from Rt. 295 and any additional noise that would be created during the construction of this subdivision, the possible removal of existing trees and other buffering vegetation and the high water table that exists in the area and the impact of such development. She asked that 1) blasting be prohibited, 2) that the developer provide a dense evergreen buffer, 3) that hours of construction be curtailed, and 4) that area residents receive assurance that their properties will not incur damage during the construction of this development.

At Mr. Guglietta's request, Mr. Morin addressed Ms. Falvey's concern with the water table and drainage in the area. Mr. Morin stated that he is confident, based on soil types in the area and the drainage proposed, that residents will not be impacted by the proposed development. He also reiterated that RIDEM subdivision suitability approval would be sought prior to Preliminary subdivision submittal to ensure acceptable water tables.

Ms. Lynn Bassett, 25 Charcalee Drive, pointed out that this March, 2006, has been unusually dry and is concerned that the readings the engineer is getting will not provide a true depiction of the water table. She also expressed concern with increased noise, the need for additional vegetative buffering between the existing homes and the proposed development, and any blasting that may be required to make way for the new development, as well as possible changes in the water table when the land is cleared.

Mr. Scott Bergantino, Charcalee Drive, stated that he has damage to his property from previous blasting and suggested that the applicant document existing conditions in neighboring homes and basements on videotape prior to the onset of construction. Mr. Bergantino also requested adequate buffering be provided around the newly constructed home sites.

Mr. John Caito, representing his family's ownership of the adjacent property, stated that the application, as proposed, provides access to his family's property, however, he proposed moving the roadway 100 ft. to the west along their common property line so as to better facilitate development of his family's parcel. The applicant assured Mr. Caito that access would be provided and that he would work with him in preparing the preliminary submittal to determine the feasibility of Mr. Caito's suggestion.

There being no further public comments, Mr. Rhodes presented the staff's findings of fact, documented in Mr. Pezzullo's memorandum dated April 4, 2006, which is attached and made part of these minutes. He explained that prior to any blasting those responsible must obtain a permit and are responsible for any damage to neighboring homes. He further explained that matters involving drainage will be addressed in further detail at Preliminary Plan submittal.

He noted that the application proposes a 26 ft. roadway, however, the Public Works Department has requested that the roadway width should be 28 ft., and that the paved roadway should be extended to the proposed limit of the right-of-way with de-feasible easements for the cul-de-sac bulb. This will provide adequate access to the utility lot, proper frontage for proposed Lot 10 and a better connection for future roadway and utility extension to the abutting property.

In response to residents concern with construction time, Mr. Rhodes stated that the City's noise ordinance provides requirements regarding noise limitations and that the Planning Commission has no jurisdiction over matters of enforcement. He further stated that a condition of approval will

be for the applicant to provide a conservation easement over the S-1 portion of the property to provide better protection of the existing vegetated buffer into the future and to merge the stand alone open space lot with proposed Lot 10.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Devine, the Commission unanimously voted to adopt the findings of fact documented below and *approve* this Master Plan submittal, with waivers for cul-de-sac length, sidewalk provision and roadway width, subject to the conditions denoted below.

#### Findings of Fact

The Planning Commission has reviewed this Master 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. At this time, however, the Commission can only make limited positive Findings of Fact due to the less stringent submittal requirements of the Master Plan stage. The remaining findings of fact will be addressed at the Preliminary Plan stage where the submittal requirements, including the recommended conditions of this approval are more stringent.

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail 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 3/16/06 edition of the *Cranston Herald*.
2. The proposed subdivision and its resulting gross density of approximately 1.13 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 residential unit per acre.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Master Plan provided that all RIDEM permitting requirements are complied with.
4. The property in question has adequate permanent physical access to Old Scituate Avenue and Scituate Avenue, improved public roadways located within the City of Cranston. The resulting lots will also have adequate permanent physical access from Tory Woods Drive.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. The application does not currently conform to the frontage requirements of the City of Cranston Zoning Code. Lot 10 does not appear to provide the required paved frontage for the A-20 zone. This condition can be alleviated at the Preliminary Plan stage by requiring the proposed pavement and cul-de-sac to extend to the terminus of the proposed road.

#### Conditions for Master Plan Approval

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

1. Proposed pavement and cul-de-sac to be extended the full length of the proposed right-of-way.
2. Increase the proposed pavement width from 26' to 28'.
3. All building lots to conform to the area and frontage requirements at Preliminary Plan submittal.
4. Receipt of RIDEM Subdivision Suitability for all proposed lots prior to Preliminary Plan submittal.
5. Payment of \$13,895 (1389.50 x 10 units) in Cranston Capital Facilities Impact fees at time

- of Final plat recording.
6. Payment of \$13520 (1,352 x 10 units) in Western Cranston Water District Impact fees prior to Final plat recording.
  7. Submittal of Municipal Lien Certificates for all lots prior to Preliminary Plan submittal indicating that taxes on the subject parcels are up to date.
  8. Coordinate with the Providence Water Supply Board for the installation of the required water main.
  9. Coordinate with the Cranston Fire Department for the appropriate placement of fire hydrants.
  10. Payment of \$74.93 in outstanding Master Plan filing fees at Preliminary Plan submission.
  11. Submittal of draft de-feasible easement language at the time of Preliminary Plan submittal for the temporary cul-de-sac bulbs.
  12. Reconfiguration of common lot line between AP 37/3 Lot 839 and proposed lot 2.
  13. Merger of open space lot into proposed Lot 11.
  14. Permanent bounds denoting open space buffer to be shown on the Preliminary Plan submittal and installed in the field.
  15. Draft conservation easement language to be provided for the S-1 zoned land at Preliminary Plan submittal.
  16. A Physical Alteration Permit from RIDOT is required if Old Scituate Avenue is determined to be a State road.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

### **Cardi Shopping Plaza II – Preliminary and Final Plan**

Major Land Development Plan  
1458 Park Avenue  
AP 11/2, Lots 224 and 2971

Mr. Rhodes began the presentation of this proposal, explaining that the project is pending Veolia Water's approval of the proposed sewer design. The applicant had requested Preliminary and Final Plan approvals, however, the pending acceptance of the sewer design by Veolia Water prevents Final approval at this time.

No testimony was offered by members of the public.

Mr. Rhodes then presented the staff's Findings of Fact, documented in Mr. Pezzullo's memorandum dated April 4, 2006, which is attached and made part of these minutes. He reiterated that the proposal is for an 8,000 sq. ft. retail shopping building, a 2,800 sq. ft. day-care center and a twelve-unit apartment building.

Mr. Rhodes stated that, to date, the proposal has received the necessary zone change variance as well as Preliminary Site Plan Review approval. He noted that the Public Works Department has requested that red brick sidewalk pavers, rather than the cement sidewalk proposed, be used to provide consistency with the existing plaza frontage.

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

### Findings of Fact

1. An orderly, thorough and expeditious technical review of this Major Land Development plan has been conducted. The abutters have been notified via certified / return receipt mail and the meeting agenda has been properly posted. Advertisement for the public hearing was published in the March 16, 2006 edition of the Cranston Herald.
2. The proposed development is consistent with the City of Cranston Comprehensive Plan Future Land Use Map which calls for commercial and service uses to be made of the site and will not impair its intent or purpose.
3. The proposed development complies with the standards and provisions of the City of Cranston Zoning Code and will not impair its intent or purpose.
4. Significant negative environmental impacts are not anticipated to result from the proposed development as shown on the Preliminary Plan.
5. The proposed land development 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.
6. The proposed recording of reciprocal right-of-way easements over the two resulting lots to facilitate traffic flow to and from Park Avenue will provide adequate and permanent physical access to an improved public street.
7. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on site.
8. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
9. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.
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 of Approval

The following conditions shall apply to this approval of the Preliminary Major Land Development Plan:

1. Veolia Water approval of sewer design plans and profiles prior to final submittal.
2. Final Site Plan review Committee approval to include extension of the existing red brick sidewalks along the full frontage of the resulting parcel, prior to Final Land Development Plan submittal.
3. Payment of Eastern Cranston Impact Fees of \$7117.44 (\$593.46 x 12) at the time of plat recording.
4. Final Plan review and approval to be handled administratively.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

#### **Hazard Homestead – Preliminary Plan**

Minor Subdivision without street extension

20 Woodland Avenue

AP 37/2, Lots 28, 29, 32 and 33

Mr. Richard Bzdyra, Ocean State Planners, Inc., gave a brief explanation of the proposal to replat four existing nonconforming lots totaling 13,077 sq. ft. into two nonconforming lots. The two resulting lots will have 6,522 and 6,555 sq. ft. of land area, each with 80 ft. of frontage but will be short on area for the A-8 zone. The proposed subdivision will be serviced by public water and sewer.

No public testimony was offered on this matter.

Mr. Rhodes then presented the staff's Findings of Fact, documented in Mr. Pezzullo's memorandum dated April 4, 2006, which is attached and made part of these minutes. He stated that the only concern expressed with this proposal came from the Building Inspector and Zoning Enforcement Officer, Kerry Anderson, stating that the proposed creation of these two lots will require a dimensional variance from the Zoning Board of Review.

Mr. Rhodes stated that the staff's analysis revealed that there are a total of 52 single-family dwellings within 400 ft. of the subject property. The average residential density of these units is one dwelling unit per 7,797 square feet. However, half of these single family units are on lots that have the same or smaller areas than those proposed by the applicant.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following Findings of Fact and to *approve* the Preliminary Plan, with waivers for sidewalk and curbing provision, 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 were notified via first class mail on March 15, 2006 and the meeting agenda was properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since street extension is not proposed.
2. The proposed subdivision and its resulting density of 6.66 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 4 - 8 units per acre".
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. 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.
5. The property in question has adequate permanent physical access on Woodland Avenue, an improved public roadway located within the City of Cranston.
6. 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.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
8. 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.
9. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
10. The proposal is inconsistent with the City of Cranston Zoning Code's area requirement for the A-8 district. In accordance with RIGL 45-24-41, relating to the criteria for granting of variances, it is hereby found that this inconsistency does conform to and will not alter the general character of the surrounding neighborhood. The resulting lots will be approximately 6,500 square feet each in size. The average residential density within the

400' radius area is one unit per 6,150 square feet and exactly half (26) of the existing (52) single-family units in this area are situated on the same or smaller sized lots.

#### Conditions of Preliminary Plan Approval

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

1. The Preliminary Plan approval shall be contingent upon the applicant obtaining all permits for connection to existing water and sewer utilities.
2. Applicant to obtain a dimensional variance from the Zoning Board of Review prior to Final Plan submission.
3. Payment of Eastern Cranston Capital Facilities Impact fees in the amount of \$593.46 at the time of Final plat recording.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

#### **Milan Garden Replat 2 – Preliminary Plan**

Minor Subdivision without street extension  
Mayfield Avenue/Stacey Drive  
AP 15/3, Lots 576 & 1676

Attorney John DiBona, representing the applicants Mr. Carmen Boscia and Paul and Gina Trainor, presented a map prepared by the applicants that depicts several existing lots in the area with undersized, curved frontage. He explained that the applicant proposes to merge and re-divide the property into four lots. The largest (Lot 4) will retain the existing dwelling and conform to the Zoning Code's area and frontage requirements. Of the three resulting building lots, Lot 1 will front on Mayfield Street and conform to the City Code's requirements. Lots 2 and 3, however, will front on Stacey Drive and provide insufficient frontage. All lots are proposed to be serviced by public water and sewer.

No public testimony was offered on this matter.

Mr. Rhodes presented the staff's Findings of Fact, documented in Mr. Pezzullo's memorandum, dated April 4, 2006, which is attached and made part of these minutes. Mr. Rhodes explained that frontage is determined at the setback line. The proposal meets the area requirements of the Zoning Code, however, Lots 2 and 3 propose 46.37 ft. and 44.78 ft. of frontage respectively, where 60 ft. of frontage is required in the A-6 Zone. He noted that staff found the proposal is inconsistent with the general character of the surrounding area since all other parcels within the 400 ft. radius provide the required 60 ft. frontage. He stated that the staff recommends denial, however, he pointed out that positive findings on all required criteria could be met if Lots 2 and 3 were combined and renamed as Lot 2 so as to provide the required 60' of frontage and, therefore, bring the application into conformance with the general character of the area.

Chairman Guglietta stated that he visited the area, which is located near the Waste Management transfer station and that it is his opinion the proposal would have no detrimental effect on an area that is overwhelmed by the transfer station. Mr. Rhodes explained that the staff's concern is to prevent the creation of new lots that do not fit in with the character of the existing residential development in the area.

Commissioner Rossi stated that the proposed residential development in that area would most likely enhance the neighborhood.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following

Findings of Fact and to *approve* this Preliminary Plan, with a waiver for sidewalk provision, 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 were notified via first class mail on February 17, 2006 and the meeting agenda was properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since street extension is not proposed.
2. The proposed subdivision and the resulting density of 4.5 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 units per acre".
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. 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.
5. The property in question has adequate permanent physical access on Stacey Drive and Mayfield Avenue, improved public roadways located within the City of Cranston.
6. 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.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
8. 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.
9. Proposed Lot 1 conforms to the area and frontage requirements of the City of Cranston Zoning Code.
10. Proposed Lots 2 and 3 do not conform to the frontage requirements of the City of Cranston Zoning Code. In accordance with RIGL 45-23-41 relating to the criteria for the granting of variances, it is hereby found that the proposed subdivision will not alter the general character of the surrounding area.
11. The proposed subdivision promotes high quality appropriate design and construction and will be well integrated with the surrounding neighborhood.

#### Conditions of Preliminary Plan Approval

1. Payment of Eastern Cranston Capital Facilities Impact fees in the amount of \$1,780.38 (593.46 x 3 units) at the time of Final plat recording.
2. Complete removal of the existing structure, foundation and apparatus located on proposed Lot 2.
3. Change in the title of the proposal to "Milan Gardens Extension" on the Final Plan submission.
4. Receipt of frontage variance from the Zoning Board of Review prior to Final subdivision approval.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

#### **ZONING BOARD OF REVIEW ITEMS**

**MICHAEL VALELLI 350 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to build a 24' x 50' one story addition to an existing legal non-conforming building with restricted frontage and side yard set back on an undersized lot at **24 Carman Street**. AP 4/2, lot 2135 & 2162, area 8000+/- SF, zoned C-5. 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 Staff presented the following:

1. The Comprehensive Plan's Future Land Use Map, calls for Commercial and Services for this property, and therefore the application is consistent with its intent and purpose.
2. The existing business is an allowed use in this C-5 zone and the proposed addition conforms to all required setbacks, therefore it is found that the proposed addition is consistent with the general character of the surrounding neighborhood, and will not impair the intent or purpose of the zoning ordinance.
3. The existing building was constructed in 1982. A variance was not required for construction, since the lot was a stand alone, legal, non-conforming lot of record at the time.
4. Both of the subject parcels had been separately owned prior to 1984. They have since been brought under common ownership and approval to merge the lots through an administrative subdivision has since been received.
5. The parcel abuts a residential zone. A two family abuts lot #2135, and a residential, 8 unit condominium abuts lot #2162.
6. Review of the plan set indicates that efforts to buffer the abutting residential uses from the intensifying commercial use have not been proposed.

Recommendation

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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. Install a 6' stockade fence along the easterly property line to better buffer the adjacent residential uses from the intensifying commercial use.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Devine and Mr. Rossi. There were no nay votes.

**MARIA A. AND JOSE A. SANTOS 294 ORCHARD STREET CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build a 10' x 24' addition with restricted side yard setback at **294 Orchard Street**. AP 5/1, lot 215, area 6000+/- 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 Staff presented the following:

1. The Comprehensive Plan's Future Land Use Map, calls for Residential use at the location of this property, and therefore the application is consistent with its intent and purpose.
2. Three additions are proposed; only the 10' x 24' garage addition requires side yard setback relief of 1'. Both rear additions conform to required setbacks.
3. Analysis using the City's GIS shows that approximately 13 houses within the 400' radius appear to have non-conforming side setbacks; the application therefore, is not out of character with the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation

Upon motion made by Mr. Devine and seconded by Mr. Petit, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Devine and Mr. Rossi. There were no nay votes.

**HARRINGTON CONSTRUCTION INC 80 ROBIN HOLLOW DRIVE WEST GREENWICH RI 02817 (OWN/APP)** has filed an application for permission to build a new 28' X 30' two story single family dwelling with a 12' X 12' deck and leave an existing two car garage with restricted side and rear yard set back on **Lot 241 Greenwood Street**. AP 5/1, Lot 241, area 5,000+/- SF, zoned B-1. 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 Staff presented the following:

1. The subject parcel (A.P. 5/1 Lot 241) was held in common ownership with the abutting parcel (A.P. 5/1, lot 238) between 1927 and December 2005, and therefore the two are currently considered merged in accordance with Chapter 17.88.010 B. of the Cranston Zoning Code (aka the merger provision).
2. In December of 2005, the previous joint owner of both lots sold the two lots to separate individuals without the benefit of seeking relief from the merger provision from the Zoning Board of Review.
3. Whereas lots 238 and 241 are considered merged and this application to unmerge them impacts both; only the owner of lot 241 is currently a formal party to the application. The owner of lot 238 has not signed on to the application and is not party to it at this time.
4. The proposal to unmerge the lots conforms however with the requirements of Cranston's Comprehensive Plan's Future Land Use Map, and therefore, will not impair its intent or purpose. The proposed density is 8.7 units per acre.

5. Separation of these two lots will leave the existing single family dwelling on a 5,000 S.F. lot with 50 feet of frontage, and re-establish lot #241 as a buildable parcel with 5,000 S.F. of area and 50 feet of frontage.
6. Analysis using the city's GIS system indicates that of the 82 residential buildings within the 400' radius, 50% are single family homes on 5,000 S.F. lots with similar frontages as those proposed therefore the proposal will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance.
7. The proposal to unmerge the lots will leave the existing single family home with a side yard setback of 4.6 ft., whereas 8 ft. is required. Otherwise, the current setbacks of the existing home and the garage will remain as is.
8. Analysis using the City's GIS system indicates that approximately 34 dwellings within the 400 ft. radius have non-conforming side yard setbacks; therefore the proposal will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance.
9. The proposal to unmerge the lots will reestablish a property line that leaves the existing pool on lot #238 with a restricted side yard setback that scales to 1 foot.
10. The plan submitted does not address, or show the location of, a new parking area for the existing single family home that is to remain on lot 238. The former driveway and garage was located on the abutting lot #241.

#### Recommendation

Upon motion made by Chairman Guglietta and seconded by Mr. Petit, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Devine and Mr. Rossi. There were no nay votes.

**MONA LISA MATTIELLO 15 KNIGHT STREET CRANSTON RI 02920 (OWN) AND KRISTEN M SILVA 179 RESERVOIR AVENUE PROVIDENCE RI 02907 (APP)** have filed an application for permission to operate a massage therapy practice from an existing legal non-conforming building with restricted front rear and side yard setback and off-street parking on an undersized lot at **4 Gansett Avenue**. AP 7/5, lot 3509, area 2,052+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 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 Staff presented the following:

1. The application conforms to the City of Cranston Comprehensive Plan Future Land Use Map which calls for commercial and service uses and therefore will not impair its intent or purpose.
2. Land Use within the 400' radius is characterized by a mixed neighborhood of residential and light commercial uses.
3. The proposal will not alter the general character of the surrounding area or impair the intent and purpose of the zoning code.
4. The subject property with its existing dimensional non-conformities appears to have been legally used for C2 "Neighborhood Business" purposes since the adoption of the current zoning code in 1966, and has never provided any more than one off-street parking space.

#### Recommendation

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

**TACO BELL OF AMERICA INC. C/O TBC TAX UNIT #002055 PO BOX 35370 LOUISVILLE, KY 40232 (OWN) AND LOCKWOOD MCKINNON GROUP 45 WALPOLE STREET NORWOOD, MA 02062-3319 (APP)** have filed an application for permission to build a new 2308 +/- SF restaurant building with restricted frontage, front yard set back and off-street parking on an undersized lot at **1076 Reservoir Avenue**. AP 9, lot 2643 & 2644, area 18,000+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.28.090 Specific Requirements, 17.28.010 (B) Drive In Uses Additional Performance Standards, 17.64.010 Off-Street Parking, 17.72.010 Signs, 17.84 Site Plan Review, 17.88.050 Structural Alterations.

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 Staff presented the following:

1. The application conforms to the Comprehensive Plan's Future Land Use Map, which calls for Commercial and Services along this area of Reservoir Avenue, and will not impair its intent and purpose.
2. The existing Taco Bell drive-thru Restaurant was constructed in 1981, prior to the City Council's passage of the drive-thru ordinance in January 1986. The use, therefore, is considered legal, and will not alter the general character of the surrounding neighborhood or impair the intent or purpose of the zoning code.
3. The applicant's proposal is motivated by his desire to improve the efficiency of the facility and to mitigate the negative traffic impact of cars stacking out onto Aqueduct Road that results from the existing drive-thru's poor location and circulation pattern.

4. The existing drive thru facility provides four stacking spaces, whereas the proposed reconfiguration provides for eight stacking spaces. Six stacking spaces are required by ordinance.
5. The proposed reconfiguration will provide two less off-street parking spaces.
6. The seating capacity will remain at 40.
7. The proposed building will provide an additional 2.1' feet of setback distance from Reservoir Avenue, giving it a total setback of 27.1', whereas 40' is required.
8. Analysis using the City's GIS system indicates that the proposed setbacks conform to those in the surrounding area.
9. The proposal will reduce the amount of signage currently on site by 24.75 sq. ft.
10. The proposed driveway opening setback from the abutting property on Aqueduct Street, is 5 feet short of the required 20 feet.
11. The proposal has received a physical alteration permit from the Rhode Island Department of Transportation, dated Nov. 21, 2005.
12. The City Traffic Engineer approved the proposed plan in correspondence dated Nov.29, 2005, subject to items b, c, and d, denoted under Finding number 13.
13. The City's Site Plan Review Committee, based partly on the traffic Safety Engineer's recommendation, granted preliminary approval to the proposal, contingent to the following:
  - a) Receipt of necessary variances from the Zoning Board of Review (as enumerated in Mr. Murray's letter of January 23, 2006) and include existing conditions in the Zoning Analysis Table presented on site plan (sheet 3).
  - b) Inclusion of a physical barrier, at the Reservoir Avenue entrance to the site to deter traffic from entering the drive-thru on the northern side.
  - c) Placement of a stop sign at the Reservoir Avenue exit from the site.
  - d) Relocation of the existing fence, at the corner of Reservoir and Aqueduct Road, out of the City's right-of-way and onto Applicant's property.
  - e) Provision of granite curbing with grass on the side walk area, along entire length of the parcel's Aqueduct Road frontage.
  - f) Provision of two or three additional outdoor trash receptacles on the revised plan along the perimeter of the northern parking area.
  - g) Removal or proper shielding of the light fixtures proposed for southern property line so as to control glare on adjacent residential properties.
  - h) Efforts to be made to retain the large Elm shade tree to southeast of the dumpsters.

#### Recommendation

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
2. The preliminary approval conditions of the City's Site Plan Review Committee as documented above in Finding #13.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

**DAVID MARCHETTI AND DONALD MARCHETTI 1463 PARK AVENUE CRANSTON RI 02920 (OWN) DIAMOND ENTERPRISES, INC D/B/A MARCHETTI'S RESTAURANT 1463 PARK AVENUE CRANSTON RI 02920 (APP)** have filed an application for permission to build a 577+/- sf one story addition for restroom facilities to an existing legal non-conforming restaurant with restricted front yard setback at **1463 Park Avenue**. AP 11/2, lot 268, area 42,846+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.28.090 Specific Requirements, 17.88.030 Extension Within Building, 17.88.050 Structural Alterations.

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 Staff presented the following:

1. The Comprehensive Plan Future Land Use Map calls for Commercial and Services for this area of Park Ave., therefore the property conforms to the Comp Plan and will not impair its intent or purpose.
2. Restaurants are allowed uses in this zone. The property has been legally used for restaurant purposes since approximately 1972. The applicants have owned the current restaurant since 1982.
3. The proposed addition will continue the existing non-conforming front yard setback of 5.7' and will not infringe on the required 8' side yard setback which is currently provided.
4. The application will not alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Code.
5. The proposed addition will not alter the seating capacity of the facility; however, it will reduce the off-street parking capacity by three spaces.
6. Some of the parking spaces shown on the plan submitted with the application depicting off-street parking, do not appear to conform with the Code's parking space dimensional requirement of 9' x 18'.
7. The current seating capacity of 190 requires 64 parking spaces. The addition will result in a reduction of three spaces, leaving 84 spaces.

Recommendation

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Planning Commission unanimously voted to forward the Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
2. The proposed parking and traffic circulation plan is to be approved by the City's Traffic Engineer.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

**TIMOTHY J ALMONTE 120 WHITING STREET CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 57' X 57' two story two-family home with walk out basement on **Norton Avenue**. AP 11/3, Lot 724, area 21,610+/- SF, zoned A-6. 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 Staff presented the following:

1. The Comprehensive Plan Future Land Use Map calls for a density of 4-8 units per acre in this area. The proposed density is 4 units per acre; therefore, the proposal does conform to the Comprehensive Plan and will not impair its intent or purpose.
2. Analysis using the City’s GIS indicates that of the 52 residential structures in the 400’ radius, 44 are single family homes and 8 are two-family dwellings. Of these 8 two-family homes, 6 are legal, conforming, and 2 are illegal.
3. The application will not alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Code.
4. Analysis using City GIS indicates that the property contains a 32% slope which begins at the street frontage and drops to the RIDEM regulated wetlands and 100 year floodplain located on the western, rear portion of the lot.

#### Recommendation

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Planning Commission unanimously voted to forward the above Findings of Fact to the Zoning Board of Review and to recommend *approval* of this application subject to 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
2. The applicant receives an approval from the DEM Wetlands Division.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Devine and Mr. Rossi. There were no nay votes.

#### **EXTENSION OF TIME**

##### **Garden Vista Plat**

Mr. Rhodes presented the staff’s memorandum, dated March 31, 2006, noting that Mr. Kevin Wilbur, representing the new owners of the property, in correspondence dated February 16, 2006, requested, and staff recommends approval of, a one year extension of the April 5, 2005 approval so as to allow sufficient time to transition between the previous engineer and the engineer that the new owners have hired to complete the process.

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the applicants request for a one year extension of time.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Devine and Mr. Rossi. There were no nay votes.

#### **PERFORMANCE GUARANTEES**

##### **Western Industrial Drive East**

Mr. Rhodes presented the staff’s memorandum explaining that several work items remain outstanding and that the Public Works Department, Engineering Division, recommends that the existing bond in the amount of \$684,000 with the United States Fire Insurance Company, Bond No. 610-2296001, be reduced by \$513,000; leaving a balance of \$171,000. Based on the above, Mr. Rhodes recommended that the bond be reduced to \$171,000 and requested authorization to draw down the bond should he not be successful in working with the applicant to secure an extension prior to its May 7, 2006 expiration.

Upon motion made by Mr. Petit and seconded by Mr. Devine, the Commission unanimously voted to reduce the bond amount as stated above and to authorize the City to draw down the account if a

new bond is not submitted.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Devine. There were no nay votes.

### **MISCELLANEOUS ITEMS**

#### Comprehensive Plan Update

Mr. Rhodes thanked Mr. Devine and Councilwoman McFarland for taking the time to meet with Mr. Buckland of the Cecil Group regarding the draft Comprehensive Plan they submitted. Mr. Rhodes noted that he and Chairman Guglietta will be meeting with Mr. Buckland again on April 14, 2006, to discuss what needs to be done to produce a suitable, workable document that satisfies the contractual agreement as well as the needs of the Planning Commission. City administration has approved additional funding, if needed, for the satisfactory completion of this project.

### **NEXT MEETING**

May 2, 2006 at 7 p.m. in the Cranston High School East Auditorium

### **ADJOURNMENT**

Upon motion made by Mr. Petit and seconded by Mr. Devine, the Commission unanimously voted to adjourn at 11:05 p.m.

Respectfully submitted,

Jason M. Pezzullo  
Principal Planner/Secretary