

**MINUTES**

**April 7, 2009**

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

Charles Rossi, Vice Chairman  
Robert Strom, Finance Director  
Michael Smith  
James Moran

Also present were:

Peter Lapolla, Planning Director  
Stephen Marsella, Esq., Assistant City Solicitor  
Lynn Furney, Senior Planner  
J. Resnick, Senior Clerk

**MINUTES**

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to *approve* the minutes of the March 3, 2009, Planning Commission Meeting.

**SUBDIVISION AND LAND DEVELOPMENT PROJECTS**

**Helen Estates** – Minor modification to the approved Preliminary Plan  
**Major Subdivision**

Major Subdivision with street extension  
Terminus on Echo Lane  
AP 27/3, Lots 102, 177 and 180  
Proposed Phasing of subdivision into two lots

Mr. Lapolla stated that the applicant; Mr. Charles Coletta, Echo Lane Properties LLC, has requested to divide the proposed subdivision into two phases as follows:

*Phase I* will be comprised solely of the existing single-family home, depicted as Subdivision Lot # 9 on the Preliminary Plan of April 2007, and will not include any public improvements nor performance guarantee to record the Final Plan.

*Phase II* will be comprised of the entire remaining subdivision including the proposed roadway and detention basin and will be required to submit to the entire remaining performance guarantee at that time. Mr. Coletta received a \$47,000 reduction in the required performance guarantee in January 2009 which reduced the required amount to \$80,000.

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to *approve* the applicant's request for the above referenced phasing plan.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**DSM Realty Corporation – Applicant’s request to table application  
Major Subdivision**

Major Subdivision without street extension  
Malden Street  
AP 5/3, Lots 1692 & 1690

Mr. Lapolla stated that the Planning Department has received a request from Mr. George H. Gifford, Gifford Design Group, to table the above referenced application for a period of up to 12 months. The applicant is requesting this so that he may pursue other options for subdividing the property.

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to *table* your application for a period of up to 12 months in order to allow sufficient time for you to pursue other options for subdividing the property.

Aye votes: Acting Chairman Charles Rossi, Mr. Moran, Mr. Strom and Mr. Smith. There were no nay votes.

**ZONING BOARD OF REVIEW ITEMS**

**ADAM VANACORE 125 BLUFF AVENUE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to build a 12' X 17' porch expansion and pergola with restricted corner side yard setback at **125 Bluff Avenue**. AP 2, lot 2902, area 8436 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.60.010 (B) Building Accessory to a Dwelling.

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 property’s residential use is consistent with the Comprehensive Plan’s Future Land Use Map, which calls for residential, more than 8 units per acre.
2. The applicant’s lot contains a legal non-conforming, 2 unit dwelling with pre-existing restricted street yard setbacks of 20.5’ from Bluff Avenue and 22.7’ from Birchfield Street. ( A 25’ setback is required on both street frontages.)
3. The proposed deck will be located 10.7’ from Birchfield Street, and 20.5’ from Bluff Avenue.
4. Twelve out of the thirteen other corner lots within the radius, have at least one restricted front yard setback.
5. Of the remaining 73 residential dwellings located within the 400’ zoning notification radius, 42 have the same or smaller restricted front yard setback as the applicant’s request.
6. The remaining rear and side yard setbacks for the house are conforming.
7. In this case, an addition that would decrease an already restricted side yard setback would not alter the general character of the neighborhood.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* with the condition that the applicant enters into the Zoning Board of Review’s record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**TACO INC 1160 CRANSTON STREET CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 17' X 35' addition with restricted rear yard set back at **1160 Cranston Street**. AP 7, lot 3215, area 241,909.5 +/- sf, zoned M-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 property's industrial use is consistent with the Comprehensive Plan's Future Land Use Map, which designates the area as Industrial.
2. The Site Plan submitted shows the addition is 52' x 18'. The narrative states the enclosed addition is 17' x 35', on the east wall, for the purpose of containing 19,000 gallon water tanks.
3. The proposed street yard setback from Carlsbad Street will be 1'-9".
4. The addition's site plan does not show a retaining wall that may need to be constructed, as there is a difference in elevation from the rear of the main Taco building and the property line at the sidewalk.
5. In January 2000, the applicant received a Zoning Board approval to install thermal storage tanks with similar setbacks along the same east wall.
6. Though the Site Plan Review Committee has not acted on this request, the Planning Director has indicated that he feels that Site Plan Review will not be required.
7. The proposed addition will not alter the general character of the neighborhood or impair the intent and purpose of the Zoning Code.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to adopt the above Findings of Fact and 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. The construction of a retaining wall at the property line along the addition if it is determined by a registered engineer that a retaining wall is necessary.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**NORMAND MOREL 280 LIPPITT AVENUE CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to leave an existing two family dwelling on a proposed 2 acre lot [parcel 1] with restricted frontage and front yard setback and leave an abutting single family dwelling on a proposed 2 acre lot [parcel 2] with restricted frontage and front yard setback at **280 Lippitt Avenue**. AP 30, lot 155, area 4 acres +/-, zoned A-80.

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 property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, less than 1 unit per acre.
2. The property is zoned **A-80** which requires 80,000 square feet of land area with 200' of frontage.
3. On January 6, 2009, the applicant received master/preliminary plan approval for the major subdivision creating the subject 2 acre lots with 175 feet of frontage.
4. No new dwellings will be constructed.
5. The applicant's property abuts the West Warwick Town Line. Within the 400' zoning notification radius, the average frontages for 6 house lots in West Warwick, is 91 feet.
6. The average frontage for the 5 houses in Cranston within the radius is 210 feet; however, out of those 5, one lot is conforming, and the remaining 4 lots average 21,046 sq. ft.
7. As no physical changes are proposed on the lots, the application will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**MULLIGANS ISLAND GOLF AND ENTERTAINMENT CENTER 1000 NEW LONDON AVENUE CRANSTON RI 02920 (OWN) AND JAMES PIQUETTE 6 ARVIN AVENUE BARRINGTON RI 02806 (APP)** have filed an application for permission to install a 3' X 8' double sided electronic message unit onto an existing freestanding sign at **1000 New London Avenue**. AP 15/1, lot 8, area 55.04 +/- acres, zoned MPD. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010, 1, (c) 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. The existing signage for the complex was approved when the MPD was approved.
2. The proposed 3' x 8' electronic message unit (EMU) sign will replace the existing 3' x 8' changeable text sign that is located below the existing logo sign.
3. The total square footage for the sign will not change, therefore the application will not alter the general character surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**NEREEF CRANSTON LLC 43 BROAD STREET HUDSON MA 01749 (OWN) AND FITWORLD LLC 125 SOCKANOSSET CROSSROAD CRANSTON RI 02920 (APP)** have filed an application for permission to operate a health fitness center in a portion of an existing building and also including the retail sales of related nutritional products and items at **30 Kenney Drive**. AP 13, lot 48, area 172,498 +/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010, 7.

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 current industrial use of the property is consistent with the Comprehensive Plan's Future Land Use Map, which designates the lot and surrounding area for industrial use.
2. The property is located within the Howard Industrial Park, developed by the Howard Industrial Corporation, with protective covenants adopted in the December 1976 Declaration of Protective Controls that limits uses within the Industrial Park to the M-2 zone general industry uses.
3. The application's "commercial and services" use is inconsistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel and surrounding area as "Industrial."
4. There are 9 industrial businesses located within the 400' zoning notification radius.
5. The Economic Development Element of the Cranston's Comprehensive Plan, on page 105, entitled *Strengthening and Preserving Existing Industrial Districts*, states: "...there is a danger that commercial and service development will erode an important job-creating resource for the City if they are allowed to occur in industrial zones."
6. The Land Use Element of the Comprehensive Plan states on page 26: "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
7. Land Use Policy LU-4.3 on page 8 of the Comprehensive Plan states "Discourage infiltration of commercial and retail activities into industrial zones, particularly those that might lead to strip commercial development. (However, auxiliary commercial activities that serve the needs of an industrial park should not be discouraged.)"
8. Economic Development Policy ED-3.1 states "Strengthen use standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for manufacturing."
9. Within the Land Use Element, on page 35, it states "While the city should prevent the widespread conversion of its industrial land to commercial or office uses,...a certain amount of mixing of uses is beneficial to the community: if convenience services are available on-site for industrial park employees, demand for adjacent retail development will be minimized..."
10. The proposal received Pre-Application/Preliminary Review approval from the Site Plan Review Committee, with the condition that the application receive Zoning Approval from the Zoning Board of Review.
11. The proposed fitness center will occupy 15,000 sq. ft. (28%) of the 53,570 square foot building.

12. The floor plan submitted for the fit-out, shows a reception area, 3 offices, locker rooms with showers, 3 tanning rooms, day care room, sales area, member lounge, and exercise areas.

Recommendation: Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* as the Commission feels that the proposed use, though Commercial in nature, could be considered an auxiliary use that could service the needs of the workforce located in the Industrial Park; and with the following condition:

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

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**RENAISSANCE DEVELOPMENT 35 SOCKANOSSET CROSSROAD CRANSTON RI 02920 (OWN) AND WEBSTER BANK 145 BANK STREET WATERBURY CT 06702 (APP)** have filed an application for permission to have additional signage than that allowed by ordinance at **1155 Pontiac Avenue**. AP 10/4, lot 1502, area 40,001 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 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. The proposed commercial use of the property is consistent with the Comprehensive Plan's Future Land Use Map, which designates the lot and surrounding area for commercial and services.
2. The proposed bank is a permitted use in a C-4 zone.
3. The former business, Krispy Krème donut shop, received a sign variance on November 13, 2002. Additional square footage for building signs were granted, with the condition that no stand-alone pylon sign was permitted on the Krispy Kreme lot .
4. A separate zoning request for a Krispy Kreme (136.48 sq. ft. x 20 ft. high) pylon sign located **off-site** (different lot) at the Burger King driveway on Sockanosset Crossroad, was granted by the Zoning Board in November 2002.
5. The bank's proposed building signage is 190.07 sq. ft. which is 322% larger than the 45 sq.ft. allowed by the sign ordinance, and 12% larger than the former Krispy Kreme's 169.92 sq. ft. of building signage.
6. The plans submitted shows an 18' high, 120 sq. ft. pylon sign (2-sided, 10'-1" x 6'). The sign ordinance permits a maximum height of 15' with 50 sq. ft. of signage. The proposed pylon sign is 140% larger than what is allowed.
7. The proposed pylon sign is only 8" shorter than the height of the existing building.
8. The total proposed signage for the site is 310.07 sq. ft., (300 sq. ft. total is allowed by ordinance).
9. The City's newest Bank further North on Pontiac Avenue, Randolph Savings Bank, has a new pylon sign (4' x 6'-1-1/2" and 14' high) that conforms to the sign ordinance.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Strom, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**WILLIAM A AND DIANE M FARRELL 11 SEFTON DRIVE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to demolish an existing legal non-conforming 25' X 30' +/- detached two car garage with restricted side and rear yard setback and build a new 25' X 30' +/- detached two car garage with loft and 8' X 14' covered porch in the same location at **11 Sefton Drive**. AP 2/2, lot 2173, area 22,483+/- sq ft, zoned A-12. 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 property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 4-8 units per acre.
2. The proposed 3'6" side yard setback (minimum 8' required), and 2' rear yard setback (minimum 10' required) will remain the same as the existing garage.
3. The proposed attached porch will have a 10' rear yard setback.
4. The City GIS shows the single story garage on the lot directly north of the applicant's rear yard has a 0' yard setback, therefore, there is only 2' separating the existing garages. The single story garage abutting the westerly boundary of the applicant's lot has a conforming side yard setback.
5. The property fronts on Narragansett Bay, and therefore is under Coastal Resource Management Council's jurisdiction.
6. The City's GIS shows that within the 400' Zoning notification radius, there are 20 other single story garages that have similar restricted setbacks.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval*, with the condition 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.

Note: The applicant stated that he would submit an affidavit to the Zoning Board which states that the second floor over the garage will never be used as an additional unit.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Smith and Mr. Strom. There were no nay votes.

**PERFORMANCE GUARANTEES**

**Gray Coach Estates**  
Bond Reduction Request

Mr. Lapolla stated that the Planning Department is in receipt of a request for a reduction in the existing Citizens Bank Letter Of Credit #S904043 in the amount of \$257,000.

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to *reduce* the Performance Guarantee amount by \$135,000, leaving a balance of \$122,000. This action was taken in accordance with the Engineering Division's recommendation.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Strom and Mr. Smith. There were no nay votes.

**Newbury Village**  
Cash Surety Release

Mr. Lapolla stated that the Planning Department received a request from Attorney Dennis Greco for release of the \$15,000 Cash Surety held by the City for the satisfactory completion of final paving of the entire Newbury Village Condominium project.

Upon motion made by Mr. Strom and seconded by Mr. Moran, the Commission unanimously voted to *release* the \$15,000 cash bond, in accordance with the Engineering Division's recommendation.

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Strom and Mr. Smith. There were no nay votes.

**COMPREHENSIVE PLAN UPDATE**

Mr. Lapolla began by distributing a document he prepared that outlines the permitting process time frame for the Commission's review. He has been studying the various review time allowed by our current regulations in an attempt to try to possibly introduce some changes to the regulations that would speed up the permitting process.

Also, Mr. Lapolla stated that he would like to establish a special Planning Commission Meeting to review and discuss the proposed Comprehensive Plan Future Land Use Map revisions that the Planning Department has been working on. Tentatively, the dates of April 21 and April 28 were established for the special meeting. All Commission members will be polled for their availability on those dates.

**NEXT REGULAR MEETING**

Tuesday, May 5, 2009, at 7 p.m. in the City Council Chamber

**ADJOURNMENT**

Upon motion made by Mr. Rossi and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 9 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary