

## MINUTES

**January 10, 2006**

Chairman Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:05 p.m. The following Commission members were in attendance:

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

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  
April Costa, Stenographer

The following members of the public attended:

Gregory Ayrassian	Nabil Rashid	Dorothy Horan
Carl Lefkowitz	Jeffrey Davenport	Jeanne Westervelt
Allan Underwood	Carol Davis	Robert Tetreault
Donna Sanita	M.R. Rothberg	William Drexel
Joshua Teverow	Richard Whitten	J. Cardi
Andrew Annacos	John DiBona	

## MINUTES

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Planning Commission unanimously voted to approve the minutes of the December 6, 2005 meeting.

## **ORDINANCE COMMITTEE ITEMS**

Ordinance #11-05-3 Change of Zone - Corner of Park Avenue and Cranston Street

Mr. Rhodes explained that this proposed zone change from C-5 (Heavy Business and Industry) to C-2 (Neighborhood Business) comes at the request of the proposed Cardi Shopping Plaza. He stated that the proposal is consistent with the City of Cranston Comprehensive Plan, which proposes this very action through Map 2-4, which is found on page 72 and titled "Proposed Zone Changes, Atwood Avenue, Park Avenue and Cranston Street. The Planning Commission originally suggested that the applicant pursue this change of zone in October, 2005.

As documented in his staff memo which is attached to and made part of these minutes, Mr. Rhodes did note however that a textual correction was needed in the ordinance.

Attorney John Mancini; representing the applicant; Western Realty, Inc., stated that he will apprise the City Clerk that all textual references within the ordinance to "Assessor Plat" shall be changed to "Zoning Plat" so as to conform to the requirements of 17.080.020 of the Cranston City Code which establishes zoning district boundaries as those shown on the maps entitled "Zoning", City of Cranston, Rhode Island, dated November 30, 1965.

No one from the public came forward to offer testimony on this application.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* of Ordinance #11-05-3.

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

## **SUBDIVISION AND LAND DEVELOPMENT PLANS**

### **Emerald Estates – Revised Master Plan**

#### **Phase I Preliminary Plan**

Major Subdivision with street creation

Scituate Avenue, AP 32, Lot 2

Mr. William Drexel, P.E., explained that the revised Master Plan lots have been reconfigured. Lot 19, which originally had insufficient area, has been reconfigured to conform with the underlying A-80 zone. He stated that the applicant has received a Physical Alteration Permit for the proposed Scituate Avenue road opening, RIDEM Subdivision Suitability approval for Lots 1, 2, 4 and 10 and a RIDEM Freshwater Wetlands Insignificant Alteration Permit.

No one from the public came forward to offer testimony on this application.

Mr. Rhodes then presented the staff memo, which is attached and made part of these minutes. He indicated that the applicant is seeking approval for: 1) Master Plan revisions that reconfigure Lot 19 so as to conform with the underlying A-80 zone, and 2) Phase I Preliminary Plan for three additional building lots, a drainage / utility lot, and one additional lot that will contain the existing single family home.

Mr. Rhodes also recommended that 30 of the proposed Juniper shrubs should be replaced with 30 salt tolerant coniferous trees. He further mentioned that under-drainage is proposed in the hope of lowering the water table and securing RIDEM approval for further subdivision (Phase II).

There being no further testimony the Planning Commission moved to a vote. Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this revised Master Plan and Phase I Preliminary Plan subject to the following conditions noted below.

#### Findings of Fact

1. An orderly, thorough and expeditious review of this Revised Master Plan and Phase I Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return/receipt requested mailing and the meeting agenda has been properly posted. This major subdivision has been properly advertised per Section V.F.3.g of the City of Cranston Subdivision Regulations and appeared in the December 22, 2005 edition of the Cranston Herald.
2. The proposed subdivision and its resulting gross density of approximately .33 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property in question as "Residential" allowing less than one residential unit per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the underlying A-80 single family residential zone.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Revised Master Plan and Preliminary Phase I plans, with all required conditions of approval obtained from the RIDEM.
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 to Scituate Avenue, an improved public roadway located within the City of Cranston. The resulting lots will also have adequate permanent physical access to Emerald Drive.
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 suitable building sites.
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 improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

#### Conditions of Approval

1. Phase II of this development shall require the applicant to submit a new Preliminary application with all pertinent supporting materials and needed RIDEM approvals.
2. Applicant shall address the following concerns of the Public Works Department / Engineering Division prior to Final application:
  - A. The distance between drainage structures shall not exceed 300' on Final Plan.
  - B. Perimeter drains connected to the roadway drainage system shall enter at the manhole or catchbasin.
  - C. A note must be added to the record plan stating: "Any and all perimeter drains shall be privately owned installations and maintenance shall be the responsibility of the developer/owner."
  - D. Detention pond design and construction shall meet all applicable City standards to the satisfaction of the Public Works Department / Engineering Division.
  - E. Applicant shall provide approved water table verification for groundwater elevations for the detention pond located on Lot 10.
  - F. Construction entrance dimensions shall be consistent on all sheets.
  - G. The City will assume responsibility of the roadway upon final inspection and acceptance.
  - H. Maintenance schedule for the roadway shall be consistent with City standards to the satisfaction of the Public Works Department / Engineering Division.
  - I. Final Plan of the Combination Drain Cross Section shall denote the dimension of stone above the pipe.
  - J. Final Plan shall rename sanitary easements as private underdrain easements.
  - K. Final Plan shall include vertical curve data at stations 18 & 93.

L. Applicant shall design Subdrain facilities consistent with Section XII, J, 2 of the Cranston Subdivision Regulations to the satisfaction of the Public Works Department / Engineering Division.

3. The applicant shall replace 30 of the proposed Juniper shrubs with 30 additional coniferous trees on the final landscaping plan.
4. Deed covenants relating to RIDEM Wetland Jurisdiction and limits of disturbance to be provided at Final Plan submittal.
5. Payment of Western Cranston Capital Facilities Impact Fees of \$4,168.50 (\$1,389.50 x 3) at the time of plat recording.
6. Performance guarantee of \$260,000 with a 2% administrative fee of \$5,200 to cover the construction of the proposed new roadway.

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

**Elmwood Gardens Replat – Preliminary Plan**

Minor Subdivision with no street creation

Carman Street

AP 4/2, Lots 2193 and 2195

Ms. Donna Sanita, representing the applicants, Robert E. and Anna D. Tetreault, explained their desire to re-divide their lots, leaving the existing legal nonconforming two-family dwelling on a 6,000 sq. ft. lot and creating one new 6,000 sq. ft. lot for an additional single-family dwelling.

No one from the public came forward to offer testimony on this application.

Mr. Rhodes then presented the staff memo, which is attached and made part of these minutes. Mr. Rhodes explained that the area is zoned A-6 which allows only for single-family homes on 6,000 sq. ft. lots. The existing two-family dwelling requires a minimum of 8,000 square feet in the appropriate zones. The total lot area required for the existing two-family and proposed single-family homes, if appropriately zoned, would be 14,000 sq. ft. as opposed to 12,000 sq. ft. available. Therefore, the existing lots are considered merged in accordance with Zoning Code Regulations 17.88.010 (B).

Staff recommendation is for denial; however, Mr. Rhodes noted that this might be different if the existing two-family dwelling were to revert to a single-family use, thereby bringing the area requirements of the two lots into conformance with the City of Cranston Zoning Code and allowing them to be unmerged and redivided.

When asked by Chairman Guglietta about the possibility of this, Ms. Sanita stated that the applicant was not willing to revert the existing two-family dwelling into a single-family use and stated their preference to keep the structure as a two-family.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Chairman Guglietta, seconded by Mr. Schiappa, the Commission unanimously voted to adopt the following Findings of Fact and *deny* the application.

#### Positive Findings of Fact

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 distributed on December 19, 2005, 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 street extension is not proposed.
2. The proposed subdivision and the resulting density of 10.9 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 impractical.
5. The property in question has adequate permanent physical access on Carmen 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, and for a suitable building site.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
8. The design and location of building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

#### Negative Findings

9. The proposed subdivision promotes high quality appropriate design and construction, and will be well integrated with the surrounding neighborhood but will be inconsistent with the surrounding lot sizes of the four two-family dwelling units located within the city block. Of the four two-family residences located on the block, not including the subject parcels, none have less than the 8,000 square feet that would otherwise be required for such a use. The proposed lot for the existing two-family dwelling unit is 6,000 square feet.
10. The proposal is inconsistent with the City of Cranston Zoning Code's area requirement for two-family dwelling and the A-6 district. The applicant has not demonstrated as specified by the required standards for granting of variances as put forth by RIGL Section 45-24-41 that:

- a. The applicant suffers a hardship due to the unique characteristics of the land.
- b. That the hardship suffered if the dimensional variance is not granted amounts to more than a mere inconvenience.
- c. That the need for the variance is driven by more than the applicants desire to realize a greater profit or gain from the property.

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

### **Stamas/Baptista – Final Plan**

Minor Subdivision with no street extension

Dover Street

AP 7, Lots 2269, 2271, 2272, 2273, 2988 and 3864

Chairman Guglietta gave a brief background of this proposal, which received Preliminary Plan approval with conditions from the Planning Commission on April 8, 2005. On July 21, 2005, the applicant appealed *Condition "a"* of the Planning Commissions approval to the Platting Board of Review, at which time *Condition "a"* was eliminated. The proposal was heard before the Planning Commission again on November 1, 2005, at which time the Commission unanimously voted as follows: 1) to remove *Condition "a"*, and 2) require that the Stamas/Baptista Final Plan submittal be brought back before it, with public notice, for review and consideration.

No one from the public came forward to offer testimony on this application; however Attorney John DiBona, representing the applicant, confirmed the chairman's summary and made himself available to represent the applicant and assist the commission.

Mr. Rhodes presented the staff memorandum, dated January 10, 2006, which is attached and made part of these minutes, and recommended approval of the Final application.

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

#### Findings of Fact

1. An orderly, thorough and expeditious technical review of this proposal has been conducted. Property owners within a 100' radius have been notified via first class mail 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 street extension is not proposed but has been provided at the Commission's request.
2. The proposed subdivision and its resulting density of approximately 9 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future

- Land Use Map which designates the property in question as “Residential”, allowing more than 8 residential units per acre.
3. The proposal is not consistent with the density and frontage requirements of the City of Cranston Zoning Code, however, the relief needed to bring the proposal in compliance was granted by the Zoning Board of Review on April 13, 2005.
  4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the final plan, with all required conditions for approval.
  5. The Platting Board of Review, in its decision of July 21, 2005, have preempted the Planning Commissions original finding made at the Preliminary review stage on April 8, 2005 thereby finding that 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 to Dover 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, for a suitable building site, and for preservation of significant cultural, historic or natural features that contribute to the attractiveness of the community.
  9. 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.

#### Conditions of Approval

1. Capital Facilities Impact Fees of \$2,373.84 (\$593.46 x4) for each additional dwelling unit to be paid at the time of recording.
2. Plan revisions to include correction of Reference Note #2 to include Record Lots 1, 2 and 3.

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

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

Minor Subdivision with no street creation

Lambert and Pershing Streets

AP 6/2, Lots 1812, 1813 and 1814

Mr. Jared Rhodes, Planning Director, informed the Commission that the applicant has asked for a one-month extension of time to continue to work on his proposal.

Upon request for public testimony, area resident Trish McGovern stated that there are currently four vacant properties in her neighborhood. She expressed her concerns that the neighborhood is already too dense and the development of the remaining vacant land will further intensify this condition.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission voted to *approve* the applicant's request for a one month extension of time.

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

### **West Elmwood Replat – Preliminary Plan**

Minor Subdivision with no street creation  
263 and 273 Pontiac Avenue  
AP 6/2, Lots 298, 300, 301 and 302

Nabil Rashid, representing applicants Allan and Jennifer Kevorkian and John S. Simonian, gave a brief explanation of the proposal to replat four existing, non-conforming lots, totaling 24,700 sq. ft., into three conforming lots. The new lot configuration would conform to all applicable zoning requirements for two family dwellings and would range in size from 8,006 sq. ft. to 8,768 sq. ft. and have 60 ft. of frontage each.

No one from the public came forward to offer testimony on this application.

Mr. Rhodes then presented the staff memo, which is attached to and made part of these minutes, confirming Mr. Rashid's presentation and recommending approval.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission voted to adopt the following Findings of Fact and *approve* this Preliminary Plan subject to the conditions 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 the resulting density of 11 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. The proposal is consistent with the City of 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 Pontiac Avenue, 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 improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

#### Conditions for Approval

1. The Preliminary Plan approval shall be contingent upon the applicant obtaining all applicable state and local permits for the connection to existing public utilities.
2. Impact fees shall be paid at the time of building permit given the uncertainty regarding the number of dwelling units that will occupy the site.
3. Coordination with Veolia Water for inspection or installation of needed street lateral and payment of applicable fees prior to issuance of certificate of occupancy.

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

#### **Dydo Estates – Preliminary Plan**

Minor Subdivision with no street creation  
Plaza Street and Midvale Street  
AP 11/4, Lots 2520, 2521 and 2522

The applicant was not present to represent the proposal.

No one from the public came forward to offer testimony on this application.

Mr. Rhodes then presented the staff memo, which is attached and made part of these minutes. Mr. Rhodes gave a brief explanation of the proposal to subdivide the existing 15,349 sq. ft. parcel into two conforming lots in an A-6 zoning district. The property is located at 154 Midvale Avenue. He mentioned that the site contains a derelict foundation that crosses the proposed property lines, and that staff recommends this foundation be removed to alleviate any complications this might cause in the future. Mr. Rhodes then recommended approval of the proposed subdivision.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Minor Subdivision proposal subject to the conditions 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 have been notified via first class mail 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 street extension is not proposed.
2. The proposed subdivision and its resulting density of approximately 5.88 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 unit per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the underlying A-6 single-family residential zone.
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 to Midvale Avenue and Plaza Street, both of which are improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

#### Conditions of Approval

1. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of plat recording.
2. The applicant shall show the removal of the existing building foundation on the Final Plan and physically remove this foundation before a Certificate of Occupancy is issued by the Building Department.
3. Coordination with Veolia Water for installation of needed street lateral and payment of applicable fees prior to issuance of certificate of occupancy.

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

#### **Oak Hill Terrace Replat – Preliminary Plan**

Minor Subdivision with no street extension

Chase Avenue

AP 15/1, Lots 900 and Portion of 668

Mr. Richard Bzdyra, Ocean State Planners, explained the proposal to create a three-lot minor subdivision of the existing 5.72 acre parcel, resulting in two additional single-family building lots. The Woodhaven Condominium Association multi-family development will be left with 5.1 acres. Both new lots will have just over 13,000 sq. ft. of land area and will conform to all applicable zoning requirements. However, the applicant must still appear before the Zoning Board of Review to address conditions placed upon the property in the 1981 Zoning Board of Review decision.

Upon request for public testimony, area resident Jeffrey Davenport, 110 Hill Top Drive, expressed his concerns about drainage, the proposed “pitch” of the land in that area, and the type of curbing proposed. Mr. Bzdyra explained that the contours and grading proposed is such that there will be no impact to existing properties. Mr. Schiappa, Public Works Director, confirmed this from his review of the plans and pointed out the Departments concerns as documented in the Staff Memo.

Mr. Rhodes then presented the staff memo, which is attached and made part of these minutes. Mr. Rhodes explained that this proposal was heard and approved with conditions by the Planning Commission on June 8, 2004, and subsequently denied by the Zoning Board of Review due to the fact that the applicant had not adequately addressed the conditions placed on the 1981 Zoning Board of Review decision which allowed the development of Woodhaven Condominiums. Mr. Rhodes explained that the initial subdivision submission sought to address one of the conditions by incorporating a 40 ft. buffer area into proposed Lot 2. After subsequent denial by the Zoning Board and further consideration, the applicants now propose that the 40 ft. buffer area remain on the

Woodhaven Condominium Association parcel (Lot 3), leaving proposed Lot 2 unencumbered. Mr. Rhodes further explained that the present plan accomplishes this and actually leaves a buffer of approximately 90 ft. between the Woodhaven Condominium buildings and the boundaries of proposed Lot 2. In closing, Mr. Rhodes noted that the applicants will still need to appear before the Zoning Board to positively address the conditions of the 1981 decision prior to the plat receiving a final approval.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa, seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Minor Subdivision subject to the conditions 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 have been notified via first class mail 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 street extension is not proposed.
2. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan. The resulting density on the two newly created lots will be 3.25 residential units per acre which is consistent with the Future Land Use Map designation of "Residential" allowing 4-8 dwellings per acre. The resulting density of the Woodhaven lots will be 9.4 residential units per acre which is consistent with the Future Land Use Map designation of "Residential" allowing more than 8 units per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. The average lot size of the two proposed single-family lots is 13,327 square feet. 8,000 square feet is required in the A-8 zone.
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 to Chase Avenue, 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. 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. 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 improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

#### Conditions of Approval

1. The Preliminary Plan approval shall be contingent upon the applicant addressing all of the applicable conditions set forth by the Zoning Board of Review in 1981 prior to Final Plan application.
2. Payment of Eastern Cranston Capital Facilities Impact Fees totaling \$1,186.92 (\$593.46 per lot) at the time of plat recording.
3. The Final Plan submission shall denote the correct owner of record and reference the appropriate Record Lots in the subdivision title as opposed to the current assessor's lots.
4. Applicant to widen the paved width of Chase Street to conform to the average width of Hilltop Drive and to add curbing to the entire frontage along Chase St.
5. Correction of any Storm water drainage deficiencies along the frontage of said plan. Design of the corrective measures to be approved by the City Engineer.
6. Coordination with Veolia Water for inspection or installation of needed street lateral and payment of applicable fees prior to issuance of certificate of occupancy.
7. Submittal of performance guarantee in the amount of \$8,000 with a 2% administrative fee of \$160.
8. In accordance with the Public Works Department request, a) the proposed curb shall be concentric 10 ft. off the property line, b) there shall be a 1 ½ inch curb to curb overlay of Chase Avenue along the proposed frontage and c) appropriate transition curb at north end of curb installation.

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

#### **Ciccone/Favicchio – Administrative Subdivision**

Claudia Drive – Off Pippin Orchard Road  
AP 35, Lots 39 and 40

Attorney Michael Favicchio, representing property owners Orlando and Rosemarie Ciccone and Lillian Favicchio, explained that the lots in question are legal lots of record that have been held in separate ownership since their creation. The proposal is an Administrative Subdivision, which seeks to shift a common lot line between the two subject parcels of land. Both parcels contain a great deal of wetland area that impacts the owner's ability to construct a home within a suitable building envelope.

No one from the public came forward to offer testimony on this application.

Mr. Rhodes then presented the staff memo, which is attached and made part of these minutes. Mr. Rhodes explained that ordinarily Administrative Subdivisions are not heard by the Planning Commission however, he felt it prudent in this instance due to the expanse of wetlands and the inability of each lot to provide the 80,000 square feet of suitable land required even though the combined area far exceed the 160,000s square feet required by Zoning. He noted that appropriate waivers have been requested, RIDEM approvals received and recommended approval of the Administrative Subdivision.

At this point Mr. Schiappa noted that the proposed shared driveway should be recorded as a cross easement over both parcels A& B.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi, seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the following Findings of Fact and *approve* the Administrative Subdivision subject to the conditions denoted below.

#### Findings of Fact

1. An orderly, thorough and expeditious technical review of this administrative subdivision has been conducted.
2. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan which designates the property in question as “Residential” less than one unit per acre. Resulting density of the subdivision is 0.43 units per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. Assessor’s lot #40 is a pre-existing, legal, non-conforming lot of record, with undersized frontage of 132.24 feet. The subdivision does not alter the frontage for this lot. Assessor’s lot #39 conforms to the standards and provisions of the City of Cranston Zoning Ordinance for area and frontage.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the plan. DEM has issued an Insignificant Alteration Permit for construction on the proposed building lots.
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 to Claudia Drive which is 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. No significant cultural or historic features have been identified on site.
10. The design of the building lots conform to local regulations for mitigation of flooding and soil erosion.

#### Conditions of Approval

1. Set one granite bound at the front property corner between the two lots and one at the rear.
2. Record the subdivision in the Land Evidence Records in the City Clerk's Office within 90 days of the date of this approval.
3. At time of subdivision recording, record a cross easement for Parcels A and B allowing shared use of the proposed common driveway.
4. Record a deed transferring the property that is the subject of the administrative subdivision (19,004 sq. ft.), immediately after the subdivision is recorded.

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

#### **ZONING BOARD OF REVIEW ITEMS**

##### **RICHARD WHITTEN AND LINDA NATALE 87 ARNOLD AVENUE**

**CRANSTON RI 02905 (OWN/APP)** have filed an application for permission to remove an existing 25' X 25' two car garage and build a new 23' X 57' two story structure with a two car garage and artist studio with restricted side and rear yard set back at **87 Arnold Avenue**. AP 2, lot 1741, area 9760+/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

#### Findings:

1. The proposed new garage will be located in the same general area as the previous garage, but will extend an additional 29 feet to the west.
2. The subject property is zoned B-2 and has sufficient area and frontage to support a legally permissible additional dwelling unit/"living space."
3. The studio & loft space as proposed is considered "living space" and therefore the proposed structure is required to provide an 8' side yard setback, and a 20' rear yard setback.
4. The proposal, however, only provides 5' rear and side yard setback, which will expose the abutting properties to a two-story high, 56.75' long and 23' wide building.
5. The proposed building is fairly sizeable and according to staff calculations, will contain a total of 500+/- sq.ft. of garage space and 1,230+/- sq. ft. of studio/living space.
6. The proposed studio/garage could be accommodated within the required setbacks without having to place such a formidable structure so close to the neighboring properties.

At the applicant's request and upon motion made by Chairman Guglietta, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend this application be CONTINUED to the February, 2006, meeting.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. Nay Votes: none.

**JEANNE WESTERVELT AND ALLAN UNDERWOOD 40 CANTON STREET PROVIDENCE RI 02908 (OWN) AND JOSEPH J NATALE 145 FOX RIDGE DRIVE CRANSTON RI 02921 (APP)** have filed an application for permission to build a new 22' x 50' single family dwelling with restricted frontage and side yard set back on an undersized lot at **Assessors Plat 8, Lot 620, 736 Dyer Avenue**, area 3927+/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings:

1. This lot previously contained a single family house with a television store, which was demolished in 1976.
2. A chain of title search of the abutting lots conducted by the planning staff, shows that the applicant's lot was never owned by an abutter, so it stands as an individually owned legal nonconforming lot of record and is not considered merged in accordance with Section 17.88.010 B. of the Cranston Zoning Code.
3. This lot was approved for a single family house by the Zoning Board In October 1987 but the house was never constructed.
4. The current applicant has owned the vacant lot for 17 years.
5. The existing lot has 34.70' of street frontage, leaving side yard setbacks for the proposed 22' wide ranch house 2' short of the required 8' from the south side lot line, and 1.8' short of the required 8' north side lot line.
6. The proposed building meets front and rear yard setbacks.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application as the applicant faces a hardship due to the unique characteristics of the land, is seeking a reasonable amount of relief and has extremely limited options for a legally permissible beneficial use of the property.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. Nay Votes: none.

**ANNA STORTI 12 TACOMA STREET CRANSTON RI 02920 (OWN) AND ANDREW ANNALDO 32 CUSTOM HOUSE STREET PROVIDENCE RI 02903 (APP)** have filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted front and side yard set back on a 4800+/- SF undersized [lot 758] and build a new 24' X 44' two story single family dwelling on the abutting 4800+/- SF undersized [lot 756] at **12 Tacoma Street**. AP 12, lot 756 & 758,

area 9,600+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.88.010 Substandard lots of Record.

Findings:

1. Current tax assessor's records show the house owned by the applicant on lot #758 is a two family, and not a single family as listed above.
2. Although Lot 756 is zoned A-6, allowing single family residences, lot 758 is zoned C-2 thereby making the existing 2 family structure an allowed use.
3. In accordance with the Cranston Zoning Code, this 2 family use however is required to provide 8,000 s.f. of area, whereas approval of this request would leave the existing two family on 4,800 s.f., or roughly 40% short of the required area.
4. Given the above information, and the common ownership of lots 756 & 758 since 1929, the two lots are considered merged in accordance with Section 17.88.010 B of the Cranston Zoning Code.
5. An analysis of the surrounding area also shows that whereas there are 10 single family homes on Tacoma St. averaging 6,640 s.f. per unit; approval of this request would result in an additional single family dwelling on 4,800 s.f. which is 20% short of the 6,000 s.f. required, and 28% short of the average of the existing single family dwellings on the street.
6. The abutting property on Plat 12, lot 755, contains an illegal 2-family use and was therefore excluded from the above analysis.

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to make no specific recommendation on this application.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. Nay Votes: none.

**SUSAN NAHABEDIAN AYRASSIAN 119 TUPELO HILL DRIVE CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build a two car garage and master bedroom, bath and sunroom addition totaling 1267+/- sf with restricted side and rear yard setback at **119 Tupelo Hill Drive**. AP 16/2, lot 413, area 10,549+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. No attorney.

Findings:

1. The front yard addition conforms to the required setback.
2. The proposed rear addition conforms to the side yard setback, but is 10.65 feet short of the required 20 ft. rear yard setback.
3. The proposed side yard setback for the front addition is 1.26' short of the required 10'.
4. The rear area of the addition contains two walk in closets (11' x 7'-6" and 7'-11" x 7'-6") and a 12' x 12' master bathroom.

5. A smaller rear addition measuring 31' x 14' could be accommodated within the setback line.

At the applicant's request and upon motion made by Chairman Guglietta, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend this application be CONTINUED to the February, 2006, meeting.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. Nay Votes: none.

### **EXTENSIONS OF TIME**

#### **Jefferson at Independence Way (Dolben) – Final Approval**

Mr. Rhodes called attention to a request received from Joshua Teverow, Esquire, attorney for the developer, Dolben Company, Inc., for a one year extension of time to complete all improvements under the terms of Paragraph 5 of the Final Approval from the Planning Commission granted on March 31, 2004. Mr. Teverow did attend this meeting but a previous commitment necessitated his early departure.

Mr. Rhodes presented the staff memo which is attached and made part of these minutes and recommended approval for the reasons stated.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to *approve* the applicant's request for a one year extension of time.

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

#### **Testa Carlino Condominiums – Master Plan Approval**

Mr. Rhodes referenced a request received from Mr. Mario Carlino for a one year extension of time. The project currently consists of a 16 unit development, located at AP 12/4, Lots 938-953, at the corner of Atwood and Phenix Avenues. The applicant has indicated that he may be increasing the scope of the project and will amend his Master Plan accordingly.

Mr. Rhodes presented the staff memo which is attached and made part of these minutes and recommended approval for the reasons stated.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Councilwoman McFarland, seconded by Mr. Schiappa, the Commission unanimously voted to *approve* Mr. Carlino's request for a one year extension of time.

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

## **PERFORMANCE GUARANTEES**

### **Pennrose Condominiums Bond Reduction**

Phase II of Pennrose Condominiums consists of one single family residential lot which required roadway extension. Mr. Rhodes stated that on December 14, 2005, the developers, RC Builders, Inc., submitted a written request to reduce their performance guarantee by \$34,000, leaving a balance of \$10,000.

Mr. Rhodes presented the staff memo which is attached and made part of these minutes and recommended approval for the reasons stated.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to *approve* RC Builders, Inc., request for a reduction of their performance guarantee by \$34,000, leaving a balance of \$10,000.

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

### **Pleasant View Replat/DeFusco Letter of Credit Extension**

This plat was recorded on January 28, 2004, and the current performance guarantee, which is Webster Bank Letter of Credit #603300248, is scheduled to expire on January 23, 2006. Webster Bank and the developer have coordinated to secure an extension of the original Letter of Credit to January 23, 2007.

Mr. Rhodes presented the staff memo which is attached and made part of these minutes and recommended approval for the reasons stated.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa, seconded by Mr. Rossi, the Commission unanimously voted to *approve* Mrs. DeFusco's request for an extension of the existing Letter of Credit.

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

### **Wildflower Estates Bond Reduction**

Mr. Rhodes presented the staff memo which is attached and made part of these minutes. In particular he explained that; the Wildflower Estates plat has not been recorded as of this date, that the applicant has constructed many of the improvements required as a condition of approval and is requesting a reduction of the original bond amount of

\$1,102,000; that the improvements have been inspected by Walter Skorupski of the City Engineering Division; and that he concurs with his recommendation to reduce the performance guarantee by \$693,000 to \$409,000.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to *approve* the applicant's request for a bond reduction to \$409,000.

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

### **CAPITAL BUDGET REQUESTS FOR FISCAL YEAR 2006-2007**

Mr. Rhodes presented copies of the Capital Budget Requests that were submitted for Fiscal Year 2006-2007 and noted that a first draft of the Capital Budget will be presented at the next Planning Commission meeting.

Councilwoman McFarland requested a summary of funds approved and actually expended during the last fiscal year.

### **ELECTION OF OFFICERS**

Upon motion made by Councilwoman McFarland, seconded by Mr. Rossi, the Commission unanimously voted to re-elect William Guglietta as Chairperson of the Planning Commission.

Upon motion made by Mr. Guglietta, seconded by Mr. Rossi, the Commission unanimously voted to re-elect Paul Petit as Vice Chairperson of the Planning Commission.

Upon motion made by Mr. Guglietta, seconded by Mr. Rossi, the Commission unanimously voted to re-elect Commissioner Stephen Devine as Liaison to the Recreation Commission.

Upon motion made by Mr. Guglietta, seconded by Mr. Rossi, the Commission unanimously voted to elect Jason Pezzullo, Principal Planner, as Secretary and Administrative Officer of the Planning Commission.

Upon motion made by Mr. Guglietta, seconded by Mr. Rossi, the Commission unanimously voted to reappoint Lynn Furney, Senior Planner, as an Administrative Officer of the Planning Commission.

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

## MISCELLANEOUS ITEMS

### Reappointment of Commissioner Paul Petit

Mr. Paul Petit has been reappointed to the Planning Commission by Mayor Laffey. Chairman Guglietta expressed his appreciation to the administration for Mr. Petits re-appointment and praised his dedication and commitment to serve an additional four years on the Planning Commission.

Mr. Petit thanked the staff and Planning Commission members for their congratulations and stated he looks forward to another term of service on the Planning Commission.

### Zoning Board of Review Items

Chairman Guglietta mentioned that the Commission is likely to have more Zoning Board of Review applications in the coming months similar to those heard at this meeting; i.e., homeowners wishing to remain in the City and expand their homes. He expressed some concern that the Planning Commission provides an advisory recommendation to the Zoning Board of Review without meeting with the applicants. Mr. Rhodes stated that the Zoning Board applicants for the most part do not interact with the Planning Staff prior to the Planning Commission meetings.

Councilwoman McFarland expressed concern that there is no enforcement of the conditions placed upon homeowners once the Planning Commission's decisions are made. In response, Mr. Rhodes noted that this should improve with the city's newly appointed Zoning Officer coming on Board.

### Ethics Commission

Mr. Guglietta informed the commission member of his and the Planning Directors recent meeting with staff of the ethics commission. In response to the commission's questions as to the recusal criteria and what constitutes a neighbor, Mr. Guglietta reported that in most cases, the Ethics Commission finds that a commission member should recuse themselves, or at a minimum request an advisory opinion, when he/she owns property within the notification radius (neighborhood), or is presented with application of family members or business associates.

## DATE AND TIME OF NEXT MEETING

Due to City Hall elevator repairs, the February and March Planning Commission meetings will be held in the Cranston High School East Auditorium. The next Planning Commission meeting is scheduled for February 7, 2006, at 7 p.m. in the **Cranston High School East Auditorium.**

## **ADJOURNMENT**

There being no further business, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to adjourn at 10:05 p.m.

Respectfully submitted,

Jason Pezzullo  
Principal Planner/Secretary