

MINUTES

February 6, 2007

Chairman Paul Petit called the regular monthly meeting of the Planning Commission to order at 7:13 p.m. The following Commission members were in attendance:

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

Also in attendance were:

Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Vito Sciolto, City Solicitor
Joanne Resnick, Senior Clerk

The following department chairpersons and members of the public attended:

Richard Delgado, Chief
Cranston Fire Department

James Gumbley, Assistant Chief
Cranston Fire Department

David Morrocco
Anne Ciresi
Anthony Ciresi
David Moore
Tom Moses
Phil Mancini
M.A. Cummings
John DiBona
Robert Murray
Ray Murphy

Terry Brennan, Superintendent
Fire Alarm/CFD

John Cory, Assistant Director
Cranston Public Libraries

Maria Giarrusso
IT Department

David Macksam, Director
Cranston Public Libraries

MINUTES

Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the January 9, 2006 Planning Commission meeting.

COMMUNICATIONS

As this was former Chairman William Guglietta's last Planning Commission meeting, he took some time to mention the many projects the Commission has heard during his seven year tenure and the effects of the decisions made on the lives of the citizens of Cranston for many years and generations to come; most notably the Chapel View redevelopment project. He stated that he is proud that the Commission has managed to maintain the rural character of western Cranston. He praised the Planning Department staff for their professionalism and courtesy to the public and their many hours of meeting preparation for the benefit of the Commission. He also praised the

volunteer commissioners for their dedication and service to the Citizens of Cranston. Mr. Guglietta lightheartedly thanked regular attending attorneys John DiBona and Robert Murray for their often zealous defense on the behalf of their clients. In closing, he stated that it has been his pleasure to serve on the Commission for the last seven years and thanked everyone for the privilege to serve.

Newly-elected Chairman Petit responded that he "has big shoes to fill" and then presented Mr. Guglietta with a plaque as a tribute to his seven years of public service on the Commission. Mr. Petit then announced that Commissioner Charles Rossi has been re-appointed to serve on the Commission by Mayor Napolitano for another four year term.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Ciresi Estates – Preliminary Plan

Replat of Pontiac Highlands Plat, Lots 58-67
Minor Subdivision without street extension
179 East Street
AP 15/3, Lots 735-744

Attorney Thomas Moses, representing the property owners, Salvatore and Evelyn Ciresi, gave a brief explanation of the applicant's, Mr. Raymond Morrocco's, proposal to subdivide the combined 32,000 sq. ft. of land area to create three additional 6,000 sq. ft. lots to front on East Street and Bicknell Avenue. The existing home will remain on 14,000 sq. ft. of land fronting on East Street and Stam Avenue. The proposed lots, zoned A-6, will conform to the area and frontage requirements of the Cranston Zoning Code and are to be serviced by public water and sewer.

Area resident Mary Ann Cummings expressed concern with existing large trees being removed from the property. Mr. Moses reassured Mr. Cummings that every effort will be made to preserve the existing mature trees.

Mr. Pezzullo then presented the staff's Findings of Fact, as documented in his memorandum dated February 6, 2007, which is made part of these minutes. He explained that the proposal received positive feedback from the various reviewing departments with the exception of Public Works, who will not support the waiver requested for provision of curbing. Therefore, the applicant is required to install six inch granite curbing along the frontage of both proposed lots.

Mr. Pezzullo further explained that the staff worked with the applicant to revise the plans in order to eliminate the irregular common lot line configuration and the potential creation of a future substandard lot. The revised plan balances the frontage and area of the proposed three new building lots while shifting the common lot line for the existing house to enable the relocation or reconstruction of the detached garage to create enough space for one additional conforming lot in the future.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Guglietta, the Commission unanimously voted to adopt the following Findings of Fact and *approve* your Preliminary Plan submittal, with waiver for sidewalk provision, subject to the conditions denoted below.

Findings of Fact

Staff 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

January 16, 2007 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 5.4 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 4 - 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 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 property in question has adequate permanent physical access on Everly Street, an 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 building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.
10. The proposed subdivision will be well integrated with the surrounding neighborhoods, will reflect its existing characteristics and will promote high quality appropriate design and construction.

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 at the time of building permit.
3. Payment of Eastern Cranston Capital Facilities Impact Fees of \$1,780.38 (\$593.46 x 3) at the time of Final plat recording.

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

ZONING BOARD OF REVIEW ITEMS

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 Chapter 17.76.010 C.I. of the Cranston Zoning Code, entitled *Telecommunications Facilities*, which states *Communication antennas not attached to a communication tower shall be permitted as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:*

- i. The antennas are not higher than twenty-five (25) feet above the highest point of the structure;*
- ii. The antennas comply with applicable FCC and FAA regulations; and*
- iii. The antennas comply with all applicable zoning requirements and building codes, with the exception of the restriction pertaining to height limitations.*

Findings of fact:

1. The application proposes to install telecommunications antennae on the roof of an existing commercial 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 8' 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. This conforms with criteria *i.* as listed above.
3. Based on testimony presented at the December 5, 2006 Planning Commission meeting, the application complies with applicable FCC/FAA regulations as well as the City's applicable Zoning requirements and Building codes. This conforms with *ii* and *iii.* as listed above.
4. The proposed equipment building is setback 44' from the closest property line whereas a minimum distance of 35' is required.

Recommendation:

Upon motion made by Mr. Guglietta and seconded by Mr. Devine, the Commission unanimously voted to recommend *approval* of this application as the proposal is in accordance with Section 17.76.010.C.I. of the Cranston Zoning Code. The proposal should, therefore, be permitted as an accessory use since the antennae will be located on the roof of a commercial structure.

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

SANTA FE REALTY LLC 410 TRIMTOWN ROAD SCITUATE RI 02857 (OWN/APP) has filed an application for permission to have additional signage than allowed by ordinance at **1458 Park Avenue**. AP 11/2, Lot 2971, area 1.41 +/- acres, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 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 newly constructed plaza conforms to the City of Cranston Comprehensive Plan Future Land Use Map which calls for commercial and services for this area of the City.
2. The project received Final Site Plan Review Approval on May 17, 2006.
3. The Final Plans submitted by the applicant and approved by the Site Plan Review Committee, illustrated the location of all proposed signs, and specified in a chart on the

Overall Plan, that all signage proposed conformed to the Zoning Code's signage requirements for location and area (100 s.f. maximum).

4. The total sign area permitted by code in a C-2 zone is 100 square feet. However, for multiple businesses in one building, a square foot bonus of 25% is allowed beyond the C-2 zone's permitted 100 sq. ft. maximum, allowing 125 sq. ft. total of signage. (Chapter 17.72.010 E). The lot therefore, qualifies for an increase of 25 sq. ft. of signage. The signage presented to the Site Plan Review Committee totaled 99 sq. ft., including 8 individual building wall signs.
5. Whereas the initial proposal was a 6 ft. high, 3' x 4' pedestal sign with a total area of 24 sq. ft., the newly proposed monument sign is 10'-6" high, 8'-4" wide, double sided, with signage area equaling 133.33 sq. ft.
6. The proposed monument sign alone exceeds the total allowable signage for the entire site by 6.6%.
7. The individual 2'-6" x 10' building signs, equal 25 sq. ft. each, for a total of 200 sq. ft. (8 signs).
8. The new, total proposed signage for the site is 333.33 sq. ft., which is 2.6 times larger than the 125 sq. ft. that is allowed by the City's Sign Ordinance.
9. This application therefore, will impair the intent and purpose of the Zoning Code in that it proposes over 166% more signage than what is allowed in the Zone in which it is located.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Guglietta, the Commission unanimously voted to recommend *tabling* this application to provide the applicant sufficient time to revise his submittal.

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

DIANE M FUSCO 20 HOLLY HILL LANE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build 45' X 27' third living unit addition onto an existing legal non-conforming two family dwelling with restricted front, rear, side and corner side-yard setbacks at **77 A Street**. AP 11/3, Lot 877, area 8000+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural Alterations, 17.20.090 (A) Specific Requirements, 17.64.0109F0 Off Street Parking street access.

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 16 residential units per acre. 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 39 single-family, 34 two-family, 1 three-family, and 3 four-family structures located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit is 4,298.3 square feet. The proposed density is 2,666.7 sq. ft. per unit, which is 38% smaller than the average density in the neighborhood.

3. The three existing 4 family dwellings within the 400' radius were allowed by variance between 1985 and 1999. Records show that the Planning Commission had recommended denial on all of those conversion applications.
4. The proposed application therefore, will alter the general character of the neighborhood and impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

The Commission chose not to accept the staff's recommendation of *denial*, but instead, upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission voted to recommend *approval* of this application; in accordance with R.I.G.L. 45-24-41, in that the proposal will not alter the general character of the neighborhood nor impair the intent and purpose of the Zoning Ordinance.

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

TEMPLE SINAI 30 HAGEN AVENUE CRANSTON RI 02920 (OWN) AND OMNIPOINT COMMUNICATIONS INC A WHOLLY OWNED SUBSIDIARY OF T-MOBILE USA INC 15 COMMERCE SUITE B NORTON MA 02766 (APP) have filed an application for a special use permit to build a 90 foot monopole wireless telecommunications tower and related equipment enclosure at **30 Hagen Avenue**. AP 18, Lot 1335, area 11.6 +/- acres, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.76.010 Telecommunications Facilities, 17.20.030 Schedule of Uses.

This application was reviewed for conformance with Chapter 17.76.010 of the Cranston Zoning Code, entitled *Telecommunications Facilities*, which establishes criteria for the issuance of Special Use permits for telecommunication towers.

Findings of fact:

1. The City Zoning Code requires at least 2.5 miles of separation between towers greater than 75' in height. The proposed monopole would be within 2.5 miles of two other previously existing facilities. An affidavit submitted by the applicant's Site Acquisition Specialist states that the first site is located too far from the target area where the Applicant's gap in reliable network service requires coverage, and the second site is lacking the structural capacity to allow the applicant to co-locate thereupon.
2. The alternative site analysis presented by the applicant as required by Section 17.92.020.A.4.a.iii. of the Cranston Zoning Code, states that 6 other existing structures within the search area were investigated as possible tower locations (875 Oaklawn Ave., Cranston Fire Department on Willow and Oaklawn Ave., Immaculate Conception Church at 237 Garden Hills. Dr., Oaklawn Community Baptist Church, at 229 Wilbur Ave., 1100 New London Ave. Buildings, and Stoneham School at 36 Stoneham Ave.). It was determined from a radio frequency standpoint, all buildings did not achieve T-Mobile's coverage objective.
3. Setbacks for the proposed monopole tower will be 140' front, 462' side, and 236' rear, whereas a distance of 135 feet from the abutting residential property lines is required by code, therefore the proposed tower location meets the ordinance requirements.
4. A monopole style tower is specifically prohibited by the Zoning code, however the proposed design of the antennae as opposed to a lattice tower, disturbs the least area of forested land, which serves as a visual buffer.
5. The Zoning Code states that communication towers that are located in a residential district shall have fencing comprised of wood or stone. The proposed 38' x 38'

equipment area will be enclosed by an 8' high wood stockade fence, and surrounded on three sides by a heavily wooded area. Two rows of 6' high arborvitae will be installed on the remaining northeasterly side of the fence.

6. The existing setbacks, in addition to the existing tree line and vegetation on the property, will serve to minimize visual impact from abutting properties.
7. The narrative submitted states that the proposed monopole will provide for co-location opportunities for at least two additional wireless carriers.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to *table* this application to allow the applicant the time to explore possible co-location on a tower located on New London Ave. at Mulligan's Island Driving Range.

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

JOHN M AND MARIE E ROSSI 1360 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP) have filed an application for special use permit, to build 22' X 30' addition for an accessory family apartment onto an existing single family home on an undersized lot at **1360 Pippin Orchard Road**. AP 28, Lot 36, area 57,336+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.92.020 Special Use Permit, 17.24.010F Accessory Family Apartment, 17.88030 Extension of non-conforming use.

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 not increase the overall density, as the Zoning Code's definitions (Sec. 17.040.030) limits the sole use of an accessory family apartment to one or more members of the immediate family, and does not need to have a separate means of ingress and egress; therefore, the application is consistent with, and will not impair the intent or purpose of the Comprehensive Plan's Future Land Use Map, which calls for less than 1 residential unit per acre for this area.
2. Sec. 17.24.010 F.4. of the Cranston Zoning Code states that dwellings containing accessory family apartments shall retain the appearance of a single family dwelling with no major structural alterations to the exterior, and shall have no additional external entrance that faces a street. This application proposes to construct a 22' x 30' addition on the right side of the house. The addition will have a common interior door to the den of the main dwelling, and an exterior door on the side of the addition. The new exterior door is not visible from the street.
3. The primary dwelling will contain 2,882 +/- sq. ft. of living space. By ordinance, 25% of the main living area may accommodate an accessory family apartment to a maximum of 600 sq. ft. 25% of the proposed total living space would be 720 sq. ft., which exceeds the maximum allowed.
4. The first floor of the proposed 21' x 30' addition contains 630 sq. ft., which exceeds the maximum area allowed for an in-law by 5%. A 20' x 30' addition would meet the Zoning Code requirements.
5. In October 2000, the applicant received a variance to construct a horse barn 43 feet away from the main house. The proposed addition will be located within 20 feet of the barn. Verification from the health department should be obtained for the setback distance.

6. It is not known whether the existing septic system (ISDS) is designed for the additional bedroom. The applicant proposes to connect to the new City sewer line located on Pippin Orchard Road.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission voted to recommend *approval* of this application with the following conditions:

1. Reduce the size of the addition to 20' x 30' in order to meet the Zoning requirement of 600 sq. ft. for the accessory family apartment.
2. Verification from the Rhode Island Department of Health that a 20' setback from the existing barn is acceptable.
3. 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
4. Approval from DEM, ISDS, for the additional bedroom, or verification from the Public Works Department that connection to the City sewer at this location is feasible.

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

PATRICIA RUSSO 152 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a 42' X 20' addition onto an existing legal non-conforming single family home with restricted frontage, front and side yard setbacks on an undersized lot at **152 Pippin Orchard Road**. AP 33, lots 27, area 13,667+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural Alterations.

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 is consistent with and will not impair the intent or purpose of the Comprehensive Plan's Future Land Use Map, which calls for residential use of the property.
2. In September 2006, the Zoning Board of Review denied the applicant's variance request for a 22' x 30' accessory family apartment with attached breezeway.
3. The major part of the proposed addition is 20' x 30', which is only 2 feet narrower than the denied accessory family apartment.
4. The building layout plan submitted does not show the location of any doors or windows for the existing house or proposed addition. No elevation plans for the addition were submitted.
5. The staff questions the possibility for the addition to become an accessory family apartment with the addition of a kitchen in the location of the proposed "sitting room."
6. The existing house has restricted side yard setbacks that are 10.6 feet and 7.4 feet short of the 20' requirement; therefore, the rear addition's proposed 15 ft. setbacks are more conforming than the existing building's setbacks.
7. The proposed 4' x 20' addition on the left side of the house will maintain the existing 12.6' side yard setback.
8. The proposed new deck with a 5' side yard setback, will replace an existing deck with the same setback.

9. The houses to the right and left of the applicant's lot have restricted side yard setbacks similar to, or less than, the proposal.
10. The property has recently been connected to the City's sewer system; therefore ISDS approval for the additional bedroom is not needed.

Recommendation:

Upon motion made by Mr. Guglietta and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *approval* with the following conditions:

1. No exterior doors are to be constructed in the new rear addition. The only access is to be through the new common hallway.
2. 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 including but not limited to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

FACIA JOHNSON 94 LAKE GARDEN DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 10' X 12' +/- bath/bedroom addition to an existing single family home with restricted side yard set back at **94 Lake Garden Drive**. AP 37/2, Lot 337, area 8,018 +/- SF, zoned A-8. 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 Cranston Comprehensive Plan Future Land Use map calls for residential uses to be made of the property and therefore the existing dwelling and proposed addition does not impair its intent or purpose.
2. The proposed addition will be constructed on the left side of the existing house, which currently has a conforming 16.3" side yard setback, where 10' is required in this zone.
3. The proposed side yard setback for the bedroom addition will be 6.24', which is 3.76' short of the required side yard.
4. Analysis using the Cranston GIS indicates that 11 (22%) of the 50 existing structures within the 400' radius zoning notification area have side yard setbacks of less than 9 feet, and 5 of those 9 dwellings have setbacks less than 5 feet.
5. Therefore, the application to build an addition with a 6.24' side yard setback will not alter the character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously voted to recommend *approval* with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances including but not limited

to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

PERFORMANCE GUARANTEES

Glenham Park Phase 3

Pending expiration of Letter of Credit

Mr. Pezzullo explained that the existing Letter of Credit No. S306179 (Amendment 002) with Key Bank in the amount of \$25,000 is set to expire on March 4, 2007. Communication with the Engineering Division confirmed that the planned public improvements have not been completed to the City's satisfaction.

Therefore, upon motion made by Mr. Guglietta and seconded by Mr. Schiappa, the Commission unanimously voted to:

1. Allow extension of the Key Bank Irrevocable Letter of Credit (LOC) No. S306179 (Amendment 002) to March 4, 2008 if an extension is received prior to February 16, 2007; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by February 16, 2007.

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

EXTENSION OF TIME

Oaks at Orchard Valley Estates Phase 5

Preliminary Plan Extension

Correspondence from Attorney Robert Murray, dated January 29, 2007, requesting an extension of the Preliminary Plan approval for 'The Oaks at Orchard Valley Phase 5', which was reinstated by the Planning Commission on February 7, 2007 has been received. Mr. Murray explained that the applicant has been working to present a final plan, which has been complicated by Narragansett Electric Company's (National Grid) request that the applicant re-route the property line so as not to infringe on their existing easement. Given the complexity of the Preliminary Plan Conditions of Approval, the applicant is doubtful that a Final Plan can be submitted prior to February 7, 2007.

Upon motion made by Mr. Guglietta and seconded by Mr. Devine, the Commission unanimously voted to *approve* a one year extension of time subject to the conditions of the Preliminary Plan approval as follows:

1. That the applicant address the various comments from US Filter and receive formal approval for sewer force main tie in from the Public Works Department following final acceptance of the return line and final design capacities and performance standards as defined by Dufresne-Henry. The applicant shall hold the City harmless should any technical deficiency negate availability of said sewer tie in. This would require resubmission with subdivision suitability report for on-site septic systems.
2. Applicant shall provide an emergency access ROW of 40' width, and shall pave same to a width of 24' with construction of the roadway. Reconfigure lots 12 and 13 to accommodate location of houses on lots adjacent to the ROW to provide adequate setback from the ROW

should the ROW be deemed necessary for a future "road". Applicant also agrees that neighboring property owner (DiFazio) may have use of the ROW for his personal vehicles.

3. Applicant shall make minor revision in cul-de-sac design on Arbor Circle per City Engineer's requirement.
4. Receipt of crossing easement from the Providence Water Supply Board.
5. Performance Guarantee of \$650,000.
6. Administrative Review fee of \$16,320.00.
7. Capital Facilities Development Fee of \$30,569.00.
8. Western Cranston Water District Fee of \$29,744.00.

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

MISCELLANEOUS

First Draft Capital Budget

Mr. Rhodes explained that this is the first draft of the 2007-2012 Capital Budget and Improvement Plan. At his request, representatives from the Fire, IT and Library Departments were in attendance.

Assistant Fire Chief James Gumbley gave a line-by-line presentation of the Fire Department's budget requests, accompanied by photos displaying the gravity of the Fire Station repairs needed. The photos reiterated drainage problems, leaking pipes and the need for paved parking at Station No. 5 (Oaklawn Avenue). As Station No. 3 (Dyer/Cranston Streets) was built in the 1930's, a 7,500 sq. ft., two-bay addition is needed to accommodate today's larger fire apparatus. Station No. 3 is also in dire need of brick re-pointing as moisture is leaking through the walls, the basement stairs are rotting, and the apparatus floor needs repaving. Station No. 6 has a leaking roof, a 4" gap in the floor due to the building settling and is in need of driveway repaving. Station No. 1 (Park Avenue), also a 1930's era building, is in need of electrical updating and structural work as well. Station No. 4 has a leaking roof, and the carpet has been in place since the building was constructed in 1974.

In regard to Capital Budget Fire Department Item No. 3; 'Fire Alarm Dispatch Upgrades', Fire Alarm Superintendent Terry Brennan stated that the current equipment is dated. The equipment proposed would allow up to four dispatch counters, resulting in more efficient dispatch and faster response.

In regard to Capital Budget Fire Department Item No. 4; 'Apparatus', Assistant Fire Chief Gumbley explained that it usually takes up to one year from the time apparatus specifications are drawn to actually receiving the vehicle. Regarding Capital Budget Fire Department Item No. 6; 'New Fire Station: Western Cranston', Assistant Chief Gumbley stated that response time to the western-most part of the city is in excess of 10 minutes.

Capital Budget Fire Department Item No. 7; 'Fiber Optic Cable Installation', was addressed by both Superintendent Brennan and Maria Giarrusso of the IT Department. Superintendent Brennan stated that this proposal would cover radio and data circuits, etc. The project is 30% complete, and the funding to complete this project would result in significant savings to the City rather than continuing to pay a third party for this service. This Fiber Optic Cable would build the wireless infrastructure for various other City Departments as well; such as the Police and Public Works Departments. The line layout provides for no loss of communication as the lines are looped. Ms. Giarrusso reiterated the return on this worthwhile investment would result in

hundreds of thousands of dollar's savings, as well as improvement in the quality of service, security and control the City will have.

Assistant Fire Chief Gumbley explained that Capital Budget Fire Department Item No. 8; 'Emergency Improvements to Shelters', would provide for analysis of the amount of wind sustainability the existing City shelter roofs can withstand and to re-roof and update generators where needed. Based on the results of the analysis, it is possible that shelter locations may change to other school locations. Fire Chief Richard Delgado informed the Commission that the structural integrity of the shelters must be determined before the shelters can be Red Cross certified.

In closing the Fire Department presentation, Fire Chief Delgado stated that the same station repairs have been requested since 1989; the buildings are aging and desperately need repairs and additions to accommodate the vehicles. He asked that the Commission consider as much funding as possible for these much needed renovations.

Commissioner Guglietta stated that the Fire Department testimony was extremely helpful in determining what is needed, and he is in support of these necessary repairs.

IT Department representative Maria Giarrusso addressed that department's requests, specifically the 'Work Management System', explaining that the system schedules all types of work as well as providing the cost, length of time to complete the tasks, can track complaints, schedule inspections and manage documents; virtually creating a work history, and can be used for all departments. She explained that the \$75,000 request will be funded from the Stormwater Drains account. The remaining IT Department requests will be funded by bonds.

Library Director Dave Macksam explained the Library Departmental requests. He stated that \$900,000 of the proposed \$1,694,500 request for a new Arlington Branch library was approved by the voters last September. \$544,500 has been awarded in Congressional Bonds, \$70,000 in grants has been awarded from the Library Organization and \$150,000 in CDBG grants as well. Mr. Macksam further stated that analysis has been done to determine what work is needed to bring each library branch up to Fire Safety Code Compliance and the amounts requested are reflective of the cost.

Councilwoman McFarland stated that some library funding will be accomplished by "bonding out" some of the requests. Regarding the Police Department requests, she noted that furniture and equipment costs for the new police station will have extra funds, however, those funds should not be used for the purchase of exercise equipment for the department.

At this point Mr. Rhodes stated that he is trying to establish a record of what projects have been completed and what has happened with funding approved in previous budgets. He asked the various department directors to provide such information. He also mentioned that the School Department submission was much improved this year. The requests are listed by facility.

Mr. Rhodes explained that March 15 is the deadline for Capital Budget submittal, however, a submittal will be provided for the March 6 Planning Commission meeting. At this time Councilwoman McFarland praised the Planning Department for their work on the Capital Budget presentation.

Comprehensive Plan

Mr. Rhodes explained that a second draft of the Comprehensive Plan was received the week of the January Planning Commission meeting. He stated that he spent considerable time reviewing the Future Land Use Map and section, and much more revision is needed by The Cecil Group.

Recreation and Industrial Performance Committees appointments

Upon motion made by Chairman Petit and seconded by Mr. Rossi, the Commission unanimously voted to elect Commissioner Stephen Devine to the Recreation Performance Committee.

Upon motion made by Chairman Petit and seconded by Mr. Guglietta, the Commission unanimously voted to elect Commissioner Charles Rossi to the Industrial Performance Committee.

Voting Aye: Chairman Petit, Mr. Guglietta, Mr. Devine, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland.

Hiring Update

Chairman Petit thanked Mr. Devine and Councilwoman McFarland for their participation in the Planning Director hiring process. Mr. Petit stated that a decision would be finalized tomorrow. As Mr. Schiappa has announced his resignation from the City, Mr. Petit thanked them both for their dedicated service to the City and the citizens of Cranston.

Acting Director

Upon motion made by Mr. Guglietta and seconded by Mr. Rossi, the Commission unanimously voted to appoint Senior Planner Lynn Furney to the position of Acting Planning Director until such time that a permanent director is hired.

Voting Aye: Chairman Petit, Mr. Guglietta, Mr. Devine, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland.

Communication of Former Chairman

Former Planning Commission Chairman William Guglietta thanked the Commissioners for their service on the Commission during his tenure, thanking the City Solicitor, Vito Sciolto, for his guidance during some of the deliberations that have taken place. As this is Planning Director Jared Rhode's last meeting as well, he praised Mr. Rhodes for his dedication and professionalism and wished him well in his new position.

ADJOURNMENT

Upon motion made by Mr. Guglietta and seconded by Mr. Rossi, the Commission unanimously voted to adjourn at 11:17 p.m.

NEXT MEETING

Tuesday, March 6, 2007 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary

