

MINUTES

August 6, 2013

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

Michael Smith, Vice Chairman
Frederick Vincent
Mark Motte
James Moran
Ken Mason, P.E.

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted to approve the minutes of the July 9, 2013, Plan Commission meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 07-13-3 In amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Zoning Definitions"

The City of Cranston is a participating community in the National Flood Insurance Program [NFIP] which allows the City's residents to purchase flood insurance. [Note: standard insurance policies do not cover damages from flooding.] In order to participate in the NFIP, a community must regulate development within its Special Flood Hazard Areas [SFHA] via ordinance and for Cranston; these regulations are found in Chapter 17.16 "Flood Hazard Districts" of the zoning ordinance. NFIP further requires a community to update and readopt its floodplain regulations whenever the Federal Emergency Management Agency [FEMA] issues new Flood Insurance Rate Maps [FIRM's]. As part of an on going program to update its FIRM's, FEMA has issued new FIRM's for coastal Rhode Island which become effective September 18, 2013. As a consequence, the City must update and readopt Chapter 17.16 of the Zoning Ordinance. To that end, the Department of Planning has drafted and submitted two proposed amendments to the zoning ordinance: Ordinance 7-13-3 to amend Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions) and Ordinance 7-13-4 to amend of Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Special Flood Hazard Districts).

Ordinance 7-13-3 Chapter 17.04.030 "Definitions" amends the definition section of the Zoning Ordinance by amending or adding definitions that reflect the current standards for floodplain regulations. The Commission would note that the definitions to be amended or added are as recommended by FEMA through the model ordinances or through their Community Rating System program. In summary, the ordinance proposes:

- To delete the following definitions: Finished Living Space, Flood Boundary And Floodway Map, Manufactured Home Park Or Manufactured Home Subdivision, Existing, Manufactured Home Park Or Existing Manufactured Home Subdivision, Expansion To An Existing;
- To add or amend the following definitions: A Zone, Addition, Appeal, Area Of Shallow Flooding, B Zone, Base Flood, Base Flood Elevation, Breakaway Wall, Building, Coastal A Zone, Cost, Critical Facility, Design Flood Elevation, Development, Dry Floodproofing, Elevated Structure, Elevation Certificate, Encroachment, Existing Construction, Expansion To An Existing Manufactured Home Park Or Existing Manufactured Home Subdivision, Five-

Hundred Year Flood, Flood Insurance Rate Map, Flood Insurance Study, Floodplain, Floodproofing, Floodproofing Certificate, Flood Protection Elevation, Freeboard, Highest Adjacent Grade, Limit Of Moderate Wave Action, Lowest Floor, Manufactured (Mobile) Home, Manufactured Home Park Or Manufactured Home Subdivision, Market Value, Mean Sea Level, New Construction, New Manufactured Home Park Or Manufactured Home Subdivision, Obstruction, Regulatory Floodplain, Sheet Flow, Special Flood Hazard Area, Start Of Construction, Structure, Substantial Damage, Substantial Improvement, Utilities [For Structures], Variance, Watercourse, Zone A, Zone V, Zone X.

A readopted "Floodplain Ordinance" is a requirement for continued participation in the NFIP. The ordinance, as proposed, builds on and strengthens the existing ordinance. The ordinance, as proposed, reflects the current "state of the art" for floodplain management. Given the above, upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to recommend favorably on Ordinance 7-13-3 conditioned upon correcting a scrivener's error. (The acronym "SFHA" to identify the Special Flood Hazard Area: in parts of the ordinance the letters have been transposed to "SHFA.")

Ayes: Vice Chairman Smith, Messers Moran, Mason, Vincent and Motte. Nay: none.

Ordinance 07-13-4 In amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Special Flood Hazard Districts)

Ordinance 7-13-4 Chapter 17.16 "Special Flood Hazard Districts" proposes to delete in its entirety and to add a new Chapter 17.16. While Chapter 17.16 mostly mirrors the existing ordinance, the new ordinance is changed to reflect the current state of regulatory practice for floodplain management and to clarify and strengthen development standards within the floodplain especially as they pertain to critical facilities, to development within the Coastal A Zones and to the documentation that must be submitted as part of any application to alter the SFHA.

Staff would note that the Rhode Island Emergency Management Agency has reviewed and commented on the proposed ordinance and their comments have been incorporated into the ordinance.

Given the above, upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted to recommend favorably on Ordinance 7-13-4 conditioned upon correcting a scrivener's error. (The acronym "SFHA" to identify the Special Flood Hazard Area: in parts of the ordinance the letters have been transposed to "SHFA.")

Ayes: Vice Chairman Smith, Messers Moran, Mason, Vincent and Motte. Nay: none.

SUBDIVISION AND LAND DEVELOPMENTS

Croce Family Subdivision – Major Subdivision without street extension / no lot creation

5 Blue Jay Drive (AP 37, Lot 766)

1656 Plainfield Pike (AP 37, Lot 64)

Mr. Lapolla explained that this subdivision is basically an Administrative Subdivision that required Major Subdivision review as the lots being created do not conform with the A-8 Zoning designation. The subject parcels are located at 5 Blue Jay Drive (AP 37, Lot 766) and 1656 Plainfield Pike (AP 37, Lot 64). The property owners and applicants are Robert M. Croce, Catherine Croce (5 Blue Jay Drive), Jennie M. Croce Life Estate (1656 Plainfield Pike).

The proposed subdivision shifts the common lot line between the two subject lots. AP 37 Lot 64 will be reduced from 7,649 square feet to 6,555 square feet. AP 37, Lot 776 will increase from 5,204 square feet to 6,298 square feet.

Both lots are zoned **A-8** which requires 8,000 square feet of area with 80 feet of frontage. Neither of the proposed lots conforms to the underlying zoning designation and both require dimensional relief from the Zoning Board of review.

Attorney Frank Mastrati stated that the applicants plan to "shift the existing driveway".

Upon motion made by Mr. Moran and seconded by Mr. Vincent, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Master/Preliminary Plan subject to the conditions denoted below.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return receipt requested mail on 7/24/13 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 7/31/13 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately 6.8 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 7.26 – 3.64 residential units per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent and purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Blue Jay Drive and Plainfield Pike, improved public roadways located within the City of Cranston.
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. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on 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

1. Prior to submitting the Final Plan application and Record Plan, the applicant shall receive the required dimensional relief for each lot from the Zoning Board of Review.
- 2.

Ayes: Vice Chairman Smith, Messers Moran, Mason, Vincent and Motte. Nay: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

LAUREL HILL PROPERTIES 22 WEST HAMDEN ROAD CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert a single family dwelling into a two family dwelling at **130 Argyle Street**. AP 8/3, lots 83, area 8750+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance.

The Building Inspections Department has notified the Planning Office that the applicant has requested that his application be withdrawn.

ROBERT AND VALERIE KENNEALLY 95 TWIN BIRCH DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to legalize an accessory family apartment larger than 600 SF as allowed by ordinance at **95 Twin Birch Drive**. AP 28, lot 200, area 20,000+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.24.010 F, 1, Specific Performance Standards.

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to continue this matter to the September, 2013, meeting; at the applicant's request.

Ayes: Smith, Moran, Motte, Mason and Vincent. Nay: none.

ROBERT M AND CATHERINE CROCE 5 BLUE JAY DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to leave an existing single family dwelling on a proposed 6298+/- SF [lot 776]

at **5 Blue Jay Drive** and leave the abutting single family dwelling on a proposed 6555+/- SF [lot 64] by relocating a lot line at **1656 Plainfield Pike**. AP 37, lots 64 & 776, area 12,853+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots of Record.

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

Findings of Fact:

1. The owners have submitted an application to the Plan Commission for subdivision approval for the proposed new lot configurations.
2. The application is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Single Family Residential 7.26 to 3.64 units per acre. The proposed lots will have densities of 6.64 units per acre and 6.92 units per acre.
3. The proposed new lot line location for lot 776 will result in a conforming rear yard setback of 22 ft., where a restricted setback of 9 ft. existed before.
4. Bing maps show an existing stockade fence is located along the easterly and southerly side of the driveway for lot #64, but that fence will be located within lot #776, with the proposed new lot line location.
5. The proposed new lot line extends 5' into the driveway for lot #64.

Recommendation: Based on the Findings of Fact, upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the proposed reconfigured lots are consistent with the prescribed residential density of the 2010 Comprehensive Plan Future Land Use Map, and the proposed lot change will not alter the general character of the surrounding neighborhood.

Ayes: Smith, Moran, Motte, Mason and Vincent. Nay: none.

DANIEL V AND JANICE A ACCIARDO 27 WESTFIELD DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a family accessory apartment addition larger than that allowed by ordinance at **27 Westfield Drive**. AP 37, lots 178, area 13,006+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.24.010 F, 1 Accessory Family Apartment.

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. Per the Zoning Ordinance, total floor space devoted to an accessory family apartment shall not exceed 25% of the entire floor area of the primary dwelling, and shall be a minimum of 400 sq. ft. and a maximum of 600 sq. ft. in gross floor area.
2. Vision Appraisal shows the existing 24' x 48' primary dwelling contains 1168 sq. ft. of gross living space.
3. The proposed 24' x 49' addition will contain a 960 sq. ft. accessory family apartment, and will be located behind the existing attached garage.
4. The maximum allowed area for the family accessory apartment per the Zoning Code would be 552 sq. This area is 25% of the existing gross floor area added to the addition's gross floor area, which will be 2,208 sq. ft. The request is to exceed the maximum allowed apartment area by 408 sq. ft.
5. The proposed accessory apartment has direct access into the primary dwelling by means of a new 8' x 10' common room addition with two doors, as required per the zoning code.
6. The proposed accessory family apartment does not have a separate front door that faces the street, as required per the Zoning code for in-law apts.

Recommendation:

The existing single family residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Single Family Residential, 7.26 to 3.64 units per acre. However, given the Findings of Fact concerning area, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted to make no specific recommendation on this application to the Zoning Board.

Ayes: Smith, Moran, Motte, Mason and Vincent. Nay: none.

EMG MANAGEMENT COMPANY LLC 1015 BRANCH AVENUE APT 4 PROVIDENCE RI 02904

(OWN/APP) has filed an application for permission to leave an existing two family home on a proposed undersized 5076+/- SF [Lot 1] with restricted frontage and build a new 28' X 28' two story single family home on the proposed remaining 5000+/- SF undersized [lot 2] with restricted frontage at **126 Gladstone Street**. AP 7/4, lot 3243, area 10,076+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings:

1. The existing density for the 2 family on the existing 10,076 sq. ft. lot is 8.64 units per acre, which conforms with the density prescribed on the 2010 Comprehensive Plan Future Land Use Map.
2. The application will result in a density of 17.42 units per acre for new lot I, that contains the two-family, where the Comprehensive Plan Land Future Land Use Map designates this area of the City as Residential Single/Two Family Residential, less than 10.89 units per acre.
3. The resulting density for proposed lot 2 will be 8.71 units per acre
4. There are 91 residential buildings located within the 400' zoning notification radius; the average lot size for those structures is 6,278 sq. ft.
5. The majority (7 out of 9) of the single family lots on the same block as the applicant's lot, range between 7116 sq. ft. and 10,579 sq. ft.

Recommendation: The application will result in a density of 17.42 units per acre for new lot I, where the Comprehensive Plan Land Future Land Use Map designates this area of the City as Residential Single/Two Family Residential, less than 10.89 units per acre. The request, therefore, is inconsistent with the Comprehensive Plan Future Land Use Map's designated density for this area of the City. Therefore, upon motion made by Mr. Motte and seconded by Mr. Mason, the Plan Commission unanimously voted to forward a negative recommendation on this application.

Ayes: Smith, Moran, Motte, Mason and Vincent. Nay: none.

PLANNING DIRECTOR'S REPORT – Cranston Climate Adaptation Project – Mr. Lapolla mentioned that the next meeting will be on August 20, 2013. Regarding the "Croce Family Subdivision", he noted that there have been other applications with similar circumstances. He stated that we may be amending the Subdivision Regulations to reflect that when moving lot lines on "built lots", the lots do not have to conform to the required zoning lot size requirement.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted to adjourn at 8 p.m.

DATE OF NEXT MEETING September 3, 2013 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer