

## **MINUTES**

August 4, 2015

Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman  
Kenneth Mason, P.E.  
Mark Motte  
Gene Nadeau  
Robert Strom (arrived 10 minutes late)  
Lynne Harrington  
Fred Vincent  
Kimberly Bittner

Also present were:

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

### **APPROVAL OF MINUTES**

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted (7/0) to approve the minutes of the July 7, 2015, Plan Commission Meeting.

### **ORDINANCE RECOMMENDATIONS**

**Ordinance #07-15-04** In Amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Definitions 2015)

In 2012, the Planning and Building Departments sponsored a comprehensive revision of Section 17.20.030 Schedule of Use of the Zoning Code. During the adoption process, staff from both the Planning and Building Departments indicated that the ordinance being considered by the City Council represented both Departments best efforts but that it was not perfect. At the time of adoption, a commitment was made to revisit the Schedule of Uses and the Definitions on a periodic basis to suggest amendments based on the City's experience working with the Uses. Ordinance 7-15-04 (Definitions) provides the corresponding definitions for each use changed or proposed.

Again, the Commission would note that both the changes to the use table and the definitions are based on both the Planning and Building Departments experience with working with the current use table. The changes include uses that should have been originally included such as Animal Day Care, Distribution Center, Motor Vehicle Storage, Motor Vehicle Repair & Service Establishment Heavy Container Storage and Upholstering Shop; uses that should have originally be excluded Solid Waste Transfer Facility; changes to existing uses as to how they are authorized; Metal Plating and changes to uses that reflect changes to technology; Alternative Electric Generation and Solar Power.

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted (8/0) to make a favorable recommendation on this ordinance to the City Council.

**Ordinance #07-15-05** In Amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Schedule of Uses)

In 2012, the Planning and Building Departments sponsored a comprehensive revision of Section 17.20.030 Schedule of Use of the Zoning Code. During the adoption process, staff from both the Planning and Building Departments indicated that the ordinance being considered by the City Council represented both Departments best efforts but that it was not perfect. At the time of adoption, a commitment was made to revisit the Schedule of Uses and the Definitions on a periodic basis to suggest amendments based on the City's experience working with the Schedule. Ordinance 7-15-05 (Schedule of Uses) represents the first update. The ordinance proposes to add several uses and to modify others. To expedite review, attached is a Schedule of Uses with the changes highlighted in red.

Again, the Commission would note that both the changes to the use table and the definitions are based on both the Planning and Building Departments experience with working with the current use table. The changes include uses that should have been originally included such as Animal Day Care, Distribution Center, Motor Vehicle Storage, Motor Vehicle Repair & Service Establishment Heavy Container Storage and Upholstering Shop; uses that should have originally be excluded Solid Waste Transfer Facility; changes to existing uses as to how they are authorized; Metal Plating and changes to uses that reflect changes to technology; Alternative Electric Generation and Solar Power.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted (8/0) to make a favorable recommendation on this ordinance to the City Council.

**Ordinance #07-15-06** In Amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Zoning – Flood Plain Definitions 2015)  
and

**Ordinance #07-15-07** In Amendment of Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Special Flood Hazard Districts 2015)

The Federal Emergency Management Agency (FEMA) has recently completed updating the FIRM (floodplain) maps for Rhode Island including the City of Cranston. Both as part of that update and as a requirement for the City's continued participation in the National Flood Insurance Program, Cranston must 1) reference the new FIRM maps in the City's Zoning Ordinance and 2) update the floodplain management chapter of the Zoning Ordinance to reflect current FEMA standards.

In moving to meet FEMA's requirements, the City of Cranston proposes to eliminate the existing Chapter 17.16 in its entirety and enact a new Chapter 17.16. Chapter 17.16, as proposed, includes definitions regarding development in the floodplain, incorporates the new FIRM's, identifies the boundaries of the floodplain and establishes a review process and development standards governing both residential and nonresidential development in the floodplain. As proposed Chapter 17.16 will include the following sections:

17.16.10 Findings of Fact; 17.16.20 Purpose; 17.16.30 Applicability; 17.16.40 Warning and Disclaimer of Liability; 17.16.50 Definitions; 17.16.60 Administration by Inspector of Buildings; 17.16.70 Permit Required; 17.16.80 Permit Fee; 17.16.90 General Development Standards; 17.16.100 Specific Standards; 17.16.110 Certification; 17.16.120 Variance; 17.16.130 Enforcement; 17.16.140 Severability.

The Commission would note that the ordinance, as proposed, largely mirrors the current ordinance. Changes have been made to the definition section at the suggestion of FEMA. FEMA has requested that, where they exist, the City's definitions be standardized to FEMA's definition. The ordinance extends V-Zone flood protection requirements to the Coast A zone. The proposed ordinance articulates in clearer language the level of protection [free board] required for construction in the floodplain.

#### 7-15-06 Ordinance Amendment Chapter 17.04 Flood Plain Definitions

As noted above, Chapter 17.16 proposes a number of changes to the definitions that reference floodplain activities. Ordinance 7-15-06 adds those definitions into the definition section of the zoning ordinance.

Given that the regulation of the floodplain is required as condition of continued participation in the National Flood Insurance Program, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on both ordinances to the City Council.

## **SUBDIVISION AND LAND DEVELOPMENTS**

### **Garden Vista – Preliminary Plan**

Major Land Development (RPD) without street extension  
5 duplex units (10 total)  
Randall Street, Bellevue Drive - AP 12/6, Lot 2285  
Request to reconsider conditions of approval

Attorney Sandy Resnick stated that his client is requesting modification of condition #9 from the 2006 Preliminary Plan approval. A National Grid easement exists from 1934. National Grid is requiring a 40 ft. easement (20 ft. on either side of the poles), to which the applicant agreed in 2006. Mr. Resnick stated that he sent signed documents to National Grid, however, they did not return the documents to the applicant. More recently (2015), the applicant finally got a response from National Grid requesting a new set of plans for their review.

Mr. Kevin Morin, DiPrete Engineering, stated that he has been involved with the project since 2004. Mr. Lapolla reiterated Mr. Resnick's comment that the applicant is seeking removal of a certain condition (#9).

Attorney Steve Marsella stated that this Commission should not remove conditions placed by a previous Commission as this board does not know the reason behind such a condition being placed.

An attorney representing Mr. Koutsogianni spoke, stating that construction has been taking place on the site and his client is concerned that changing the topography will interfere with Mr. Koutsogianni's detention basin and drainage.

Ms. Anna Maynard, 63 Belleview Drive, stated that she smells gas on a regular basis and is concerned about any blasting that may take place.

Mr. Frank Terranova, 63 Belleview Drive, expressed concern that there may be a gas leak. He stated that there is "solid ledge" on the property and blasting "will have to take place". He further stated that debris has been dumped and then removed on the applicant's property over the years (e.g.: oil tank, concrete slab).

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (8/0) to continue this matter to the September 1, 2015, Plan Commission Meeting.

### **Pandora Storage**

Mixed-Use Planned District / Preliminary Overall Development  
Major Land Development – Master Plan  
Natick/Phenix Avenue, AP 19/1, Lot 3  
Request for minor amendment

Mr. Lapolla stated that the applicant has requested to substantially change the building orientation of the proposed development, as well as split the largest building and its total square footage into two separate structures. The use and intensity remain largely unchanged for the remainder of the project.

Attorney John Mancini concurred with Mr. Lapolla's description of the modification proposed. The large 80,000 sq. ft. building will be split into one 16,000 sq. ft. building and one 12,000 sq. ft. building. The 45 ft. maximum height will be the same for each building (same height as the original 80,000 sq. ft. building).

Councilman John Lanni agreed that the amendment the applicant is seeking is a minor change.

Upon motion made by Mr. Motte and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to approve the new MPD building layout.

### **Chapel View – Final Plan Enforcement**

Mixed-Use Planned District (MPD)/ Major Land Development  
Restoration of landscape islands

Attorney Thomas Moses requested that this matter be tabled to next month. He stated that some of the islands have been restored and irrigation is currently being installed. Mr. Lapolla stated that planter boxes will be replaced with trees if the Commission wishes to require them.

Commissioner Motte asked Mr. Moses if the replacement islands are the same size as those that were removed; to which Mr. Moses responded, "yes".

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to extend the deadline for restoration of the landscape islands to the September 1, 2015, Plan Commission Meeting.

### **ZONING BOARD OF REVIEW RECOMMENDATIONS**

**KRISTA N AND KENNETH HORBERT 59 VALLEY VIEW DRIVE CRANSTON RI 02921 (OWN/APP)** have filed an application for permission to breed "Parrotlets" [a miniature parrot species] at **59 Valley View Drive**. AP 18/1, lot 1971, area 10,715+/- SF, zoned A-8. Applicant seeks relief from Section 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. Neither the Zoning Ordinance nor the Comprehensive Plan addresses raising of birds.
2. A parrotlet is a bird that is smaller than a parakeet, usually about 5 inches long.
3. The application states that the applicant will have 2 breeding pairs that may or may not produce 10 offspring a year.
4. Floor plans submitted show that the birds will be kept in a separate room in the house.
5. The Zoning Code's definition of "home occupation" means any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.
6. Beyond the fact that the application is not a "customary activity" the application does satisfy other performance standards for section 17.24.010 E. Occupations within Dwellings, as the dwelling is the primary residence of the person conducting the occupation, the use will be operated entirely within the dwelling, the use will be conducted by persons residing within the dwelling unit, and the use will not utilize more than twenty-five percent of the gross floor area in the dwelling.
7. In order to receive a license from RIDEM to raise the birds, a Zoning Certificate must be received.

**Recommendation:** The application is not inconsistent with the Comprehensive Plan. The Commission feels that keeping two breeding pairs could be considered a hobby rather than a commercial use. The Commission also finds that the request is innocuous, and will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance. Therefore, upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

**DEBORAH C MALLOY 45 FERNBROOK DRIVE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to install an in-ground swimming pool with restricted lot coverage on an undersized lot at **45 Fernbrook Drive**. AP 16/1, lot 786, area 7357+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120.

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 residential use of the property is consistent with the Comprehensive Plan Future Land Use Map that designates this area of the City as residential.
2. An A-8 zone permits a maximum of 30% lot coverage.

3. According to the site plan submitted, the existing house and decks (2,906 SF) have a lot coverage of 39.5%, which already exceeds the maximum allowed.
4. The addition of a 322 s.f. in-ground pool will result in a total lot coverage of 43.9%.
5. The proposed pool will have a rear yard setback of 6 ft., where 5 ft. is required.
6. The pool's proposed setback from the Cold Brook Drive property line is 18.5 ft.
7. The existing house already has a restricted rear yard setback of 9.3 ft.

Recommendation: Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board as the installation of an in-ground pool 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.

#### **ADJOURNMENT**

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted to adjourn at 9 p.m.

**NEXT MEETING** September 1, 2015 – City Council Chamber, 7 pm

Respectfully submitted,

Lynn Furney, AICP  
Senior Planner/Administrative Officer