

MINUTES

August 1, 2006

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

William J. Guglietta, Esq., Chairman
Marco Schiappa, P.E., Public Works Director
Councilwoman Paula McFarland
Stephen Devine
Charles Rossi

Also in attendance were:

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

Members of the public attending were:

A. Spremulli
Cheryl Macera
Louis Schiapo
Dennis Thibert
Robert Stillings
Daniel Archetto

Steve Pratt
Robert Macera
John Shewchuk
Kevin McAllister
Peter Alviti
Mario Carlino

Richard Bzdyra
Charlotte Schiapo
Dorothy Shewchuk
Peter Quattromani
Carlo Testa
John DiBona

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the July 11, 2006 Planning Commission meeting.

ORDINANCES AND PETITIONS

Ordinance #2-06-08 – Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Burton St. II, A-6 to B-2)

Mr. Rhodes began the discussion by reviewing the travel of the associated Testa & Carlino condominium project, which has been before the Commission on several occasions in the past and most recently received conditional Master Plan approval on July 11, 2006. The development project itself proposes to merge the subject property into one 2.36 acre parcel and to construct 27 townhouse style condominium units accessed via the existing Berry Street public right-of-way. Mr. Rhodes explained that Ordinance 2-06-8 requests a change in zone for lots 996-1002 and the

area of the proposed Burton Street abandonment from A-6 to B-2 so as to facilitate the larger development of the condominium units on those parcels.

In addition Mr. Rhodes noted that attorney McKenna, representing an abutter, had questioned whether the City could legally move forward with the proposed zone change given that the State had not (as of that date) reviewed and approved the associated comprehensive plan amendment that was previously adopted by the City Council. In response to this, Chairman Guglietta stated that he had consulted the Office of Statewide Planning at the State Department of Administration and was assured that the City could in fact proceed with the adoption of the proposed zone change while it awaited the State's review of the previously adopted comprehensive plan amendment.

At this point Mr. Rhodes completed the presentation of his staff memorandum, which is attached to and made part of these minutes, and concluded with a series of findings of fact and a draft recommendation that he urged the Commission to adopt and forward to the City Council for their consideration in reviewing the proposed ordinance. Attorney John DiBona, representing the applicant, subsequently agreed with Mr. Rhodes portrayal of the travel and the staff's recommendation and also urged the Commission to forward a favorable recommendation to the Council.

Public Testimony was not given on this matter. There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission voted to adopt the Findings of Fact documented below and to forward them to the City Council with a recommendation of *approval*.

Findings of Fact

The following findings are made in accordance with R.I.G.L. 45-24-52 and Cranston City Code Section 17.120.030.

1. The proposed change of zone is consistent with the City of Cranston Comprehensive Plan Future Land Use Map as recently amended by the City Council through Ordinances 2004-40 and 2006-37 which designate that the subject parcel is to be used for "Multi Family Transitional" purposes.
2. On July 11, 2006 the Planning Commission issued a Conditional Master Plan Approval (first stage) for the proposed project in accordance with Section 45-23-61 of the Rhode Island General Laws and Section V. G. of the City of Cranston Subdivision *and Land Development Regulations*.
3. The number of residential units proposed by the associated development is consistent with the area requirement of Section 17.20.090.A of the Cranston Zoning Code. Whereas an area of 101,500 square feet is required to support the 27 units proposed, the larger subject parcel's size is 103,017 square feet.
4. The proposed change is consistent with the applicable purposes of zoning as presented in section 45-24-30 of the Rhode Island General Laws and 17.04.010 of the City of Cranston Zoning Code.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland.

Nay vote: Mr. Devine.

United Cerebral Palsy of RI - Change of Zone and Major Land Development Master Plan Review

In opening discussion on this topic Chairman Guglietta noted that the proposed project was also on the agenda for Major Land Development Master Plan Review and that in accordance with R.I.G.L. 45-23-61B he would take the issues out of order, first hear and render a decision on the Land Development Plan submittal and then address the proposed zone change.

United Cerebral Palsy – Master Plan
Major Land Development
Corner of 20 Phenix Avenue and Cranston Street
AP 11/2, Lots 227 and 769

Attorney Kevin McAllister, representing the applicant, United Cerebral Palsy of Rhode Island (UCP) explained the proposal to subdivide the 2.05 acre former Highway Garage site into two parcels. Parcel 1 is to be 1.07 acres in size and will be transferred from the City of Cranston to UCP for the development of eight (8) affordable housing units for persons with physical disabilities. Parcel 2 will be .98 acres and will be retained by the City of Cranston. Mr. McAllister expressed the applicant's opinion that the proposal will esthetically improve the area and that it is in keeping with the Comprehensive Plan's Proposed Zone Change Map 2-4, which specifically recommends that the zoning of the subject property be changed from C-5 to C-2.

Mr. McAllister further explained that although the site had been re-mediated in accordance with a RIDEM approved plan; a small area of questionable soils remained on site. As a result, HUD was requiring that this area not be part of Parcel 1 as a condition of their financing thus creating an irregular common lot line between Parcel 1 and Parcel 2. In concluding his comments, Mr. McAllister pointed out that Ordinance 4-06-16, pending before the City Council, would specifically allow for this unconventional common lot line configuration if passed.

No public testimony was offered on this proposal.

Mr. Rhodes presented the staff memorandum, dated July 28, 2006 which is attached and made part of these minutes. In particular Mr. Rhodes emphasized that Ordinance #4-06-15, allowing for the sale of this parcel to United Cerebral Palsy, has been approved by the City Council. He pointed out Veolia Water's requirement that a flow analysis be performed to ensure that there is sufficient sewer capacity. Mr. Rhodes also mentioned the Fire Department's concern with driveway access to the parking area. The plans depict an 18 ft. wide driveway where the Rhode Island State Fire Code requires a minimum of 20 ft. wide driveway access for Fire Department vehicles.

Mr. Rhodes summed up the presentation by stating that the proposed parcel provides sufficient area to support the proposed units without the need for variances, that Site Plan Review approval will be required and that he would prefer to work through that process to resolve the traffic circulation and buffering concerns prior to the application coming back to the Commission for Preliminary Land Development Plan approval.

In turning to Commission comments, Mr. Schiappa asked if the Site Plan Review Committee could grant latitude in changing the project layout. Mr. Rhodes stated that they could but that the Commission would have oversight on the final design; as it is required to come back to the Commission for Preliminary Land Development Plan Approval.

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

Findings of Fact

The following findings of fact are made in 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.

1. An orderly, thorough and expeditious technical review of this Major Land Development – Master Plan has been conducted. The abutters have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for the informational

meeting was published in the July 19, 2006 edition of the Cranston Herald.

2. The proposed development is consistent with the City of Cranston Comprehensive Plan's Map 2-4 (pg.72) which specifically calls for the proposed zone change of C-5 to C-2 thereby allowing multi-family residential development on this site and therefore this proposal will not impair its intent or purpose.
3. The proposed development is consistent with the anticipated zone change of C-5 to C-2 by means of City Council Ordinance #4-06-16. The proposed eight residential units are consistent with the required density for multi-family development as prescribed under Section 17.20.090 of the Cranston Zoning Code.
4. 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.
5. The proposed development will have adequate permanent physical access to Phenix Avenue, an improved public roadway located in the City of Cranston.
6. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on site.
7. Significant negative environmental impacts will not result from the proposed development as shown on the Master Plan.
8. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood, and will reflect the existing characteristics.
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 a suitable building 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

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

1. Obtain approval for the proposed zone change from C-5 to C-2 by the City Council prior to Preliminary plan submittal.
2. Preliminary Site Plan Review Committee approval prior to Preliminary Land Development Plan submittal to the Planning Commission.
3. Provide a letter from Veolia Water confirming that the Preliminary Plan submission is consistent with the conditions placed upon the applicant per the 7/7/06 correspondence from Bill Wilber which include:
 - a. Installation of an 8" sewer main connected to the closet manhole.
 - b. Each unit in the development will each have its own sewer lateral.
 - c. Conduct a flow analysis to determine the need for sewer upgrades and payment of the appropriate fees to Veolia Water.
4. Coordinate with the Providence Water Supply Board for the needed water service connection from Phenix Avenue.
5. Increase the travel lane width within the development to a minimum of 20' per the Fire Department's request.
6. Payment of Eastern Cranston Capital Facilities Impact Fees of \$4,747.68 (\$593.46 x 8) at the time of final plat recording.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Ordinance #4-06-16 – United Cerebral Palsy of RI
Change of Zone Proposed C-5 to C-2
Former City Highway Department Garage

Mr. Rhodes explained that on May 22, 2006 the City Council adopted ordinance number 4-06-15 authorizing the sale of a parcel of land to UCP for the development of 8 affordable housing units for persons with physical disabilities at 20 Phenix Ave (portion of the former Highway Garage site). The parcel's current C-5 (*Heavy Business, Industry*) zoning designation, however, does not allow it to be used for residential purposes and therefore a change in zoning designation to C-2 (*Neighborhood Business*) is being sought to allow the residential use by right. In addition the ordinance requests that the City Council authorize the use of an irregular-shaped common lot line with 40.4' of frontage.

Having previously presented on this matter, Attorney McAllister, representing the applicant, deferred to the presentation of the staff report and Commission recommendation. No public testimony was offered on this matter.

Mr. Rhodes then formally presented the staff's memorandum, dated July 26, 2006, which is attached and made part of these minutes. Mr. Rhodes emphasized that the proposal received Master Plan approval earlier in the evening and that the proposed zone change was consistent with the Comprehensive Plan's Proposed Zone Change Map 2-4 which specifically recommends that the zoning of the subject property be changed from C-5 to C-2 as proposed.

There being no further testimony, the Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Commission unanimously voted to adopt the Findings of Fact documented below and to forward them to the City Council with a recommendation of *approval*.

Findings of Fact

The following findings are made in accordance with R.I.G.L. 45-24-52 and Cranston City Code Section 17.120.030.

1. On August 1, 2006 the Planning Commission issued a Conditional Master Plan Approval (first stage) for the proposed project in accordance with Section 45-23-61 of the Rhode Island General Laws and Section V. G. of the City of Cranston Subdivision.
2. The Comprehensive Plan's Proposed Zone Change map 2-4 (page 72) specifically recommends that the zoning of the subject property be changed from C-5 to C-2 as proposed.
3. The Comprehensive Plan's Housing Element discusses the need for such projects in detail under "Housing Opportunities for Special Needs Populations" (page 93).
4. Comprehensive Plan policy H-5.8 specifically states that the City shall promote the development of special housing alternatives for the elderly and handicapped (page 11).
5. Ordinance 4-06-16 is consistent with the goals and policies statement, implementation program and all other applicable elements of the Cranston Comprehensive Plan.
6. The proposed irregular-shaped common lot line is consistent with the requirements of the Cranston Zoning Code in that it is necessitated to alleviate a burden created by existing environmental constraints.
7. Ordinance 4-06-16 is otherwise consistent with all other applicable purposes of zoning as presented in Section 45-24-30 of the Rhode Island General Laws and Section 17.04.010 of the Cranston Zoning Code.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Ordinance #6-06-18 – Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-1138 Pontiac Avenue, M-2 to C-3)

Attorney Robert Murray, representing the applicant, Inc., stated that the applicant is seeking a change of zone, from M-2 (General Industry) to C-3 (General Business). He stated that the proposal is consistent with the Comprehensive Plan Proposed Zone Change Map 2-2 which specifically calls for the subject property to be rezoned as proposed. Mr. Murray overviewed the applicants plans to convert the property to a retail use; explained that the applicant is also petitioning the City to abandon a portion of the Pettaconsett Ave right-of-way for use as parking and noted that although the proposed project does not require Planning Commission review the required Site Plan Review process had been initiated.

In response, Councilwoman McFarland stated that JANCO had not maintained the property to date and expressed concern that any future proposals for the site would not be properly maintained. She expressed concern with access and egress and questioned the consequence of the proposal should the applicant not receive the requested abandonment. Mr. Murray explained that the applicant could 1) reduce the size of the proposal or, 2) seek a variance for insufficient parking from the Zoning Board of Review. He stated that the proposed curb cut on Pontiac Avenue requires a Physical Alteration Permit from RIDOT. No curb cut is proposed for Pettaconsett Avenue, and he deferred any further comment pending the results of a traffic study.

No public testimony was offered on this matter.

Mr. Rhodes then presented the staff memorandum, dated July 25, 2006 which is attached and made part of these minutes. In particular, Mr. Rhodes emphasized that the requested change is consistent with Comprehensive Plan Proposed Zone Change Map 2-2 which specifically calls for the subject property to be rezoned as proposed.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact documented below and forward them to the City Council with a recommendation of *approval*.

Findings of Fact

The following findings are made in accordance with R.I.G.L. 45-24-52 and Cranston City Code Section 17.120.030.

1. The extent of the proposed physical modifications to the existing property do not trigger the formal subdivision or land development review procedures of the Cranston Planning Commission but do trigger the review procedures of the Cranston Site Plan Review Committee.
2. On July 12, 2006 the Cranston Site Plan Review Committee approved the owner’s Pre-application submittal for the proposed physical modifications subject to a list of 15 specific issues that are to be addressed at the Preliminary Site Plan Review stage.
3. The City of Cranston Comprehensive Plan’s Proposed Zone Change map 2-2 found on page 70 specifically calls for this property to be rezoned from M2 to C3; and therefore ordinance 6-06-18 is consistent with and will not impair its intent or purpose.
4. Ordinance 4-06-18 is otherwise consistent with all other applicable purposes of zoning as presented in Section 45-24-30 of the Rhode Island General Laws and Section 17.04.010 of the Cranston Zoning Code.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Petition to abandon a portion of Pettaconsett Avenue

At the request of the applicant's attorney, Robert Murray, and upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to *continue* their review of the proposed abandonment of a portion of Pettaconsett Avenue to the September 12, 2006 meeting.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

United Cerebral Palsy – Master Plan
Major Land Development
Corner of 20 Phenix Avenue and Cranston Street
AP 11/2, Lots 227 and 769

See above.

The Larkin Heights Replat of Lots 381-385 – Preliminary Plan
Minor Subdivision without street extension
55 Clark Avenue
AP 12/2, Lots 1264, 1266, 1269, 1271 and 1680

Attorney John DiBona, representing the applicant, Cheryl A. Macera, presented a brief description of the revised proposal to subdivide the five existing record lots, which total 19,759 square feet, into two lots. Parcel 1 will contain the existing two-family home on 10,890 square feet and Parcel 2 will have 8,869 square feet. Both lots will conform to the frontage and area requirements of the A-8 Zone and will be serviced by public water and sewer.

Upon request for public testimony, Mr. Frank DiRaimo and Mr. Richard Bochand, neighboring property owners, expressed concern with drainage on proposed Parcel 2. Mr. Bochand stated that since trees were removed from the property, water has been running downhill into his basement and his "sump pump has been running constantly". Mr. DiBona responded that the land was cleared approximately three years ago.

There being no further public testimony, Mr. Rhodes then presented the staff memorandum, dated July 28, 2006, which is attached and made part of these minutes. In particular, he emphasized that in June the applicant originally proposed construction of a two-family dwelling on Parcel 2, leaving the existing two-family dwelling on a 9,600 square foot lot, which exceeded the Comprehensive Plan allowable density requirements. The revised plan results in the existing two-family dwelling to remain on a 10,890 square foot lot and complies with the density requirements of the Comprehensive Plan. He noted that if the applicant should propose a two-family dwelling for the newly created lot, the Planning staff's recommendation would be for denial.

In regard to the matter of drainage, Mr. Rhodes stated that the drainage proposal would be addressed at the time of building permit application.

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

Findings of Fact

The following findings of fact are made in 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.

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 July 17, 2006 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 6.61 (1 two-family and 1 additional single-family) residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcels as "Residential" allowing 4 – 8 residential units per acre" and therefore this proposal will not impair its purpose or intent.
3. The proposed subdivision is consistent with the City of Cranston Zoning Code. Both proposed lots conform to the area and frontage requirements of the **A-8** single family residential zone.
4. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
5. The property in question has adequate permanent physical access to Clark Avenue, an improved public roadway located within the City of Cranston.
6. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
7. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic and for a suitable building site. A drainage plan must be provided at the time of building permit to ensure adequate surface water run-off controls.
8. The design of building lots, utilities, engineered drainage and other improvements will 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. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.

Conditions of Approval

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

1. Final subdivision record plan is not to depict proposed structures or uses.
2. Submittal of engineered plans to the satisfaction of the Building and Engineering Department at the time of building permit.
3. Applicant shall provide a completed Soil Erosion and Sedimentation Control checklist at the time of building permit.
4. Applicant shall install the appropriate 6" concrete curb along the entire frontage of Parcels 1 and 2.
5. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.

6. Municipal lien certificates to be provided at the time of Final Plan submittal.

Aye Votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Delmonico Plat – Preliminary Plan

Minor Subdivision without street extension

10 Adie Street

AP 8/1, Lots 876, 974 and 975

Attorney Daniel Archetto, representing property owners Ernest D. and Anna A. DelMonico, explained the proposal to subdivide three existing record lots totaling 9,600 square feet into two nonconforming lots. Parcel A will contain the existing single-family dwelling on 4,800 square feet and Parcel B will be 4,800 square feet in area, however, each lot will be 1,200 square feet short of the 6,000 square foot minimum for single-family dwellings required by the B-1 zoning designation. Both lots will conform to the frontage requirements of the B-1 Zone and will be serviced by public water and sewer. Mr. Archetto further explained that Parcel B will require Zoning Board of Review variance for front and rear yard setbacks.

No public testimony was offered on this proposal.

Jason Pezzullo, Principal Planner, presented the staff's findings and recommendation, as documented in a memorandum dated July 28, 2006, which is attached and made part of these minutes. He stated that the staff analyzed the area within the 400' ZBR notification radius and found that the average land area provided per unit was 5,838 square feet for single family dwellings, 3,217 square feet for two-family dwellings and 1,689 square feet for three family dwellings. Taken as a whole, the average lot size within the 400' ZBR notification radius is 4,635 square feet per unit.

Mr. Pezzullo also noted that 13 of the existing 38 single-family homes within the 400' ZBR notification radius are situated on lots smaller than the 4,800 square foot parcels proposed. The average lot size of these 13 parcels is 3,770 square feet and therefore the proposed lots are 20% larger than the existing nonconforming lots.

Chairman Guglietta noted that the relatively small size of the existing lots within the notification radius were the determining factor for the staff's recommendation of approval of this application.

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

Findings of Fact

The following findings of fact are made in 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.

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 July 17, 2006 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 9.08 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" and therefore will not impair or alter its intent or purpose.

3. The proposal is inconsistent with the City of Cranston Zoning Code's area requirement for parcel size. The proposal, however, will not alter the general character of the surrounding area nor impair the intent or purpose of the zoning code. The resulting lots are significantly larger than those of 13 other existing single-family homes within the 400' ZBR notification radius and larger than the average lot size for all dwelling units located within the same area.
4. The property in question has adequate permanent physical access to Southern Street and Adie Street, improved public roadways located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
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. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
10. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.

Conditions of Approval

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

1. Applicant shall obtain all necessary dimensional relief from the Zoning Board of review prior to Final Plan submittal.
2. Final Plan shall include a legend for all abbreviations and symbols.
3. Final Plan shall include a proper reference for the North Arrow.
4. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.
5. Final Plan shall not depict proposed structures.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Helen Estates – Master Plan
 Major Subdivision with street extension
 Echo Lane
 AP 27/3, Lots 102, 177 and 180

Mr. Peter Alviti, P.E., representing Echo Lane Properties, LLC, explained the proposal to subdivide the existing parcel totaling 4.99 acres into nine lots, seven new building lots, one for the existing home and one drainage/utility lot to be used for a stormwater detention facility. Each lot will be approximately 30,000 square feet. The property has received RIDEM wetland edge verification. The lots containing wetland area will have a building area of 20,000 square feet. The proposed ISDS conform to RIDEM requirements, however, RIDEM subdivision suitability will

be submitted prior to Preliminary Plan submittal. The proposed detention pond should mitigate any stormwater runoff.

Mr. Alviti stated that the developer is requesting waivers for sidewalk provision, pavement width (28 ft. is proposed; 30 ft. is required) and cul-de-sac length (461 ft. is proposed; 400 ft. is the maximum allowed).

No public testimony was offered on this matter.

Mr. Pezzullo then presented the staff memorandum, dated July 28, 2006, which is attached and made part of these minutes. In particular, he emphasized that RIDEM Insignificant Alteration Permit is required prior to Preliminary Plan submittal. He stated that 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 Lane Use Map. All proposed lots conform to the area and frontage requirements of the A-20 single family residential zone.

Chairman Guglietta asked if the proposed roadway will be a City street. Mr. Alviti responded that the proposed roadway will be a City-owned road and will be constructed in conformance to City standards.

Mr. Devine asked if the developer would consider relocation of the proposed stormwater detention pond and provide roadway connection to Council Rock Road rather than the proposed cul-de-sac. Mr. Pezzullo stated that this would not be feasible as there are significant wetlands to the east and existing homes to the south and west. Mr. Rhodes further elaborated that the geometry of Council Rock Road would prevent this as it would create an insufficient roadway of 20 ft.

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

Findings of Fact

The following findings of fact are made in 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 stage.

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 proposal has been properly advertised per Section V.F.3.g of the City of Cranston Subdivision Regulations and the notice appeared in the 7/19/06 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.

Conditions of Approval

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

1. Applicant shall obtain Subdivision Suitability for all lots from the RIDEM prior to Preliminary Plan submittal.
2. Applicant shall obtain the appropriate RIDEM wetlands alteration permit prior to Preliminary Plan submittal.
3. Installation of permanent granite bounds denoting RIDEM jurisdictional wetland buffer to be depicted on the Preliminary Plan submittal's record plan.
4. Detention basin access easement to be 20' wide and accessed along the common lot line between lots 4 and 6.
5. Applicant shall install 6" concrete curbing along the entire frontages of Echo Lane and Coletta Court.
6. Coordinate with PWSB for the needed water main extension.
7. Preliminary Plan submission shall include a detailed landscaping plan including street tree installation along the perimeter of Coletta Court.
8. Homeowners Association documents to reference the RIDEM wetland jurisdiction and to summarize prohibited activities within this area.
9. Payment of Western Cranston Water District fees of \$9,464.00 (\$1,352 x 7) at the time of plat recording.
10. Payment of Western Cranston Capital Facilities Impact Fees of \$9,726.5 (\$1,389.50 x 7) at the time of plat recording.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Apple House Estates, Section 6– Master Plan

Major Subdivision with street extension

Rome Court

AP 26, Lot 4

Chairman Guglietta presented the proposal to subdivide the existing parcel, which totals 15.56 acres, into nine total lots, seven building lots and two drainage/utility lots. All of the proposed lots will conform to the area and frontage requirements of the A-20 Zone and will be serviced by public water and ISDS.

Mr. Richard Bzdyra, professional land surveyor, stated that the property is not in a FEMA Flood Zone, and applicable RIDEM wetland permits have been received. He also explained that the applicant had already worked with the Fire Chief, Public Works Director and Planning Director to document a favorable recommendation in allowing the proposed 26 ft. pavement width.

Mr. Brian Thalman, P.E., 600 Putnam Pike, Greenville, furthered the applicant's presentation by stating that past flooding issues on the property were due to a clogged box culvert that crosses under the Providence Water Supply Board line. He then went on to explain in detail how the

proposed drainage improvements would correct the failed culvert and improve the drainage system in the area as a whole.

In turning to Committee comments, Chairman Guglietta asked about the Providence Water Supply Board's involvement with flooding in the area. Mr. Bzdyra responded that 1) the culvert was not properly sized when initially installed and, 2) debris has gotten into the culvert; which has not been properly maintained by the PWSB.

Mr. Schiappa, Public Works Director, then expressed concern with the City's responsibility for the proposed interceptor 48 inch pipes. He expressed reservations with the City accepting responsibility for this proposed system. Mr. Bzdyra responded that he is confident that the detention pond is low enough to capture the water, and that the proposed infrastructure would not present future maintenance concerns to the City.

Upon request for public comment, area resident John Shewchuk, 131 Rome Drive, expressed concern with altering the wetlands and the possibility of increasing flooding in the area. He stated there is a running brook 300 ft. from his property that extends to his property during heavy rain events. He stated that the water remains at a 3 ft. depth and eventually runs behind the existing homes. In his opinion, the current proposal is worse than previous proposals for the site. He stated that his problems started in 1997 when two homes were built on Rome Ct. He asked who would be responsible for damages should the proposal result in additional neighborhood flooding. In response and at the Planning Director's request, the Chairman asked the City Solicitor to provide legal opinion identifying who would hold the liability if the development were found to increase flooding damages in the area.

Discussion ensued regarding a certain area of the site deemed an "area of concern" by RIDEM, which is shown on the existing plan. Mr. Bzdyra stated that RIDEM has not classified the area in question as a wetland and that it was the first time he had seen RIDEM use such terminology. Mr. Schiappa concurred; and given the lack of direction provided by RIDEM on this issue, subsequently requested that the Commission require the applicant to provide additional documentation from RIDEM clarifying the regulatory status of this area.

Ms. Colleen Strowman, 125 Rome Drive, then stated that the PWSB pipeline exists along a river. She stated that she was told that the area would not be developed as it was "too wet to build".

Area resident Dennis Hebert, 151 Rome Drive, expressed concern with 1) drainage, stating there are "significant areas of concern with engineering and DEM", 2) existing property owners concerns have not been addressed and, 3) ultimately who would be responsible for future problems in the area.

In response, Chairman Guglietta mentioned that the existing drainage has been a severe concern with the project since the original proposal for development of this parcel in 2001. He stated that each developer is required to submit a proposed drainage plan for Master Plan consideration, and this developer is in the process of creating a drainage system. A detailed drainage plan is required for Preliminary Plan review and the matter will be appropriately addressed at that stage.

Mr. Schiappa stated that he will meet with RIDEM and the developers engineers to resolve the drainage and wetland concerns prior to the applicant's next submittal.

There being no further public testimony, Mr. Rhodes presented the staff's memorandum, dated July 28, 2006, which is attached and made part of these minutes. In particular, he emphasized that due to the discovery of artifacts on the property, Rhode Island Historical Preservation and Heritage Commission consultation was sought. Correspondence was received on July 19, 2006, from Edward F. Sanderson, Executive Director of the Rhode Island Historical Preservation and Heritage Commission, stating that due to the small size and limited range of cultural material, the site is not

eligible for listing on the National Register of Historic Places. In addition, RIHPHC did not recommend any further archeological studies at this time.

In concluding the discussion, Chairman Guglietta expressed “out of the ordinary” concerns with this Master Plan proposal and as a result requested that the following two items be added to the Conditions of Approval recommended in the above referenced staff report:

1. Applicant shall provide written correspondence from the Providence Water Supply Board documenting their responsibility related to the maintenance of the drainage structures/box culvert system located on A.P. 26 lot 5.
2. Applicant shall provide written correspondence from RIDEM clarifying the:
 - a. Definition of what constitutes “an area of concern” and any and all restrictions imposed upon the “area of concern” in question;
 - b. Presence of a stream, stream bed, or area subject to storm flow in the vicinity of the proposed Rome Court as depicted in the city’s 2001 aerial photography.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan submittal, with waiver for pavement width, cul-de-sac length and sidewalk provision, subject to the following conditions.

Findings of Fact

Staff 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.

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 July 19, 2006 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.

Conditions of Approval

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

1. Applicant shall provide written correspondence from Mr. Marco Schiappa stating that the

- proposed public improvements and maintenance responsibility of all drainage structures are acceptable to the Public Works Department.
2. Applicant shall provide written correspondence from the Providence Water Supply Board documenting their responsibility related to the maintenance of the drainage structures/box culvert system located on A.P. 26 lot 5.
 3. Applicant shall provide written correspondence from RIDEM clarifying the:
 - a. Definition of what constitutes “an area of concern” and any and all restrictions imposed upon the “area of concern” in question;
 - b. Presence of a stream, stream bed, or area subject to storm flow in the vicinity of the proposed Rome Court as depicted in the city’s 2001 aerial photography.
 4. Preliminary Plan submittal to include a detailed landscaping plan including the provision of appropriate street trees as required by the Cranston Subdivision Regulation and other plantings as required by RIDEM Permit #03-0538.
 5. Preliminary Plan submittal shall include draft conservation easement language for areas that fall within the RIDEM jurisdictional wetland buffer.
 6. Preliminary Plan submittal’s record plan shall depict the Installation of permanent granite bounds denoting the RIDEM jurisdictional wetland buffer.
 7. Preliminary Plan submittal shall be prepared to Class I surveying standards and signed by a Registered Professional Land Surveyor
 8. Preliminary Plan submittal to include RIDEM Subdivision Suitability approval for all proposed lots.
 9. Preliminary Plan submittal shall denote the location of the fire hydrants at the beginning of the new roadway, at the edge of Lot 59 and a second hydrant at or near the junction of Lot 65 and the Parcel B detention pond.
 10. Preliminary Plan submittal to include the dimensions of all drainage easements located on the property.
 11. Coordinate with the Providence Water Supply Board for the proper location of the needed water main extension from Rome Court.
 12. Municipal Lien Certificates indicating that taxes on the subject parcels are up to date to be provided with Preliminary Plan submittal.
 13. Payment of \$9726.50 (1389.50 x 7 units) in Cranston Capital Facilities Impact fees at time of Final plat recording.
 14. Payment of \$9,464.00 (1,352 x 7 units) in Western Cranston Water District Impact fees prior to Final plat recording.
 15. Applicant shall provide written correspondence from the Building and Zoning Department documenting to the best of their knowledge any historical flooding events that have damaged structures on the abutting parcels.

Aye Votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

FIOR D GUERRERO 297 WHEATLAND AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to build a first and second story addition including a two car garage and front porch to an existing legal non-conforming single family dwelling with restricted front yard setback at **297 Wheatland Avenue**. AP 4/3, lot 1978, area 17,999+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

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 Cranston Comprehensive Plan Future Land Use map calls for residential uses to be made of the property and therefore the existing dwelling and proposed additions do not impair its intent or purpose.
2. Although dwellings are not permitted in M-2 zones, the existing structure is considered a legal non conforming use in that it was constructed in 1929, prior to the 1965 zoning designation for this area.
3. The proposed garage addition complies with required side and rear yard setbacks.
4. The proposed garage addition’s front yard setback of 18 feet is less nonconforming than the existing dwelling’s 16 foot front yard setback.
5. The proposed dining room and rear yard porch addition complies with all required setbacks.
6. The proposed porch addition to the front of the existing dwelling provides a 6’ front yard setback, which does not interfere with vehicular sight distances, as the building is the last house on a dead end street.
7. Analysis using the Cranston GIS indicates that (14 %) or 3 out of 21 dwellings within the 400’ notification radius provide similar front yard setbacks and therefore the application will not alter the general character of the neighborhood or impair the intent or purpose of the zoning ordinance.
8. Analysis using the Cranston GIS indicates that subject property contains regulated wetlands and floodplains.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Devine, 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. Provision of RIDEM verified wetland edge and receipt of applicable RIDEM wetlands permits if necessary.
3. Conformance with City regulations for construction in floodplains.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

LUSINE KHACHATRYAN 1058 RESERVOIR AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert the first floor of an existing single family dwelling into a café and the second floor into a professional office with restricted frontage and front yard setback on an undersized lot at **1058 Reservoir Avenue**. AP 9/2, lot 2621, area 4500+/- 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.

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 Cranston Comprehensive Plan Future Land Use map calls for “Commercial and Service” uses to be made of the property and therefore the proposed uses do not impair its intent or purpose.
2. The proposal will not alter the buildings existing footprint or setbacks.
3. The proposed uses are also allowed by right within the Property’s C-1 zoning designation.
4. The subject property is situated on a block that contains three other commercial uses that front on Reservoir. Each of these commercial units are also situated on 4,500 S.F parcels, therefore, the application will not alter the general character of the surrounding area.
5. The traffic engineer has approved the proposed parking layout and circulation plan for 4 off-street parking spaces.
6. The proposed 651.84 sq. ft. of office use, and restaurant use showing 8 seats, however, requires the provision of 6 off-street parking spaces. Therefore, the off-street parking capacity falls 33% short of the requirement, and is insufficient for the two proposed commercial uses.
7. The new proposed curb cut on Reservoir Avenue requires a Physical Alteration Permit from RIDOT.
8. Although the plans note that the existing driveway and asphalt along the northerly lot line is to be removed, there is no depiction of new curbing to be installed along Reservoir Ave., or proposed landscaping treatments for the abandoned driveway area.
9. Handicap ramp and lift are not shown on the site plan. Sideyard setbacks are not known.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to recommend *denial* as submitted, as the application does not meet the intent or purpose of the Zoning Code’s off-street parking requirements. A request for a 33% reduction in parking requirements is excessive, given the traffic intensity along Reservoir Ave.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Applicant indicated that the plans have changed and will request a continuance at the August 9, 2006, Zoning Board of Review Meeting and will meet with the Planning Department to discuss these changes.

647 OAKLAWN LLC 647 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1375 Park Avenue**. AP 11, lots 749, 3599 and 3600, area 67,001.69+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signage.

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. As the project provides more than 25 parking spaces and exceeds 8,000 sq. ft. of building area, the application requires a Preliminary Approval from the Site Plan Review Committee, prior to consideration of any variance requests by the Zoning Board of Review. (Section 17.84.030 of the Zoning Code).
2. A Preliminary application for Site Plan Review has been submitted, but has not yet received an Approval for that stage.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to recommend that the Zoning Board of Review *table* consideration of the requested variance until such time that the applicant receives Preliminary Approval from the Cranston Site Plan Review Committee.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

V&J REALTY LLC 379 ATWOOD AVENUE CRANSTON RI 02920 (OWN) AND PAUL MITCHELL SKIN ACADEMY SCHOOL 379 ATWOOD AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to operate a Paul Mitchell Skin Academy School from an existing building at **395 Atwood Avenue**. AP 12/4, lot 3145, area 30,000+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

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. As the proposal provides 39 parking spaces and represents a change of use, the application requires a Preliminary Approval from the Site Plan Review Committee, prior to consideration of any variance requests by the Zoning Board of Review. (Section 17.84.030 of the Zoning Code).
2. As of this date, Preliminary Approval has not been granted by the Cranston Site Plan review Committee.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to recommend that the Zoning Board of Review *table* consideration of the requested variance until such time that the applicant receives Preliminary Approval from the Cranston Site Plan Review Committee.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

MICHAEL A LANGLOIS 45 MOLLIE DRIVE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a handicap accessible ramp to an existing legal non-conforming building with restricted front and rear yard setback, off-street parking on an undersized lot at **59 Bald Hill Road**. AP 18/3, lot 890, area 5566+/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) “Standards for Variance” which reads as follows:

“That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

Findings of Fact:

1. The existing mixed use structure with its nonconforming setback, off-street parking and lot area provisions was originally permitted through the granting of a variance from the Zoning Board of Review on September 11, 1974.
2. The current request for additional rear yard setback dimensional relief for the provision of handicap access to the structure will not impair the intent or purpose of the 1992 Cranston Comprehensive Plan in that it will not alter the existing legal nonconforming uses of the property.
3. Although the handicap access ramp’s rear yard setback will range from 5’ to 2’ at its closest proximity; in this vicinity the ramp itself will only be 4’6” high and will be barely visible from the adjacent property given the existing 6’ high stockade fence that currently exists along the shared property line.
4. Seven out of the nine existing commercial structures within the 400’ notification radius have similar, if not more intrusive, setback nonconformities; therefore the application will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, 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. The dumpster should be relocated to the left side of the building to be more accessible.

Aye votes: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

EXTENSION OF TIME

Gold Meadow Estates

Mr. Robert Murray, attorney representing the applicant, explained that the property was in receivership, and the current owner, CWW, LLC, has been working to resolve the ten conditions of the original Master Plan approval granted July 10, 2001 and is, thereby, requesting a one year extension of time.

No public testimony was offered on this matter.

Mr. Rhodes then presented the staff findings, indicating the unusual amount of time that has passed since the original approval (5 years), the applicant’s failure to secure the required RIDEM Wetland and Subdivision Suitability approvals and the changing nature of the Commission’s regulations relating to wetlands and the calculation of “land suitable for development” and the benefits that would accrue to public health, safety and welfare should the proposal be required to meet current standards.

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the request for a one-year extension of time of the Master Plan approval. The Commission duly noted the applicant's failure to secure the required RIDEM Wetland and Subdivision Suitability approvals within this more than reasonable time frame, noting the changing nature of the Commission's regulations relating to wetlands and the calculation of "land suitable for development" and the benefits that would accrue to public health, safety and welfare should the proposal be required to meet current standards.

Based on the above, the Commission finds "good cause" for granting the requested extension until August 4, 2007 with the stipulation that additional requests for extensions beyond August 4, 2007 be conditioned on the applicant's prior receipt of Wetland and Subdivision Suitability approvals from the Rhode Island Department of Environmental Management.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Scituate Farms 4A and 4B

Mr. Rhodes stated that on June 26, 2006 the Planning Commission received written correspondence from Mr. Gusty Paliotta, President and Trustee of Scituate Farms, Inc., requesting a reduction in the amount of performance guarantee required to be provided to the City prior to recording of the above referenced plat.

The request was subsequently forwarded to the City's Engineering Division for review and recommendation, and the Engineering Division responded in writing on July 6, 2006 recommending a reduction in the required performance guarantee amount to \$66,000.

No public testimony was offered on this matter.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the request for a reduction of the required Performance Guarantee amount to \$66,000, in accordance with the Engineering Division's recommendation, subject to the original administrative inspection fee of \$5,020.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Cranston Commons, LLC

Mr. Rhodes stated that on July 18, 2006 the Planning Commission received a written request from Mr. David Depietri of Cranston Commons, LLC requesting a reduction to the existing Letters of Credit that the City is holding as performance guarantees for the construction of public improvements in the Cranston Commons Subdivision.

The request was subsequently forwarded to the City's Engineering Division for review and recommendation. The Engineering Division responded in writing on July 20, 2006 recommending a reduction in the required performance guarantee amount to \$40,000.

Public testimony was not offered on this matter.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to release Bank North LOC #85700076, in the amount of \$102,000 in its entirety and Bank North LOC #85700077, in the amount of \$73,000 was reduced to \$40,000.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Penrose Condominiums – Melody Lane

Mr. Rhodes explained that correspondence was received on July 11, 2006 from Mr. Raymond Carroccia, President, RC Builders, requesting release of the existing Bank RI LOC #D8180 in the amount of \$10,000, which is currently held by the City as performance guarantee for the construction of public improvements.

The request was subsequently forwarded to the City's Engineering Division for review and recommendation. The Engineering Division recommended release the Bank RI LOC #D8180 in the amount of \$10,000 currently held by the City.

No public testimony was offered on this matter.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to release Bank RI LOC #D8180.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

MISCELLANEOUS

None

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to adjourn at 10:20 p.m.

NEXT MEETING

Tuesday, September 12, 2006 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary

