

## **MINUTES**

December 5, 2017

Chairman Smith called the City Plan Commission Meeting to order at 7:07 p.m. in the City Council Chamber. He announced that the Executive Session matter would be taken up at the end of the meeting. He also announced that the Ordinance Recommendations matters would be continued to the January 2, 2018, Plan Commission Meeting at 7 p.m. Upon motion made by Mr. Mason and seconded by Mr. Strom, the Commission unanimously voted (6/0) to approve this continuance, as requested by the applicant.

The following Commission members were in attendance:

Michael Smith, Chairman  
Ken Mason, P.E.  
Mark Motte (arrived at 7:12 p.m.)  
Lynne Harrington  
Gene Nadeau  
Robert Strom  
Kimberly Bittner  
Kathleen Lanphear

Also present were:

Peter Lapolla, Planning Director  
Stephen Marsella, Esq. Assistant City Solicitor  
Jason M. Pezzullo, AICP, Principal Planner  
J. Resnick, Clerk

### **APPROVAL OF MINUTES**

Upon motion made by Mr. Mason and seconded by Ms. Bittner, the Commission unanimously voted (6/0) to approve the November 7, 2017, City Plan Commission minutes.

### **SUBDIVISIONS AND LAND DEVELOPMENTS**

**Bank Street Minor Subdivision -  
Replat of Budlong Park No. 4, Lots 4**  
Minor subdivision without street extension  
Preliminary Plan  
Bank Street and Robson Street  
AP 11/4, Lots 2300-2303

Attorney Joseph Manera explained the proposal to replat the four record lots and create two new conforming (A-6 zone) lots. Parcel 1 would be 8,678 sq. ft. and 90 ft. of frontage and contain the existing two-family home. Parcel 2 would be 6,380 sq. ft. with 132 ft. of frontage and is vacant. The proposed lots will be serviced by public water and sewer. The proposed subdivision will require Zoning Board of Review relief for the existing two-family dwelling. He stated that there are numerous single and two-family homes in the area.

No public comment was offered on this matter.

Mr. Pezzullo stated that the project will require a variance for the existing two family home. The applicant has requested a waiver for the provision of sidewalks.

There being no further comment the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Ms. Lanphear, the Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and approve this minor subdivision, with waiver for sidewalk provision, and subject to the following conditions.

## **Findings of Fact**

### Positive Findings

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 11/24/17 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 conforms to the dimensional regulations of the A-6 zoning district and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
5. 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.
6. The lots in question have adequate permanent physical access on Bank Street, improved public roadway located within the City of Cranston.
7. 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.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

### Negative Findings

10. The proposed residential subdivision and its resulting density of 8.73 residential units per acres does not conform to the Comprehensive Plan – Future Land Use designation of “Residential - Less than 3.64-7.26 units per acre”.

## **Conditions of approval**

1. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of \$593.46 at the time of Final Plat recording.
2. Payment of outstanding application fees in the amount of \$690 (\$120-Pre-application, \$335 Preliminary, \$235 Final) at the time of Final Plan application.
3. Municipal Lien Certificates for Lots 2300 – 2303 verifying that all taxes are paid up to date.
4. Correspondence from the Providence Water Supply Board for the availability of public water.
5. Correspondence from Veolia Water verifying the ability to connect to public sewers.

6. If required by the Building and Zoning Official, obtain all necessary relief from the Zoning Board of Review prior to filing the Final Plan application with the planning department.

### **1890 Plainfield Pike Minor Subdivision**

Minor subdivision without street extension

No new construction proposed

Preliminary Plan

1890 Plainfield Pike

AP 37, Lot 14

Chairman Smith stated that the Commission is in receipt of the following correspondence:

December 1, 2017, from Attorney Edward Mulligan

December 4, 2017, from Attorney Gene Carlino

December 5, 2017, from Attorney Gene Carlino

December 5, 2017, from Attorney Edward Mulligan

Attorney Robert Murray, on behalf of JG Holding Co, LLC, stated that there is a matter pending before Superior Court on this parcel of land. He stated that the proposed subdivision is a “rather vanilla” proposal. The parcel comprises 10.95 acres in total. The section fronting on Plainfield Pike is zoned C-4 (highway business), and the rest of the parcel is zoned C-2 (neighborhood business). Mr. Murray acknowledged the ongoing and pending lawsuit by Rosemary Golini, who is represented by Attorney Mulligan. He gave details of a restraining order which was recently considered. Mr. William Golini is the trustee of HG Holding Co., LLC. Mr. Murray presented, for the record, an easement agreement, a trustee’s deed, a Motion for Temporary Restraining Orders, which was denied by Superior Court, and the ‘profile’ of Audie D. Osgood, PE, LEED AP, DiPrete Engineering (the project engineer).

Mr. Osgood gave a brief description of the lot and the proposal for subdivision. He referenced an easement that allows access to the back portion of the existing lot through Independence Way. He stated that with the exception of the existing single family home, the lot is primarily wooded.

Attorney Murray noted that the easement indicated was entered into in 2004 with the Golini’s parents and Ms. DiLanna. He stated that it was the Golini parent’s wishes that Rosemary Golini receive the house. Rosemary and William each share half of the estate.

Attorney Kurt Hayes, on behalf of Mr. Mulligan (Rosemary Golini’s attorney), mentioned the pending Superior Court litigation, stating that the *lis pendens (sic)* would “cloud” any decision made by the Plan Commission. He requested this matter be tabled until the Superior Court matter is resolved. He stated that Rosemary Golini is also questioning the legitimacy of the transfer of the trust to JG Holdings Co., LLC.

Attorney Carlino, on behalf of William Golini, stated that a temporary restraining order, sought by Rosemary Golini, was not granted by the Superior Court. Attorney Murray then asked that this subdivision matter not be delayed. Assistant City Solicitor, Steve Marsella, stated that “we have a complete subdivision application before us”, there is no active restraining order, and advised the Commission to move forward on this matter.

Mr. Pezzullo stated that the only issue that arises is zoning, and the building official did not give a definitive comment on resulting Lot #2 lacking the required physical frontage on Plainfield Pike due to the pre-existing perpetual access easement to Independence Way. He stated that there is no development proposal for Lot #2 at this time. The project requires a waiver for Lot #2 lack of frontage. Mr. Pezzullo added an additional condition of approval regarding the properties split zone. Attorney Murray asked that that condition not be included as it would result in the need for a re-zone that would require City Council approval. Attorney Steve Marsella concurred due to the fact that there is no development proposal at this time. Mr. Pezzullo stated that split zoned parcels are problematic and are rarely entertained by the Plan Department, and he agreed to the removal of proposed Condition #4 regarding the split zone.

There being no further comments, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission voted (5/3 – Ms. Bittner, Ms. Lanphear and Ms. Harrington voted nay) to adopt the Findings of Fact and approve the proposed minor subdivision; with the exclusion of Condition #4, and subject to the following conditions.

## **Findings of Fact**

### Positive Findings

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 11/22/17 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 conforms to the Comprehensive Plan – Future Land Use designation of “Highway Commercial”.
3. The proposed subdivision substantially conforms to the dimensional area regulations of the C-4 and C-2 zoning district and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. However Lot 2 will require a variance from the Zoning Board of Review for the lack of frontage on a public right of way.
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 lots in question have adequate permanent physical access on Plainfield Pike and Independence Way, improved public, and private rights of way 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. Payment of outstanding application fees in the amount of \$450 (\$120-Pre-application, \$335 Preliminary, \$235 Final) at the time of Final Plan application.
2. Municipal Lien Certificates for AP 37/1, Lot 14 verifying that all taxes are paid up to date.
3. If required by the Building and Zoning Official, obtain all necessary relief from the Zoning Board of Review prior to filing the Final Plan application with the Planning Department.

**Cranston Print Works Meeting House**

Administrative Subdivision  
Waiver of common lot line standard  
AP 8/2, Lots 279 & 2740

Mr. Pezzullo stated that this matter will be handled administratively.

**Pandora Storage Mixed-Use Development**

Mixed-Use Planned District / Final Overall Development/  
Major Land Development  
Minor amendment to recorded plan  
Natick/Phenix Avenue  
AP 19/1, Lot 3

Mr. Lapolla informed the Commission that the applicant for the Pandora Storage Project has requested a modification to the recorded Final Plan. The changes requested include the following:

- A reduction in the area authorized for commercial by 6,000 sq. ft.;

<b>Compliance with Schedule of Intensity Regulations.</b>
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- Relocation of a proposed day care/educational use to the commercial building at the entrance to the site (current location is in the area to be used for storage). The project, as originally approved, had sited the day care/educational use “up front”.
- A reduction in the area of self-storage to be constructed.

Ms. Bittner asked if the exit closest to the ice rink would be restricted from left turns. Mr. Lapolla responded, stating that the applicant has not changed the site circulation. He pointed out that a reduction in the “development footprint” for both the commercial and self-storage uses are consistent with the intent of the original approval and does not change the nature and scope of the approved project. As this is a minor change, the Plan Department approved the requested changes as a minor modification.

**ZONING BOARD OF REVIEW RECOMMENDATIONS**

**CAROL A AND ANTHONY MATARESE JR 66 VILLAGE AVENUE CRANSTON RI 02920 (OWN) AND TREVOR J. BALASCO 105 PURITAN AVENUE, CRANSTON, RI 02920** have filed an application for permission to operate a motor vehicle repair & service (minor) shop from a 1475+/- SF portion of a 4560+/- SF existing legal non-conforming building with restricted off-street parking, frontage and corner side yard setback on an undersized lot at **2 Vallette Street**. AP 11/3, lot 1130, area 13,128 +/- SF, zoned M-1. Applicant seeks relief per Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity.

**FINDINGS OF FACT**

1. The applicant is seeking authorization from the ZBR to establish a Motor Vehicle Repair and Service Establishment, Minor in 1475 SF of a 4800 SF building located a 2 Vallette Street [AP 11 Lot 1130].
2. Assessor’s Plan 11 Lot 1130 is currently zoned M-1 Restricted Industry and a Motor Vehicle Repair and Service Establishment, Minor is a use allowed by Special Permit.
3. Assessor’s Plan 11 Lot 1130 is an existing lot which does not conform to the standards set by Section 17.20.120

Parcel	Minimum Lot Area (sq. ft.)*	Minimum Lot Width and Frontage (ft.)	Minimum Yards (ft.) Front	Minimum Yards (ft.) Rear	Minimum Yards (ft.) Side	Maximum Lot Coverage	Maximum Building Height
Required M-2 Zoning District	30,000	150	40	30	20	60%	30
AP 11 Lot 1130 Provided	13,128	84±	40±	45±	4/45	34.7%	n/a

- The Future Land Use Plan of Cranston's Comprehensive Plan designates a Land Use Classification **[LUC]** of Industrial to Assessor's Plat 11 Lot 1130. With a LUC of Industrial, a Motor Vehicle Repair and Service Establishment, Minor use would be consistent with Comprehensive Plan provided a Special Permit is granted.
- Assessor's Plat 11 Lot 1130 is located within 200' of a residential zone district. However, the building on site is less than 5,000 SF which did not require a Development Plan Review. A change in use for a portion of the building will, therefore, not require a Development Plan Review.
- The site plan submitted in support of the zoning application shows 9 off-street parking spaces. With a building area of 4,800 SF, the site would require 16 parking spaces using the applicant's assumption of 1 parking space per 300 SF of building. Of the parking spaces provided, a portion of parking space 7 is located in the Washington Secondary Bike Path [State Property], the aisle width between parking spaces 6 and 7 is 22.7' where 24' is required, parking spaces 2, 3 and 4 are stacked and located within the building, and parking spaces 8 and 9 are located within a gated area and not available to the public.
- Based on the site plan and a site visit, it appears that the activities on Assessor's Plat 11 Lot 1130 have encroached on the Washington Secondary Bike Path and on Assessor's Plat 11 Lot 1128.

**RECOMMENDATION** Upon motion made by Mr. Motte and seconded by Ms. Bittner, the City Plan Commission unanimously voted (8/0) to find that the use requested will be consistent with the Future Land Use Plan of the Comprehensive Plan and to make no further recommendation given the issues with parking and issues with encroachment noted above.

**PAUL H.G. WARD-SMITH AND LYNNE M. WARD-SMITH (OWN) AND IRONCLAD FITNESS, LLC dba OCEAN STATE CROSSFIT (APP)** have filed an application for a variance to relocate an existing health and fitness club to an existing legal non-conforming 9179 SF building at **30 Webb Street**. AP 10/4, Lot 794, area 19,532+/- SF, zoned M-2. Applicant seeks dimensional variance for subject lot that is undersized with restricted street frontage and setbacks. Applicant seeks relief per Section 17.92.010 Variance. Section 17.20.030 Schedule of Uses, Section 17.20.120 Schedule of Intensity Regulations.

**FINDINGS OF FACT**

- The applicant is seeking authorization to establish a Health and Fitness Club at land identified as Assessor's Plat 10 Lot 794 [30 Webb Street] from the Zoning Board of Review. The proposal is to relocate the Health and Fitness Club from 41 Web Street to 30 Web Street.
- Assessor's Plat 10 Lot 794 is currently zoned M-2 General Industry and a Health and Fitness Club is a use not allowed.
- Assessor's Plat 10 Lot 794 is an existing lot which does not conform to the standards set by Section 17.20.120 Schedule of Intensity Regulation [see below].

4. The Future Land Use Plan of Cranston's Comprehensive Plan designates a Land Use Classification **[LUC]** of Industrial to Assessor's Plat 10 Lot 794. With a LUC of Industrial, a Health and Fitness Club Use would not be consistent with the Comprehensive Plan.
5. Assessor's Plat 10 Lot 794 is located within 200' of a residential zone district and the building on site is greater than 5,000 SF. As such, the applicant may need to seek a Development Plan Review Approval for a change in use prior to any ZBR action. The applicant has filed a request to the Development Plan Review Committee to determine if they will take jurisdiction on this matter. This request will be taken up on December 6, 2017
6. The site plan submitted in support of the zoning application show 15 off-street parking spaces, 2 of the spaces shown conflicted with an existing landscaped island. The zoning ordinance is silent as to how many parking spaces are required. In such cases, the amount of off street parking required is to be determined by the Building Inspector.
7. The Health and Fitness Club, now located at 41 Web Street was authorized by variance in December, 2012. At that time, the Plan Commission forwarded "NO Recommendation" citing the presence of a number of other non-industrial uses in the vicinity of 41 Web Street.

Compliance with Schedule of Intensity Regulations.							
Parcel	Minimum Lot Area (sq. ft.)*	Minimum Lot Width and Frontage (ft.)	Minimum Yards (ft.) Front	Minimum Yards (ft.) Rear	Minimum Yards (ft.) Side	Maximum Lot Coverage	Maximum Building Height
Required M-2 Zoning District	60,000	200	40	30	25	60%	30
AP 10 Lot 794 Provided	19,252	117±	25±	10±	4.86/7.65	47%	n/a

**RECOMMENDATION**

Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the City Plan Commission voted (7/1 Ms. Harrington voted nay) to find that the use requested is inconsistent with the Future Land Use Plan of the Comprehensive Plan. However, given that the request is to relocate the Health and Fitness Club essentially across the street from where it currently exists [by variance granted in 2012], the Commission finds that the relocation would not result in a change in the area and recommends approval on this application.

The Plan Commission, upon motion made by Mr. Motte and seconded by Mr. Nadeau, went into Executive Session at 8:27 p.m. to discuss the appointment of a new Planning Director to take effect upon the retirement of Peter Lapolla.

The Plan Commission came out of Executive Session at 9:05 p.m. At that time Chairman Smith announced that the Commission has chosen Principal Planner, Jason Pezzullo to succeed Mr. Lapolla as the next Cranston Plan Department Director.

**PLANNING DIRECTORS REPORT**

Mr. Lapolla announced that this would be Commissioner Mark Motte's last meeting. Chairman Smith mentioned that Mr. Motte has served two terms, further stating that his knowledge is irreplaceable.

Mr. Motte thanked everyone and credited his fellow commissioners, stating that “we have maintained a high level of respect on this Commission even when everyone did not always agree”.

**ADJOURNMENT**

Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 9:10 p.m.

**NEXT MEETING** January 2, 2018 – City Council Chamber, 7 p.m.

Respectfully submitted,

Jason M. Pezzullo, MCP, MPA, AICP  
Principal Planner/Administrative Officer