

MINUTES

August 3, 2010

Chairman Charles Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:03 p.m. The following Commission members were in attendance:

Charles Rossi, Chairman
James Moran, Vice Chairman
Michael Smith
Robert Strom
Mark Motte

Also present were: Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor

APPROVAL OF MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to *approve* the minutes of the July 6, 2010, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Equestrian Estates – Preliminary Plan

Residential Planned Development (RPD) with street extension
Laten Knight Road
AP 28, Lot 11

The subdivision proposal was duly advertised and abutters were notified. However, there are outstanding issues to be resolved, particularly with Veolia Water regarding the final sewer approval from the RISE Return Line.

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to *table* this matter to the September 7, 2010, Planning Commission Meeting.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith and Mr. Strom. Nay votes: none.

PERFORMANCE GUARANTEE

Scituate Farms - Phase 4A & 4B

Request for release of Letter of Credit

Mr. Gusty Paliotta has submitted Sovereign Bank Letter of Credit #4749 in the amount of \$66,000 as the remaining performance guarantee for the completion of the public improvements

associated with the Scituate Farms 4A and 4B, which is now set to expire on 8/2/10. At this time, Mr. Paliotta has submitted a check from Sovereign Bank New England, Check #12413 in the amount of \$66,000 to take the place of this expiring LOC.

Mr. Paliotta is requesting that this expiring LOC be formally released by the City Plan Commission. In the meantime, this LOC will expire and not be renewed by the applicant and a cash bond in the amount of \$66,000, already submitted by Mr. Paliotta and deposited by staff on 7/28/10, will remain in City control until duly released or reduced by the City Plan Commission.

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to *release* Sovereign Bank Letter of Credit #4749 in the amount of \$66,000.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith and Mr. Strom. Nay votes: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

ANN DERMANELIAN 116 SHIRLEY BOULEVARD CRANSTON RI 02910 (OWN) AND DANIEL A QUEEN III 116 SHIRLEY BOULEVARD CRANSTON RI 02910 (APP) have filed an application for permission build a 16' X 25' one story bedroom addition with restricted frontage and side yard setback on an undersized lot at **116 Shirley Boulevard**. AP 9/5, lot 2467, area 5991+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Intensity and 17.88.010 Sub-standard lot of record.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The current residential use is consistent with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, more than 8 units per acre.
2. All of the house lots on Shirley Blvd. have 50 ft. frontages.
3. The existing building's restricted sideyard setback is 5.1 ft.
4. The proposed addition will continue the restricted setback for 25 ft. The rear corner of the addition will be 5.3 ft. from the side lot line.
5. Eleven out of thirty-three houses on Shirley Boulevard within the 400' radius have restricted side yard set backs, similar to the applicant's setback.
6. The proposed addition will not alter the general character of the neighborhood, or impair the intent or purpose of the Cranston Zoning Code or the Comprehensive Plan upon which the Code is based.

Recommendation: As the application is consistent with the Comprehensive Plan, upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the following condition:

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

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith and Mr. Strom. Nay votes: none.

ANDREW W SANTILLI 909 SCITUATE AVENUE CRANSTON RI (OWN/APP) has filed an application for permission to build a 15' X 30' in-ground swimming pool in a corner side yard at **909 Scituate Avenue**. AP 36/4, lot 28, area 25,590+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.60.010 B Accessory Uses, 17.20.090 Additional Setbacks on Certain City Streets.

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 residential use is consistent with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, 1-4 units per acre.
2. The pool cannot be located in the rear yard because of the location of the septic system.
3. The house has an existing front yard setback of 87.5 feet from Scituate Avenue. (75' setbacks are required on this street.)
4. The proposed location for the pool will be 15 feet from the Charcalee Drive property line, (30' setback required per the zoning code) and 46.5 feet from the Scituate Avenue front property line, but 84 feet from the edge of pavement along Scituate Avenue.
5. The proposed location of the pool is in the same location as a former driveway on the property that exited onto Charcalee Drive. (information obtained from Bing Maps).
6. The applicant's existing driveway from Scituate Avenue, crosses over the abutting lot to the east of the property.
7. The proposed pool will be located within an area that is already enclosed with an existing 6' stockade fence.

Recommendation: The application is not inconsistent with the Comprehensive Plan, therefore, upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the following condition:

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

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith and Mr. Strom. Nay votes: none.

EROSE REALTY LLC 56 FINCH LANE SAUNDERSTOWN RI 02874 (OWN) AND CHRISTINE RAFFA 1145 RESERVOIR AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to operate a yoga center / neuromuscular treatment center including soft tissue care and therapeutic massage and sauna rooms at **19 Sharpe Drive**. AP 13, lot 81, area 66,534+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

Findings of Fact:

As the former industrial building is 12,625 sq. ft., the change in use will require an application for Site Plan Review, which has not been submitted, therefore, this application was tabled until the Site Plan Review Committee has issued a Preliminary Plan approval.

COMPREHENSIVE PLAN UPDATE

Mr. Lapolla informed the Commission that he attended the July 15, 2010, City Council Meeting to answer any questions the Council had on the six elements of the Comprehensive Plan that were on the Council Docket.

PLANNING DIRECTORS REPORT

Mr. Lapolla informed the Commission of the upcoming submission by TACO, Inc. The proposal is to construct a new training facility on their property. He also informed the Commission of proposed activity

regarding Conservation Subdivisions. He then reported on the status of the Hazard Mitigation Plan. He stated that the edits are almost complete.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Planning Commission Meeting adjourned at 7:25.

NEXT REGULAR MEETING

Tuesday, September 7, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Peter S. Lapolla
Director