

MINUTES

December 5, 2006

Chairman William Guglietta called the Planning Commission meeting to order at 7:05 p.m. in the City Council Chamber. Chairman Guglietta announced that the Kalashian/Papa zoning matter would be taken out of order and heard first. The following Commission members were present:

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

Also attending were:

Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Joanne Resnick, Senior Clerk
Ronald Ronzio, Stenographer
Lisa Kelley, Stenographer for the Garden Vista application only

The following members of the public attended:

Lisa Papa
Kevin Morin
Derek Farias
Richard Santamaria
John Baldino

Sandra Kalashian
Chris Koutsogiane
Julio Soprano
Sylvia Cambio
Thomas Enright

Kevin Wilbur
Peter Quattromani
Julianne Soprano
Ray Cambio
Sanford J. Resnick, Esq.

MINUTES

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the minutes of the November 6, 2006 Planning Commission meeting.

ZONING BOARD OF REVIEW

1766 CRANSTON STREET PROPERTIES 1766 CRANSTON STREET CRANSTON RI 02920 (OWN) AND SANDRA KALASHIAN 54 ARMAND WAY HOPE RI 02831 (APP) & LISA PAPA 2138 PHENIX AVE 02921 (APP) have filed an application for permission to operate a hair salon (1st floor) and a residential apartment (2nd floor) in an existing building at **1766 Cranston Street** AP 11/2 lot 220 area 9630+/-SF zoned C-5. The lot is substandard in area and has restricted front setbacks. Applicants seek relief from Sections 17.20.120 Schedule of Intensity and 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.
2. Map 2-4 on page 72 of the Comprehensive Plan, specifically proposes a zone change from C-5 to C-2 for this area of Cranston Street.
3. Beauty salons as well as residences are allowed uses in a C-2 zone.

Recommendation:

Upon motion made by Chairman Guglietta and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *approval* subject to the following condition as the proposed use would be allowed by right if the property was zoned C-2 as called for in the Comprehensive Plan:

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 Guglietta, Mr. Petit, Mr. Devine, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

ORDINANCE

Ordinance #10-06-08 – Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Atwood Avenue Police Station Site, S-1 to C-2)

Chairman Guglietta stated that this matter was continued by the Commission at their November 6, 2006 meeting.

Mr. Rhodes began the staff presentation, which is documented in his memorandum originally dated 11/1/06 and updated on December 1, 2006; attached and made part of these minutes. In particular he noted that the proposed Findings of Fact and advisory recommendation had been updated to reflect the desires expressed by the Commission at its November meeting. Specifically: (1) that Finding Two had been updated to reflect the Comprehensive Plan’s call for the property to be rezoned to C-2; (2) Finding Six had been added to reflect the Commission’s desire for requiring mixed use/affordable housing development; and (3) that Finding Seven had been added in acknowledgement of the Commission’s parking concerns for the abutting recreation facility. In moving to the Conditions of Approval, the planning director pointed out the addition of four items desired to assure that the Commission’s land use goals and off-street parking concerns are addressed.

Mr. Richard Santamaria, 20 Burr Street, expressed concern that adequate parking be provided for the existing recreation field. Chairman Guglietta inquired as to the amount of parking required for the recreation field. In response, the director noted that the Recreation Director and Zoning Official have worked together to determine that the Zoning Code requires that 60 off-street parking spaces be provided for the recreational facility and that the Public Works Department is currently working on the development of a new parking plan that will conform to this requirement and maximize the parking that can be provided on City property.

Councilwoman McFarland then expressed her satisfaction with the updated affordable housing and parking language, particularly noting her satisfaction with the stipulation that no more than half of the allowable square footage of gross floor area that can be developed under the requirements of a C-2 zone be devoted to commercial and service uses.

Brief discussion then ensued regarding the recommendation that no more than half of the site be devoted to commercial and services use. Chairman Guglietta stated that the City Council will have the authority to change this recommendation should they so desire. Councilwoman McFarland added that, as chairperson of the Ordinance Committee, the Planning Commission's recommendation is highly regarded by the City Council.

There being no further discussion or public comment, the Commission moved to a vote.

Upon motion made by Mr. Schiappa and seconded by Mr. Petit, the Commission unanimously voted to adopt the following Findings of Fact and recommend that the City Council *approve* the proposed ordinance subject to the following conditions.

Findings of Fact

1. The proposed ordinance does not require Planning Commission approval for the first stage of development prior to Council action as a specific development project is not proposed at this time.
2. The proposed change of zone is consistent with the City of Cranston Comprehensive Plan Future Land Use Map which calls for commercial and service uses to be made of the property and with Land Use Action Item 21 which specifically calls for the property to be rezoned to C-2 (Neighborhood Business) "in accordance with the adjacent zoning to the south."
3. 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.
4. All vehicular access to and from the site via Mayberry Street is expressly prohibited.
5. The mixing of commercial and residential uses on the site are expressly permitted by the ordinance which also indicates a preference toward the provision of innovative affordable housing opportunities.
6. Further traditional commercial strip development is undesirable at this site as it is one of the last publicly owned parcels of appropriate size and location where the City can exercise sufficient controls to ensure the provision of much needed mixed-use affordable housing/assisted living opportunities.
7. Although the available off-street parking for the adjacent recreational facility may meet the requirements of the Zoning Code it is not sufficient to meet the actual off-street parking needs demanded by the facility when under heavy use.

Conditions of Approval

1. Allowed uses are to be limited to the provision of "affordable housing" ownership opportunities for individuals 55 years or older; affordable assisted living developments or mixed-use proposals that combine these affordable housing opportunities with "limited commercial and service uses".
2. Criteria for defining what constitutes "affordable housing" shall be those as utilized by the State of Rhode Island and the criteria for determining what constitutes "limited commercial and service uses" shall be as specified in the Cranston Zoning Code's Schedule of uses for a C-2 zone.
3. In no instance shall more than half of the allowable square footage of gross floor area that can be developed under the requirements of a C-2 zone be devoted to commercial and service uses.
4. Provision of additional parking capacity for the adjacent recreational facility to be addressed by the Council at the time of the properties sale either through: deed restrictions allowing for public use of commercial and/or residential visitor off-street parking spaces developed on the subject property into perpetuity; through the construction of additional capacity elsewhere on the recreational parcel; or through other means not yet identified.

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

SUBDIVISION AND LAND DEVELOPMENT PLANS

Garden Vista Condominiums – Preliminary Plan

Major Residential Planned District with street extension
Bellevue Drive
AP 12/6, Lot 2285

Attorney Sanford J. Resnick, representing the applicant, BCD Realty/Kevin Wilbur, presented an overview of the project, which is to construct five 2-unit condominium buildings on this 4.52 acre parcel. He stated that this project has been underway for quite a while, originally receiving Master Plan approval with nine conditions imposed in April, 2005. He proceeded to individually address the nine Conditions of Master Plan Approval as follows: 1) the original proposal called for individual well water, however, this Preliminary Plan proposal is for public water service; 2) fully engineered sewer system design plans have been provided and approved by Veolia Water; Conditions 3 and 4 no longer apply as the Preliminary Plan proposal is for public water service; 5) the Master Plan proposal for an open space “non-buildable” lot has been replaced on this Preliminary Plan proposal with a conservation easement that will be specifically referenced with a meets and bounds description, and a note to this effect will appear on the Final Record Plan prior to recording; 6) the applicant has met with the Public Works Director, Engineering staff, Veolia Water, Conservation Commission and Providence Water staff and received their approval of this Preliminary Plan; 7) homeowners association deeds and declaration and conservation easement have been submitted; 8) a tree preservation plan has been done and 9) sundecks proposed in the Master Plan have been removed from this Preliminary Plan submission.

In closing, Mr. Resnick summarized by stating that the applicant has satisfactorily addressed the nine Master Plan Conditions of Approval; and he expects approval of the proposed 40 foot National Grid easement by the end of this month.

Kevin Morin, P.E., DiPrete Engineering, stated that he has been involved with the project since early 2006 after the proposal received Master Plan approval in April, 2005. He briefly explained that a three-fold drainage system is proposed, designed for a 100 year storm: drywells, a portion of Bellevue Drive will have a small infiltration station and a detention basin is proposed with an emergency overflow located at the top of Randall Street. He further explained that a low-pressure sewer system is proposed, and that the entire project received Preliminary Plan approval from the Site Plan Review Committee in November, 2006.

Area resident Chris Koutsogiane, 130 Elena Street, stated that his family owns the property to the north of the proposed swale. He expressed concern with drainage in the area and also the effects on existing properties water pressure. He asked that the Commissioners walk the site to observe the area of the proposed detention pond as the elevation is steep and his property is downhill of the proposal.

Mr. Morin addressed this concern by stating that test holes dug at 10 ft. indicated that the area contained substantial soil, showing approximately 7 ft. of fill. The proposal is to construct an engineered berm with a liner that will mitigate water permeation. He stated that the application will follow well defined engineering plans, and a fairly large detention basin is proposed. He further stated that the detention basin is 40 ft. from Mr. Koutsogiane’s property and that additional landscaping will be provided to appropriately screen the detention basin. In regard to Mr. Koutsogiane’s concern with water pressure, Mr. Morin stated that a domestic water booster is proposed for the site that should provide sufficient pressure for the project.

No further public comment was offered, therefore, Mr. Rhodes presented the staff memorandum, dated December 5, 2006, which is attached and made part of these minutes, calling attention to comments received from the Public Works Department/Engineering Division reflected in

Condition of Approval #2 as follows: All roadways, utilities, drainage facilities and the entire sewer force main are to be privately owned, operated and maintained by the condominium association who shall also have sole responsibility for any associated liabilities. Language to this effect shall appear on the Final Record Plan, and in the associated condominium documents.

Mr. Rhodes praised the current developers for having taken the time to meet with and thoroughly discuss the development proposal of this rather difficult site with the Engineering and Public Works Departments.

In closing, attorney Sanford Resnick requested that Final Plan approval be handled administratively.

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 Preliminary Plan subject to the following conditions.

Findings of Fact

The Planning Commission has reviewed this Major Residential Planned District – Preliminary 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 and finds as follows:

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 certified and return/receipt mail on November 13, 2006. The meeting agenda has been properly posted and advertisement for this Public Hearing appeared in the November 15, 2006 edition of the Cranston Herald.
2. This proposed Residential Planned District and its density of 2.2 units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which calls for residential uses allowing 1-4 units per acre.
3. The proposal is consistent with the requirements of the City of Cranston Zoning Code and will not impair its intent or purpose or alter the general character of the surrounding area.
4. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood, and will reflect its general characteristics.
6. Significant negative environmental impacts are not anticipated to result from the proposed development.
7. The property has adequate permanent physical access to Bellevue Drive, an improved public roadway located within the City of Cranston.
8. 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.
9. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, and for suitable building sites.
10. The design and location of roadways, building footprints, utilities, adequate surface water run-off and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

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

1. Final Site Plan Review Committee approval required prior to Final RPD submittal.
2. All roadways, utilities, drainage facilities and the entire sewer force main are to be privately owned, operated and maintained by the condominium association who shall also have sole responsibility for any associated liabilities. Language to this effect shall appear on the Final Record Plan, and in the associated condominium documents.
3. Final Record Plan and condominium documents shall include the language supplied by Mr. Marco Schiappa on 9/7/06 pertaining to the stipulations for the Low Pressure Sewer System.
4. Revised condominium documents addressing the above to be provided at Final Plan submission.
5. A meets and bounds description referencing the open space area shall be included within the Conservation Easement documents at Final Plan submission.
6. Final Record Plan to include a note stating "Open Space area shall be maintained in perpetuity through a conservation easement granted to the City of Cranston".
7. Final written sewer design approval from Veolia Water required with Final RPD submittal.
8. Draft 40' utility easement benefiting National Grid to be provided at Final Plan submission.
9. National Grid's written Assent Agreement approving the proposed construction within the easement area to be provided with Final RPD submittal.
10. Payment of Eastern Cranston Capital Facilities Impact Fees of \$5,936.00 (\$593.46 x 10) at the time of Final plat recording.
11. Performance guarantee in the amount of \$70,000 with a 2% administrative fee of \$1,400.
12. Final RPD approval to be handled administratively.

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

UCP/20 Phenix Avenue – Preliminary Plan

Major Land Development Plan
 20 Phenix Avenue
 AP 11/2, Lot 769

Mr. Peter Quattromani, Executive Director of United Cerebral Palsy of Rhode Island, addressed the Commission and stated that it has been his pleasure to work with the Planning Department in establishing eight affordable housing units for persons with disabilities. He stated that the application has received the necessary change of zone (Ordinance #2006-70) from the City Council on August 28, 2006 and Site Plan Review Committee Final approval on November 15, 2006.

Mr. Jason Pezzullo, Principal Planner, presented the staff memorandum, dated December 5, 2006 which is attached and made part of these minutes. He stated that the property owner is the City of Cranston who is a joint applicant with United Cerebral Palsy of Rhode Island (UCP), 200 Main Street, Suite 210, Pawtucket, RI. The property is located at 20 Phenix Avenue and Cranston Street, Assessors Plat 11/2, Lots 769 and is currently zoned C-5 and C-2. He stated that the proposal received Master Plan approval in August, 2006; the necessary change of zone, as mentioned above; and that the parcel, which is still owned by the City, will be transferred to UCP at the time of recording of the Final Land Development Plan.

Mr. Pezzullo further explained that the subject property was once the City Highway Garage and when this use was relocated by the City, the property was cleaned and remediated under the supervision of the RIDEM. Part of the site remediation was the removal of contaminated topsoil and underground storage tanks. The applicant provided correspondence dated 11/7/06 from the Bonnie L. Romano, Environmental Analyst of Hoffman Engineering stating that there are no monitoring wells on site, and that previous underground storage tank issues relating to the site have been

remediated to the satisfaction of the RIDEM. Correspondence was also submitted dated 3/20/03 from Mr. Bruce T. Catterall, Supervising Sanitary Engineer, Office of Waste Management, Rhode Island Department of Environmental Management, and stated that based on the representations made in the Beta Group report, no further action is presently required by this Office. He also stated that the DEM reserves the right to order future corrective measures should any significant contamination in groundwater or soil becomes apparent.

No public testimony was offered on this application.

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

Findings of Fact

The Planning Commission has reviewed this Major Land Development-Preliminary 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 and finds as follows:

1. An orderly, thorough and expeditious technical review of this Major Land Development – Preliminary Plan has been conducted. The abutters have been notified via certified/return receipt mail and the meeting agenda has been properly posted. Advertisement for this Public Hearing was published in the November 15, 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 zone change of C-5 to C-2 by means of Cranston City Council Ordinance #2006-70 including its allowance for the proposed frontage and irregular common lot line configuration. 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 Preliminary Plan.
8. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood, and will reflect its 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 Preliminary Plan approval, in addition to other applicable state and local requirements:

1. Parcel 1 to be transferred to United Cerebral Palsy at the time of Final Plat recording.
2. 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. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine and Councilwoman McFarland. There were no nay votes.

Soprano Plat – Preliminary Plan

Minor Subdivision without street extension
225 Macklin Street
AP 11, Lot 2064

Attorney Scott Partington, representing the applicant, Soprano Realty Company, explained that the proposal is the result of the settlement of an estate. He stated that dimensional relief is required from the Zoning Board of Review, however, no new development is proposed for the site. The proposal is to subdivide the existing 41,358 sq. ft. parcel into two lots. Proposed Parcel A will contain an existing concrete building on 20,481 sq. ft. of land, and proposed Parcel B will contain an existing concrete building on 20,877 sq. ft. of land in an M-1 zoning district.

Mr. Partington stated that it is the applicant's intent to split the ownership of the property between the two businesses which are currently located there. Chairman Guglietta noted the close proximity of the parcel to existing residences on Macklin Street. He stated that, ordinarily, if a change of use were proposed the Commission would have cause for concern. However, no change of use is proposed at this time. Councilwoman McFarland expressed concern that due to the potential sale of the property once the subdivision has been done, the area residents may end up with a more 'intrusive' use on the site.

Mr. Partington noted that the current use of the buildings are a storage facility, HVAC company and an antique automobile detailing business in one building and a truck repair company in the other. He reiterated the proposal before the Commission at this time is simply a minor subdivision of the property with no new development proposal.

Councilman-elect Richard Santamaria stated that area residents are skeptical of the proposal due to their close proximity to the subject site. Area resident, Sylvia Cambio, 226 Macklin Street, a 40 year resident of the area, expressed concern with conditions that presently exist. She stated that an auto repair business is currently operating on the site and that buses have been frequenting the site as early as 6 a.m. She stated that the businesses Mr. Soprano rents to are destroying his property. She presented several photographs to the Commission as evidence of the unsightly conditions that exist. She expressed health and safety concerns with the diesel fumes being emitted, dumpsters on site and further stated that the buildings are not properly maintained. Ms. Cambio stated, however, that the businesses were present when she moved to the area 40 years ago; and, in closing, she asked for the Cities help in dealing with the above nuisances.

Chairman Guglietta stated that the Commission is cognizant of the use of the properties and is concerned with the quality of life of all City residents. He suggested that a more appropriate City department be advised of the existing conditions. He went on to state that should any future development proposals for this property come before the Commission, the application will be carefully scrutinized to ensure that quality of life of the surrounding residences are not compromised.

Mr. Rhodes stressed the fact that there are no other uses proposed at this time. He stated that both proposed lots meet required frontage requirements. At this point, he presented the staff report, dated December 5, 2006, which is attached and made part of these minutes. In comparison, he stated that within the notification area there are fifteen existing manufacturing establishments. The average lot size of these fifteen manufacturing uses is 18,252 sq. ft. The average lot size of the proposed parcels is 20,679 sq. ft., which is 2,427 sq. ft., or 7.5% larger, than the average lot size per manufacturing establishment within the radius.

In turning to address the concerns expressed by the building inspector, the director noted that he and Mr. Pezzullo met on site with the Public Works Director, Traffic Engineer and that they subsequently determined the following: (1) The area identified by the building inspector as a combined parking area is actually a shared driveway of sorts; (2) the unpaved parking area is actually a fenced and screened storage area, not an off-street parking area; (3) as there is no curbing around the parcel, the drawings do properly depict the location of curb openings. Furthermore, Mr. Rhodes noted that the public works director was of the opinion that requiring curbing and sidewalks at this time would be of no benefit to the City.

Mr. Rhodes then noted that the city traffic engineer had no concerns with on-site traffic circulation except to note that it would be in the property owners best interest to provide reciprocal access easements over the 'shared driveway area' so as to facilitate its continued use and negate future trespassing concerns. Councilwoman McFarland suggested that, in an attempt to promote less intensive use in the M-1 Zone, the Commission should not require the provision of a reciprocal access easement. Following up on this, Mr. Rhodes noted that, in his opinion, the suggested action would have little to no positive benefit given the large number of other businesses in the area that have no other reasonable choice except to direct their own truck traffic down the subject street. In response, Councilwoman McFarland stated that she would not support the subdivision if the Commission were to require the provision of a reciprocal access easement.

In closing, Mr. Rhodes pointed out that the two existing structures receive only one sewer assessment bill and that, therefore, the applicant should document that each business is individually connected to the City sewer system and receiving separate bills prior to the recording of the subdivision. Mr. Rhodes also noted the validity of the public's concerns regarding the legality of the uses currently operating from the site and suggested that the applicants should provide a Zoning Certificate confirming their legality prior to the recording of the subdivision.

There being no further testimony, the Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Chairman Guglietta, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision subject to the revised Conditions of Approval below.

Findings of Fact

The Planning Commission has reviewed this Preliminary 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 and finds as follows:

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 November 13, 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 with its preexisting uses is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which calls for industrial uses to be made of the property.
3. The proposed subdivision will not conform to the City of Cranston Zoning Code's area requirement for parcels within M-1 zones. The proposal, however, will not alter the general character of the surrounding area nor impair the intent or purpose of the zoning code as the two resulting lots are 2,427 square feet larger (7.5%) than the average of the fifteen (15) other existing industrial establishments located within the 400' ZBR notification radius.
4. The property in question has adequate permanent physical access to Macklin Street and Calder 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 approval, in addition to other applicable state and local requirements:

1. Provision of Municipal Lien Certificates confirming that all taxes are paid up to date at the time of Final Plan submission.
2. Necessary dimensional relief to be received from the Zoning Board of Review prior to Final Plan submittal.
3. Written documentation to be provided from Veolia Water, prior to Final Plan submittal, confirming that each of the two existing businesses are individually connected to the City's sewer system and receiving separate billing statements.
4. Zoning Certificate confirming the legality of all uses currently operating from the site to be provided at Final Plan submittal.
5. Final Plan to be presented to the Planning Commission for review and approval.

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

Replat of Laurel Hill Plat No. 1 – Preliminary Plan

Minor Subdivision without street extension
22 Everly Street
AP 7, Lots 2377 and 2378

Mr. Thomas Enright, the applicant's grandson, explained that the proposal is to create two buildable lots from the existing 13,039 sq. ft. parcel.

Mr. Jason Pezzullo, Principal Planner, presented the staff memorandum, dated December 5, 2006, which is attached and made part of these minutes, explaining that the application is rather straightforward. The applicant proposes to subdivide the 13,039 sq. ft. parcel into two lots. Parcel A will contain the existing single family home on 6,857 sq. ft. and proposed Parcel B will have 6,182 sq. ft. The existing home has legal pre-existing nonconforming front and side-yard setbacks which will not change as a result of this subdivision. The proposed lots will conform to the frontage and area requirements of the Cranston Zoning Code and be serviced by public water and sewer.

Mr. Pezzullo further stated that waivers have not been requested for this proposal. It is assumed that the applicant will install the required 6 inch concrete curbing along the entire frontage of both lots to the satisfaction of the Public Works Department prior to the recording of the Final Plan. A side walk waiver is needed as proposed and is justified since this subdivision is located within a substantially built-out neighborhood which does not provide sidewalks.

No public testimony was offered on this application.

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

Findings of Fact

The Planning Commission has reviewed this Minor Subdivision-Preliminary Plan 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 and finds as follows:

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 November 13, 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 6.6 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".
3. The proposal will not alter the general character of the surrounding area or impair the intent or 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 Everly Street, an improved public roadway 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

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

1. Coordinate with Veolia Water and the Providence Water Supply Board for the needed sewer and water connections.
2. Installation of 6" concrete curbing along the frontage of both proposed lots to the satisfaction of the Public Works/Engineering Division and the Building Department prior to Final Plat recording.
3. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final

plat recording.

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

ZONING BOARD OF REVIEW ITEMS

DENNIS AND CAROL BERGIN 3 MAPLE STREET CRANSTON RI 02905 (OWN/APP) Have filed an application for permission to build a single family dwelling on a substandard lot with restricted lot width and frontage on **Mill Street** AP 4/5 lot 122, 5000 +/- SF zoned A-6. Applicant also wishes to remove an existing garage which straddles AP 4/5 lots 122 and 123; lot 123 being **80 Mill Street**. Applicant seeks relief from Section 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 application will result in a density of 8.7 residential units per acre for both the existing single family and the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
2. There are 54 single-family dwellings located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit is 5,764 square feet.
3. The subject lots are 50' x 1000' (5,000 sq. ft. each.)
4. 29 or 53.7 % of the 54 residential dwellings within the radius area are on lots that are the same size or smaller than those proposed.
5. Nine, 5,000 sq. ft. residentially developed lots are located on the same side of the street as the subject property. Of those nine, three are directly adjacent to the subject property.
6. 23 of the developed 54 lots within the radius, or 42.6 % also have the same insufficient frontages of 50' or less.
7. The proposed single family dwelling meets all required yard setbacks.
8. The application therefore, will not alter the general character of the neighborhood or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Petit, the Commission unanimously voted to recommend *approval* subject to 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 Guglietta, Mr. Petit, Mr. Devine, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

GATEWAY WOODSIDE, INC 300 N LAKE AVE PASADENA CA 02421 AND NEXTEL COMMUNICATIONS 9 CROSBY DR BEDFORD MA 01730 (APP/LESSEE) have filed an application for permission to install communications antennae on the roof of an existing building and build a 12'x 20' equipment shelter at **185 Sockanosset Crossroads** AP 10/3 lot 45 area 7.44+/- acres zoned C-3. Applicant seeks relief from Section 17.76.010 A-P.

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 application proposes to install telecommunications antennas on an existing structure and to construct an accessory equipment building and is not for the construction of a new telecommunications tower.
2. The proposed antennas are only 3’ higher than the highest point of the existing structure whereas they are allowed to be a maximum of 25’ higher than the highest point of the existing structure.
3. The proposed equipment building is setback 44’ from the closest property line whereas a minimum distance of 35’ is required.
4. The proposal appears to comply with applicable FCC/FAA regulations as well as the City’s applicable zoning requirements and Building codes.

Recommendation:

In accordance with Section 17.76.010.C.I. of the Cranston Zoning Code the proposal should therefore be permitted as an accessory use without the need for relief from the Zoning Board of Review.

PIR CORP. 195 BROADWAY FALL RIVER MA 02721 (OWN) AND ROBINSON PLUMBING AND HEATING SUPPLY CO. , INC. 195 BROADWAY FAL RIVER MA 02721 (APP) have filed an application for permission to build an 18,200+/- SF addition to an existing building with restricted side and rear setbacks on **1 Freeway Drive, aka 15 Worthington Road**, AP 10/4 lots 753, 754, & 755, area 104,031+/- SF, zoned M-2. 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 application received Final Site Plan Review Approval on July 15, 2004.
2. The Planning Commission had recommended approval of the same zoning variance request on October 5, 2004.
3. The Zoning Board approved the same variance request on October 13, 2004.
4. The Zoning Boards October 13, 2004 approval has since expired however due to lack of action on the applicant’s part.
5. The Cranston Comprehensive Plan Future Land Use map calls for Industrial uses to be made of the property; so therefore, the proposed addition does not impair its intent or purpose.
6. The proposed addition will extend the existing non-conforming 7.5 ft. side yard setback.
7. Due to the angular lot line, the proposed rear yard setback ranges from a maximum of 40 ft. to a minimum of 10’ whereas 30 feet is required.

8. Of the 25 industrial buildings within the 400' zoning notification radius, 17 buildings or 68% have restricted side yard setbacks of less than 20 feet, and 6 buildings or 24% have restricted rear yard setbacks of less than 20 feet.
9. Therefore, the application will not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Code.
10. During the Site Plan Review process, the City's Public Works Director pointed out the need for a H-20 loading unit (frame and cover for existing manhole), as the former sidewalk on Worthington Road will now be a new driveway entrance.

Recommendation:

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* subject to 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. Install an H-20 loading unit where the existing manhole is located on Worthington Road.

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

1766 CRANSTON STREET PROPERTIES 1766 CRANSTON STREET CRANSTON RI 02920 (OWN) AND SANDRA KALASHIAN 54 ARMAND WAY HOPE RI 02831 (APP) & LISA PAPA 2138 PHENIX AVE 02921 (APP) have filed an application for permission to operate a hair salon (1st floor) and a residential apartment (2nd floor) in an existing building at **1766 Cranston Street** AP 11/2 lot 220 area 9630+/-SF zoned C-5. The lot is substandard in area and has restricted front setbacks. Applicants seek relief from Sections 17.20.120 Schedule of Intensity and 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.
2. Map 2-4 on page 72 of the Comprehensive Plan, specifically proposes a zone change from C-5 to C-2 for this area of Cranston Street.
3. Beauty salons as well as residences are allowed uses in a C-2 zone.

Recommendation:

Upon motion made by Chairman Guglietta and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *approval* subject to the following condition as the proposed use would be allowed by right if the property was zoned C-2 as called for in the Comprehensive Plan:

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 Guglietta, Mr. Petit, Mr. Devine, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

CHERYL A MACERA 55 CLARK AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming two-family dwelling with restricted front and side yard setback on a proposed 10890+/- SF lot [parcel 1] and build a new 50' X 32' two story two-family dwelling with a detached 24' X 24' two car garage on the proposed remaining 8869+/- SF lot [parcel 2] at 55 **Clark Avenue**. AP 12/2, lots 1264, 1266, 1269, 1271 & 1680, area 19,579+/- SF, zoned A-8. 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 application requests permission to construct a two family home in a single family zone.
2. Creation of the proposed lot received Preliminary Plan approval from the Planning Commission on August 1, 2006 as the proposed lot conforms to the requirements of the A-8 single family zone.
3. Construction of a two-family unit on the proposed 8,869 sq. ft. lot will result in an on-site density of 9.8 units per acre.
4. The application is inconsistent with and will impair the intent and purpose of the Comprehensive Plan, which does not allow for densities higher than 8 residential units per acre on this site.
5. The total number of units within the 400' radius, including the single, two and multi-family units, is 79 (52 single-family, 12 two-family, 1 three-family). The average density of these units is one per 6,150 square feet. The applicant's proposal is considerably denser (1 unit per 4,434.5 sq. ft.) than the existing residential development in the surrounding neighborhood.
6. The average lot size of two-family dwellings within the 400' ZBR notification radius is 10,781 sq. ft. whereas the size of the subject parcel is only 8,869 sq. ft.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to recommend *denial* as the application is not consistent with the requirements of the Comprehensive Plan.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine and Mr. Schiappa. There were no nay votes. Councilwoman McFarland was absent from the room when the vote was taken.

WESTERN INDUSTRIAL DRIVE REALTY, LLC 90 BAY STATE ROAD WAKEFIELD MA 01880 (OWN) AND NEW ENGLAND DETRIOT DIESEL-ALLISON, INC. 90 BAY STATE ROAD WAKEFIELD MA 01880 (APP) have filed an application for permission to install signage in excess of regulations set forth in Section 17.72.010 Signs on a 13,000+/- SF building on **1 Southern Industrial Drive** AP 36 Lots 127, 128, and 129 zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variances and 17.72.010 Signs.

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 wholesale use of the site is consistent with the City of Cranston Comprehensive Plan which calls for industrial uses to be made of the property and therefore it does not impair its intent or purpose.
2. The application requests permission to install 5 wall signs on the buildings western façade.
3. Four of the wall signs measure 6'x6' each (36 Sq. Ft.). These four signs individually conform to the Code's size requirements but are to be installed 4' higher than allowed by code and total 144 Sq. Ft' of area.
4. The fifth wall sign proposed for the western façade of the building scales to 33'x4' and has a total area of 132 Sq. Ft. This sign does conform to the Code's height requirements but is three times larger than the 45 S.F. maximum area allowance for individual wall signs.
5. A recent site visit confirms the presence of an additional existing monument which is not included in the application request. The dimensions of this existing sign are unknown and therefore the sites conformance to the maximum total sign area requirements can not be determined at this time.

Recommendation

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* due to the sites location within an industrial zone subject to 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. All other signage currently on site is to be removed.

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

PERFORMANCE GUARANTEES

Pleasant View Plat, Record Lots 242-244 (Procaccianti)

AP 12, Lots 1108, 1109 and 1110

Request for Bond Release

On October 31.2006 the Planning Department received correspondence from Mr. David Iglizoi, representing property owner, Rudolph Procaccianti, requesting release of the existing Performance Guarantee which was originally posted to ensure successful completion of road construction for the above referenced site.

Based on concerns expressed by the Commission, the planning director presented the staff memorandum, which is attached and made part of these minutes. In particular, the staff presented: (1) the changes in the proposal relating to the provision of retaining walls and dry wells that occurred between the Planning Commission's approval of the subdivision and the actual development of the property, (2) the events that led to these changes and (3) the additional engineering documentation that has been provided in confirming that the resulting construction meets City standards.

Based on the recommendation of the Engineering Division and the Planning Department, and upon motion made by Mr. Schiappa and seconded by Councilwoman McFarland, the Commission unanimously voted to *release in its entirety* Sovereign Bank Irrevocable Standby

Letter of Credit No. 4264 in the amount of \$55,000, in accordance with the City's Engineering Division recommendation.

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

Pleasant View Replat – DeFusco
AP 12/4, Lots 1085, 1093, 3350, 3351 and 3352
Request for Bond Release

On November 22, 2006 the Planning Department received correspondence from property owners, Lucia and William DeFusco, requesting release of the existing Performance Guarantee which was originally posted to ensure the successful completion of necessary public improvements at the above referenced site.

Based on the recommendation of the Engineering Division and the Planning Department, and upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *release in its entirety* Webster Bank Standby Letter of Credit No. 603300248 in the amount of \$70,000, in accordance with the City's Engineering Division recommendation.

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

MISCELLANEOUS

Proposed 2007 Planning Commission Meeting Calendar

The proposed 2007 Meeting Calendar was discussed. The proposed Monday, June 4, 2007, meeting was changed to Tuesday, June 5, 2007 in keeping with the Commissions usual first Tuesday of the month meeting schedule. Mr. Rhodes cautioned that the location of the April 3 and May 1 meetings may have to be changed due to City Council Budget Hearings during those months.

2007-2012 Capital Budget and Improvement Program

Mr. Rhodes explained that the format for submission of Capital Budget requests has been revised. The forms were distributed early, on December 1, 2006, for the benefit of the incoming administration. The deadline for submittal of requests is January 3, 2007. A first draft Capital Improvement Budget will be provided to the Planning Commission on February 1st and a final draft will be submitted in March, 2007.

Industrial Performance Committee appointment

Chairman Guglietta stated that at the Commission's last meeting he appointed Mr. Rossi as the Planning Commission's delegate to the Industrial Performance Committee. He stated that as Mr. Rossi's term on the Planning Commission is terminating mid January, 2007, he will defer this appointment until the status of Mr. Rossi's term is determined.

Mayoral Transition Report

Mr. Rhodes mentioned that a copy of this report was distributed to each commissioner as a summation of all of the important proposals that have been before the Commission in the course of the past year.

In light of this, Chairman Guglietta thanked the Commission for their service; stating that he is proud of the work the Commission has done and of which he is proud to be a member. He noted that it is his hope that citizens such as Mrs. Cambio, who was present at this meeting and

provided testimony on the Soprano application, left the meeting feeling that the City does care about her matter and will scrutinize any future proposals of that particular area.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Commission unanimously voted to adjourn at 10:35 p.m.

NEXT MEETING

Tuesday, January 9, 2007 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary