

## **MINUTES**

**February 7, 2006**

Vice Chairman Paul Petit called the Planning Commission meeting to order in the Cranston High School East Auditorium at 7:18 p.m. The following Commission members were in attendance:

William Guglietta, Esq., Chairman (7:37 p.m.)  
Paul Petit, Vice Chairman  
Paula McFarland, Councilwoman  
Jerome Baron, Finance Director  
Marco Schiappa, P.E., Public Works Director  
Stephen Devine  
Charles Rossi

Also attending were:

Jared L. Rhodes II, Planning Director  
Jason M. Pezzullo, Principal Planner  
Lynn Furney, Senior Planner  
Constance Daniels, Associate Planner  
Vito Sciolto, Esq., Asst. City Solicitor  
J. Resnick, Senior Clerk

The following members of the public attended:

K. MacArthur Coates  
Richard Bourbonnaise  
Joseph Cannistraci, Sr.  
Kevin Murphy  
Norm Lagasse

John Bolton, Esq.  
John DiBona, Esq.  
Hai Nguyen  
Edward DiNucci  
Chris Cockerill

Joe Manera, Esq.  
Robert Murray, Esq.  
K. Joseph Shekarchi  
Frank DeBellis

## **MINUTES**

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to approve the minutes of the January 10, 2006 meeting.

## **ORDINANCE COMMITTEE ITEMS**

Ordinance #1-06-2 – Authorizing the Purchasing Agent to sell property located at Oaklawn Avenue

Planning Director Jared Rhodes gave a brief explanation of the recently drafted ordinance that would allow the sale of AP 11, Lot 3583 to Amalgamated Financial, an entity of Carpiionato Properties. The sale of this property would allow for an access roadway for a proposed cabana at the existing Chateau Chatillion apartment complex.

Discussion ensued regarding correct reference of the parcel. As mentioned in Mr. Rhodes February 3, 2006 memorandum which is included in these minutes, the Ordinance specifies that the City will be selling a portion of Plat 11, Lot 1354 to Carpiolato Properties, however, the City's Title Cards indicate that Lot 1354 is already owned by a Carpiolato entity. Analysis using the City's GIS System in comparison with the meets and bounds description provided with the ordinance indicates that the correct reference should be Plat 11, Lot 3583. This lot is owned by the City and directly abuts Lot 1354.

Mr. Devine mentioned the possibility of additional RIDOT drainage structures being located on the site and asked that appropriate guarantees be provided for RIDOT's continued access to any such structures.

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 recommend *approval* of Ordinance No. 1-06-2 subject to the following:

1. Verification that the ordinance references the appropriate lot number (3583 vs. 1354).
2. Confirmation that any easements, claims or other rights that the Rhode Island Department of Transportation (RIDOT) may have on the property will not be affected by the transfer of ownership.

Aye votes: Mr. Petit, Mr. Schiappa, Mr. Devine, Mr. Rossi and Mr. Baron. Councilwoman McFarland abstained. Mr. Guglietta was not present at the time of the vote. There were no nay votes.

In addition, please note that this recommendation was made in light of the staff report submitted by the Planning Director, dated February 3, 2006 (see attached), correspondence of the Public Works Director, dated April 22, 2005 (see attached), concerns raised by Commissioner Devine regarding the possibility of RIDOT drainage structures being located on the subject parcel, and testimony of the applicant's attorney, Mr. John Bolton.

## **SUBDIVISION AND LAND DEVELOPMENT PLANS**

### **Chapel View – Minor Amendment**

Mixed Plan District  
Sockanosset Crossroad

Mr. Rhodes presented the staff memorandum and Findings of Fact, dated February 7, 2006, which is attached and made part of these minutes. He indicated that the applicant is seeking approval for minor alterations to the Mixed Planned District approval granted to the Chapel View project by the City Council and recorded on Plat Card #714. The minor alterations specifically include:

- **Building A-2** – conversion of the basement level of the northerly connector building to underground parking with a separate driveway entrance and the resulting traffic flow, parking and landscaping modifications necessitated by the driveway provision.
- **Building A-3** – conversion of the basement level under the western end of the building to underground parking with a separate driveway entrance and the resulting traffic flow, parking and landscaping modifications necessitated by the driveway provision.

The proposal will add 26 underground parking spaces dedicated to condominium owners. Mr. Rhodes stated that the proposal has received the approval of Kerry Anderson, City of Cranston Building Official, and Mr. Schiappa, Public Works Director; who concur that the proposed modifications constitute a minor change. Mr. Rhodes stated that the proposal has received the

approval of the Cranston Historic District Commission and the Rhode Island Heritage and Preservation Commission.

Mr. Bolton, attorney for the applicant, Amalgamated Financial, concurred with the Findings of Fact as presented by Mr. Rhodes and stressed that the applicant is not proposing to increase the approved square footage and that the proposed underground parking is strictly to accommodate the condominium residents.

There being no further testimony the Planning Commission moved to a vote.

Upon motion made by Councilwoman McFarland and seconded by Mr. Baron, the Commission unanimously voted to adopt the following Findings of Fact and *approve* the addition of below grade parking within the northerly A-2 connector building and westerly portion of the A-3 building, as shown on the submitted plan entitled "Chapel View Amended Mixed Use Development Plan".

#### Findings of Fact

1. The proposed alterations are "minor" in that they do not alter the approved land use mix or density of the project; allow minor changes in location, orientation and/or design of parking facilities; do not decrease the total number of parking spaces available; and allow changes in landscaping materials, lighting plan and citing of pedestrian and accessory facilities as made necessary by other approved alterations.
2. The proposed minor alterations have been reviewed and approved by applicable state and local entities including the Cranston Department of Public Works, Local Historic District Commission and the Rhode Island Historical Preservation and Heritage Commission.
3. The proposed minor alteration will not add any additional square footage of retail, office or residential space.
4. The proposed minor alterations will contribute to the viability of the site as mixed use planned development.

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

#### **West Auburn Park Replat – Preliminary Plan**

Minor Subdivision with no street creation

Lambert and Pershing Streets

AP 6/2, Lots 1812, 1813 and 1814

Chairman Guglietta gave a brief introduction of this proposal to replat three non-conforming lots of record, totaling 9,600 sq. ft., into two new non-conforming lots. The two resulting lots would have 4,800 sq. ft. of area and 60 ft. of frontage. The existing single family home located at the corner of Pershing Street and Lambert Street would remain on the reconfigured 4,800 sq. ft. lot, and the second lot is proposed for future development.

Mr. Joseph Shekarchi, owner and applicant, introduced his planning consultant, Mr. Edward Pimental. Mr. Pimental presented a detailed report, which is attached and made part of these minutes, in which he presented his case as to why the subdivision should be approved.

No public testimony was offered.

Mr. Rhodes then presented the staff memorandum, dated January 10, 2006, which is attached and made part of these minutes. He indicated that the area is zoned A-6, which allows single family homes on 6,000 sq. ft. lots with 60 ft. of frontage, that the average residential density within 400 feet of the subject parcels is one dwelling unit per 4,136 sq. ft. He further indicated that 12 of the 16 residentially developed parcels within the subject block are situated on 3,200 sq. ft. lots

with 40 ft. of frontage. He also stated that properties within 200 feet of the subject parcel on the same side of the street have an average lot size of 3,520 sq. ft. with 52 ft. of frontage. He explained that this area was developed prior to the adoption of present zoning regulations. He stated that the proposal is consistent with the neighborhood however, it will not comply with the Cranston Zoning Code. Therefore, the staff recommends denial.

Councilwoman McFarland stated that existing record lots 1813 and 1814 both have existing street laterals, eluding to the fact that when the plat was created, more than one home was planned for. Mr. Rhodes supported the councilwoman's observation.

Chairman Guglietta, in referencing RIGL 45-24-41, stated that it is his interpretation that the physical characteristics of this property are clearly a hardship for the property owner and that the owner is not seeking to realize greater gain. He stated that the proposed subdivision is consistent with the neighborhood and mentioned that eight of the nine findings of fact documented in the staff memorandum, referenced above, are positive findings.

There being no further testimony, the Planning Commission moved to a vote.

Upon motion made by Mr. Guglietta and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Minor Subdivision subject to the condition denoted below.

#### Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius were notified via first class mail on December 19, 2005 and the meeting agenda was properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since street extension is not proposed.
2. The proposed subdivision and its resulting density of 9.1 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 units per acre".
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. 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.
5. The property in question has adequate permanent physical access on Pershing Street, an improved public roadway located within the City of Cranston.
6. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, for a suitable building site, and for preservation of significant cultural, historic or natural features that contribute to the attractiveness of the community.
7. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.
8. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
9. The proposal is consistent with the City of Cranston Zoning Code requirements for the granting of variances:
  - a. The proposal will not alter the general character of the neighborhood.
  - b. The applicant suffers a hardship due to the unique characteristics of the land.

- c. The amount of relief requested is reasonable given the surrounding development pattern.
- d. The request is not driven by the desire of the applicant to realize a greater financial gain.
- e. Denial would result in more than a mere inconvenience.

#### Condition of Approval

1. Payment of \$593.46 Capital Facilities Impact Fee at the time of recording.

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

#### ZONING BOARD OF REVIEW ITEMS

**STONE DEPOT MARBLE AND GRANITE INC 387 WASHINGTON STREET WESTWOOD MA 02909 (OWN/APP)** have filed an application for permission to erect a freestanding changeable copy sign at **940 Wellington Ave.** AP 5, lot 900, area 36,570+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 (7) Signs.

#### Findings:

1. The proposed 10'- 6" x 5'- 8", two-sided sign's total area is 119.0 sq. ft. The maximum allowable area for a freestanding sign in an M-2 zone is 50 sq. ft.
2. The proposed height for the sign is 29 feet, where a maximum of 15 feet is allowed by ordinance.
3. The applicant's request for these variances is to provide for visibility from Interstate 95 which is across the street from the applicant's property. However, a field check of the property from southbound Rt. 95, reveals that the existing building wall sign is clearly visible.
4. The existing building wall sign is 4' x 11'- 3" which conforms with the maximum area allowed for a wall sign (45 sq. ft. and maximum height of 20 feet).

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend *denial*, as the applicant has not addressed the required criteria for the granting of variances as specified in RIGL 45-24-41.

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

**C & F FAMILY PARTNERSHIP 41 PASCO CIRCLE WARWICK RI 02886 (OWN) AND LAMAR OUTDOOR ADVERTISING 360 WARREN AVENUE EAST PROVIDENCE RI 02914 (APP)** has filed an application for permission to build a 57' high 14' x 48' double sided billboard at **780 Wellington Avenue.** AP 5/2, lot 2429 & 2654, area 69,400+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 (K) Billboard Signs, 17.116.030 Limitation on Successive Petitions.

#### Findings:

1. A similar request for a 14' x 48' billboard , 70' high, was denied by the zoning board in June 2005.
2. Findings of fact in the Zoning Board's decision included:
  - *The design of the billboard, as concerns the proposed height of 70ft., and the proposed surface area of 672 S.F., will alter the general character of the surrounding area.*

- *The hardship from which the applicants seek relief is not due to the unique characteristics of the subject land, since the Zoning Board believes a billboard consistent with the allowed height of 25 ft., and the allowed surface area of 500 S.F. is in fact feasible in the circumstances.*
  - *The alleged hardship, in part, is the result primarily from the desire of the applicants to realize greater financial gain, to the extent that the testimony certainly indicated that the desired greater height, and the desired greater surface area, were both in conjunction with the applicant's goal to make the proposed billboard more attractive to advertiser purchasers, and consequently more lucrative.*
  - *The proposed billboard height of 70', along with the proposed billboard surface area of 672 S.F., indicates that the requested relief is not the least relief necessary.*
  - *The hardship suffered by the applicants, if the requested dimensional variance is not granted, does not amount to more than a mere inconvenience, and accordingly, for all of the reasons set forth above, the applicants did not meet the requirements of the City of Cranston Code 17.92.010 Variance.*
3. Although the proposed height of the billboard has since been lowered by 13', the applicant has not otherwise addressed the remaining findings documented under #2 above. The proposed height of 57' is 125% higher than the maximum 25' height allowed by ordinance in an M-2 zone.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend *denial*, as the applicant has not fully addressed the required criteria for the granting of variances as defined by RIGL 45-24-41.

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

**K JOSEPH SHEKARCHI AND KEVIN MURPHY 33 COLLEGE HILL ROAD #15 E WARWICK RI 02886 (OWN/APP)** have filed an application, pending minor subdivision approval, for permission to leave an existing legal non-conforming single family dwelling with restricted front and corner side yard set back on a proposed 4800+/- SF undersized lot [parcel B] and build a new 30' X 40' two story single family dwelling with a 5' X 40' covered porch and a 12' X 16' rear sun deck on the abutting 4800 +/- SF undersized lot [parcel A] at **53 Pershing Street..** AP 6/2, lot 1812, 1813 and 1814, area 9,600+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots of Record.

Findings:

1. The average residential density within 400' of the subject parcels is 1 dwelling unit per 4,136 sq. ft.
2. Twelve out of sixteen of the residentially developed parcels within the subject block are situated on 3,200 sq. ft. lots with 40' of frontage.
3. Those properties within 200' of the subject parcel on the same side of the street have an average area of 3,520 square feet and 52' of frontage.
4. The frontages on both proposed lots conform to the 60' minimum required by ordinance.
5. The proposal is consistent with the City of Cranston Zoning Code requirements for the granting of variances:
  - a) The proposal will not alter the general character of the neighborhood.
  - b) The applicant suffers a hardship due to the unique characteristics of the land.
  - c) The amount of relief requested is reasonable given the surrounding development pattern.
  - d) The request is not driven by the desire of the applicant to realize a greater profit.
  - e) Denial would result in more than a mere inconvenience.

Upon motion made by Mr. Guglietta, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend *approval* of this application.

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

**TACO INC 1160 CRANSTON STREET CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 63,000+/- SF addition to an existing manufacturing building with restricted front yard set back at **1160 Cranston Street**. AP 7/4, lot 3215, 2624, 3190, 2623, 3195, 3194, 2625, 2622, 3141, 2358, 3187, 3735, 3215, 3738, 3737, 3793, 3736, 2346, 3744 area 241,907+/- SF, zoned C-5 and M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 B Off-Street Parking.

Findings:

1. The existing Taco facility covers approximately 75% of lot #3125. The proposed addition will result in a combined lot coverage of 74%, an improvement of 1%.
2. The proposed addition will extend the Cranston Street and Carlsbad Street setback distances of the existing building.
3. The applicant is providing 366 parking spaces on property which they own; whereas, the code only requires the applicant to provide 305.
4. The application also requires an additional variance for the proposed 300' curb cut, which is to be located on Field Street. Provision of this curb cut will allow Taco to relocate the loading docks currently located on the opposite side of the building, thereby alleviating the traffic concerns that are presented through their use.
5. The application conforms to the numerous elements of the comprehensive plan, including the Future Land Use Map and economic development element, which focuses on protecting and growing the city's manufacturing base.

Upon motion made by Mr. Rossi, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend *approval* of this application. The applicant has demonstrated to the Planning Commission's satisfaction, conformance with the criteria for granting of variances as put forth by RIGL 45-24-41; specifically:

- a) The proposal will not alter the general characteristics of the neighborhood or impair the intent or purpose of the Comprehensive Plan.
- b) The applicant suffers a hardship due to the unique and obsolete characteristics of the existing structure.
- c) The amount of relief requested is reasonable given the surrounding development pattern.
- d) The request is not driven solely by the desire of the applicant to realize a greater profit.
- e) Denial would result in more than a mere inconvenience.

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

**JOSEPH AND DENISE CANNISTRACI 10 BROOKDALE STREET CRANSTON RI 02921 (OWN/APP)** have filed an application for permission to build a 26' x 18' one story addition to an existing legal non-conforming single family dwelling at **56 Eddy Street**. AP 10/2, lot 11, area 19,300+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.070 More than One Structure on Any Lot Prohibited.

Findings:

1. There are two legal non-conforming residential structures on the lot - a two family fronting on 54 Eddy Street built in 1920, and a single family ranch behind the two family, built by variance in 1966.
2. A shed and portion of an existing garage will be removed to accommodate the proposed addition to the single family, which meets all required yard setbacks.
3. The variance request 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.
4. The hardship is not the result of any prior action of the applicant, and does not result primarily from the desire of the applicant to realize greater financial gain.

Upon motion made by Councilwoman McFarland, seconded by Mr. Baron, the Planning Commission unanimously voted to recommend *approval*, as the proposed addition meets all required setbacks. The nonconforming structures are otherwise legal.

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

**PASQUALE DEBELLIS 46 TILDEN STREET CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a new raised ranch style single family home with restricted rear yard set back on **Tilden Street**. AP 12/2, lot 779, area 11,071+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings:

1. The applicant's property has the required area and frontage; however, the triangular shaped lot cannot accommodate a 24' x 44' house within the required rear yard setback. (2200 sq. ft. total living space) The proposed rear yard will be 10.29', where 20 ft. is required. The proposed attached garage meets the required rear yard setback.
2. The hardship from which the applicant seeks relief is due to the unique characteristics of the property, and not to the general characteristics of the surrounding area. A two story house that would be able to fit within the required setbacks could be 20' deep x 22' wide, attached to a 16' deep x 22' wide wing. (1584 sq. ft. of living space) The attached garage could remain in the proposed location.
3. The applicant created the lot by an administrative subdivision, recorded in July, 2005, which clearly showed the building setback lines for the new lot.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend *denial*, as the applicant has not addressed the required criteria for the granting of variances as put forth by RIGL 45-24-41.

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

Staff Note: A house with a smaller footprint could be accommodated.

**MARIPOSA HOLDINGS LLC 50 LIBERA STREET CRANSTON RI 02920 (OWN) AND DOMESTIC BANK 815 RESERVOIR AVENUE CRANSTON RI 02910 (APP)** have filed an application for permission to request that the Zoning Board reconsider a single condition imposed at the March 10, 2004 meeting, specifically, no more than 50 employees occupy the premises at one time at **50 Libera Street**. AP 12/4, lot 3139 & 3140, area 56,305+/- SF, zoned M-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity and 17.64.010 (P) Off-Street Parking.

Findings:

1. The total building area, 25,033 sq. ft. would require 100 parking spaces.

2. The proposed off-street parking lot provides 52 spaces.
3. The Planning Commission's recommendation for Approval in March 2004, included a condition that the Zoning Board place a limit on the number of employees for the building, because of the limited number of parking spaces. The Zoning Board accepted the recommendation.
4. The applicant did not come forward to offer testimony as to why the condition in question should be reconsidered.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend that the Zoning Board maintain its original condition, which limits the number of employees to 50 at any one time, so that the industrial road is not burdened with overflow parking from the applicant's business.

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

**DAVID AND SANDRA LAPATIN 164 CARDINAL ROAD CRANSTON RI 02921 (OWN/APP)**

have filed an application for permission to build a 20' x 30' master bedroom addition to single family dwelling with restricted corner side yard set back at **164 Cardinal Road**. AP 24, lot 117, area 20,226+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

**Findings:**

1. The property received a variance from the Zoning Board in February 2003, for a similar addition with a restricted front yard setback of 12.5 ft. The addition was not constructed.
2. The Planning Commission recommended approval in February 2003, with the condition that the addition maintain a minimum 17' corner front yard setback.
3. The proposed 20' x 30' addition will contain a 17' x 20' bedroom, a 10' x 13' walk-in closet, and a 10' x 13' bathroom.
4. The required front yard setback from Silver Creek Dr. is 30 feet; the proposed addition will have a 12.9 ft. setback, which is 17.1 ft. short of what is required by ordinance.
5. Silver Creek Drive is a dead end, and currently does not extend beyond the applicant's property.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend that the Zoning Board reaffirm their 2003 recommendation for approval with the following conditions:

1. Reduce the size of the addition to maintain a minimum 17' corner front yard setback. This still allows the addition to contain a 15' x 17' bedroom. The staff recognizes that the 140 acre parcel abutting the applicant's property can be developed in the future, and the existing dead end will be a through street, requiring corner visibility for through traffic.
2. Obtain an ISDS approval (System Suitability Certificate) from the DEM for the additional bedroom.

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

**PERFORMANCE GUARANTEES**

**Pine Ridge Estates**

The Planning Director presented the content of his staff memorandum which included the following: The developers of Pine Ridge Estates submitted a formal written request for a bond reduction for their existing Letter of Credit No S901459, Amendment No. 001, issued by Citizens Bank on March 22, 2005. This request was transmitted to Mr. Walter Skorupski, Engineering

Division, for review and recommendation. Mr. Skorupski responded in correspondence, dated February 1, 2006, recommending a reduction in the performance guarantee from \$253,000 to \$151,000.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Planning Commission unanimously voted to *reduce* the bond amount from \$253,000 to \$151,000. In addition, the Commission formally advised the applicant that the current Letter of Credit is set to expire on April 9, 2006. The Commission will authorize the City, at their March 7, 2005 meeting, to draw down the account prior to its expiration unless a formal extension is provided.

Aye votes: Mr. Petit, Mr. Devine, Mr. Rossi, Mr. Baron, Mr. Schiappa and Councilwoman McFarland. There were no nay votes. Chairman Guglietta was absent from the room at the time of the vote.

### **Glenham Park**

Mr. Robert Murray, attorney for the applicant, WFD Associates, provided correspondence that Key Bank recently approved the renewal of the three existing LOC's, which should be received by the Planning Department by February 21, 2006. They are as follows:

LOC # S311111 in the amount of \$71,000.00 to expire on November 30, 2006  
 LOC # S311110 in the amount of \$85,105.00 to expire on November 30, 2006  
 Renewed LOC# S306179-Amendment 002 in the amount of \$25,000.00  
 to expire on March 4, 2007

However, in the event that Mr. Murray is unsuccessful in securing these extensions, the Planning Commission, upon motion made by Mr. Devine and seconded by Mr. Baron, voted to authorize the withdrawal of these funds prior to the March 4, 2006 expiration deadline and to authorize extension of the new guarantees should they be received on time.

Voting aye: Mr. Guglietta, Mr. Baron, Mr. Schiappa, Mr. Rossi, Mr. Devine and Councilwoman McFarland. There were no nay votes. Mr. Petit recused himself.

### **Pennrose Condominiums**

The Planning Director presented the content of his staff memorandum which included the following: Phase II of Pennrose Condominiums consists of one single family residential lot that required roadway extension. On January 10, 2006, the Planning Commission approved a reduction in the performance guarantee amount for this project, from \$44,000 to \$10,000. Through this process it became evident that the applicable performance guarantee, which is Bank RI Letter of Credit No. D8180, was set to expire on March 2, 2006. As a result, the developer has secured an extension of this LOC through June 30, 2007.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Councilwoman McFarland, seconded by Mr. Devine, the Planning Commission unanimously voted to *extend* the recently reduced (January 10, 2006) LOC No D8180 in the amount of \$10,000 to June 30, 2007.

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

### **Cranston Commons Access Road**

The Planning Director presented the content of his staff memorandum which included the following: On December 2, 1998, the Planning Commission required the developers of Cranston Commons Section 3B to construct a secondary access road into the Alpine Estates neighborhood as a condition of approval. Subsequently in May of 2003, Cranston Commons LLC provided the City with a performance guarantee for the construction of this roadway in the form of check No. 300 in the sum of \$17,887.50 which was placed in a City escrow account and remains there to this day. Since that time, however, the City has in fact paid for and constructed the access road which now connects Cranberry Terrace and the Alpine Estates neighborhood to Scituate Ave. via the recently constructed Orchard Farms Elementary School.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to authorize the transfer of the \$17,887.50 from the escrow account to the appropriate city account, to be determined by the Finance Department, as reimbursement to the City for the costs it incurred in constructing the secondary access road necessitated by the development of Cranston Commons Section 3B.

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

### **EXTENSIONS OF TIME**

#### **John Prescott Farms**

The Planning Director explained that a request for a one year extension of time submitted by the property owner, Mr. Prescott Rose, for the preliminary approval granted to "John Prescott Farms" by the Planning Commission on January 4, 2005, was received on January 10, 2006. In view of the fact that the original decision letter was dated and recorded in the Office of the City Clerk on January 14, 2005, the request is considered an extension as opposed to a reinstatement, which would otherwise have been required as preliminary approvals are valid for a period of one year.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Mr. Petit, the Commission unanimously voted to *approve* a one year extension of time to January 14, 2007.

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

#### **Oaks at Orchard Valley**

The Planning Director explained that a request was received by Robert Murray, Esq. on behalf of The Picerne Real Estate Group (see attached) for reinstatement of the preliminary approval granted by the Planning Commission on August 6, 2002 to "The Oaks at Orchard Valley". Mr. Rhodes reviewed the required criteria for the granting of reinstatements, as documented in Section VII.B. Cranston Subdivision Regulations, and made the following findings:

- a. the subdivision is consistent with the Comprehensive Plan, and with the prior approval including all conditions attached thereto;
- b. the Subdivision and Land Development Regulations are substantially the same as they were at the time of original approval;
- c. the zoning of the subdivision parcel is substantially the same as it was at the time of the original approval;

- d. physical conditions on the subdivision parcel are substantially the same as they were at the time of the original approval; and
- e. applicable state or federal regulations are substantially the same as they were at the time of the original approval.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to adopt the above denoted findings and *approve* the request for reinstatement of the subject subdivision in order to allow the applicant sufficient time to finalize the lengthy utility approval process.

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

### **CAPITAL BUDGET**

Mr. Rhodes presented the staff correspondence which outlines the progress to date in developing the '06-'07 Capital Budget. A second memorandum dated, February 1, 2006, details all of planning staff's recommended change and cuts, and a third document outlines the status of '05-'06 Capital requests and progress to date. These documents are attached and made part of these minutes.

Mr. Rhodes stated that he will be meeting with individual department directors to update them on the progress of their requests the week of February 20, 2006. A final draft Capital Budget will be presented to the Commission at the March 7, 2006 Planning Commission meeting prior to submission to the City Council.

### **MISCELLANEOUS ITEMS**

#### **Comprehensive Plan Final Draft**

Mr. Rhodes explained that copies of the draft final Comprehensive Plan should be delivered this week from The Cecil Group. At this time Mr. Kenneth Buckland, project lead of The Cecil Group, is also requesting that the Planning Commission authorize payment of half of the remaining \$11,750 unpaid fee; or \$6,000, at the time of delivery of the draft final Comprehensive Plan.

Given the fact that the final draft Comprehensive Plan has not been received as of this date, Mr. Rhodes suggested that discussion on the requested payment be postponed until the Planning Commissions March 7, 2006 meeting so that the Commission members would have opportunity to read the final draft and will be better able to determine if payment is warranted.

Assuming that the content of the final draft is appropriate, a special meeting will be scheduled in either March or April for Planning Commission adoption. Introduction of an ordinance for City Council adoption will be introduced the following month.

Chairman Guglietta stated that the Commission will review the document for next month's meeting. In their review of the document, Mr. Guglietta asked the commissioners pay special attention to what he has termed "islands in Cranston" where several Comprehensive Plan amendments and zoning variances have been granted. He stated that it is his intent to avoid excessive Comprehensive Plan amendments in the future. Mr. Guglietta also asked that the commissioners carefully consider the use of the old police station on Atwood Avenue.

**DATE AND TIME OF NEXT MEETING**

Tuesday, March 7, 2006 at 7 p.m. at the **Cranston High School East Auditorium**

At this time a special meeting of the Planning Commission is scheduled for Monday, March 20, 2006 at 6 p.m. in the Conference Room of the Cranston Public Library Main Branch on Sockanosset Crossroad. The purpose of this meeting is to discuss the final draft of the Comprehensive Plan.

**ADJOURNMENT**

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

Respectfully submitted,

Jason M. Pezzullo  
Principal Planner/Secretary