

MINUTES

January 6, 2009

Chairman Paul Petit called the Planning Commission Meeting to order at 7:10 p.m. in the City Council Chamber. He welcomed newly appointed Commissioner, Michael Smith, and Assistant City Solicitor, Stephen Marsella, to the Planning Commission.

The following Commission members were in attendance:

Paul Petit, Chairman
Anthony Sylvia, P.E., Public Works Director
Mr. Rossi
Mr. Moran
Mr. Cicerone
Mr. Smith

Also present were:

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

Please refer to the meeting sign-in sheets for those members of the public that attended.

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Moran, the Commission unanimously voted to *approve* the minutes of the December 2, 2008, Planning Commission Meeting.

ORDINANCES

Ordinance 11-08-1 In Amendment of Chapter 17.12 of the Code of the City of Cranston, 2005, Entitled "Zoning" Historic Districts (Pawtuxet Village Historic District)

Ordinance 11-08-1 proposes to add a new Local Historic District (Pawtuxet Village), to Section 17.12.010 entitled *Historic Districts* located in the City of Cranston's Zoning Ordinance. The general boundary of the proposed overlay district is both sides of Broad Street from Ocean Avenue to the Pawtuxet River, and all streets east of Broad Street within those boundaries, and portions of Tucker Avenue, Kneeland Street and Rhodes Place. There are currently four other local historic districts that have been designated in the City, since Historic District Zoning was incorporated into Cranston's Zoning Ordinance in 1982.

Background:

In June of 2008, both the Historic District Commission and Planning Department were contacted by the Pawtuxet Village Association with a proposal to designate Pawtuxet Village as a Local Historic District. The Association noted that many physical changes have taken place in the

Village over the past years, and the Association felt that the time has come to designate the Village as a Local Historic District to ensure that the historic character of the village does not deteriorate.

The Cranston Historic District Commission requested Local Historic Designation of Pawtuxet Village in 1990 and 1993, only to be tabled by the Ordinance Committee both times because of opposition from property owners on the “neck” (Seaview and Fort Avenues).

There have been 3 Local Historic Districts added to the City's inventory of Historic Districts since 1993. All three of these designations had been requested by the property owner, in order to preserve the investment they had made in renovating and restoring their historic buildings.

The major difference between the 1990 and 1993 request for Local Historic designation of Pawtuxet Village, is that **THIS** request has been put forth by the Pawtuxet Village Association and other residents of the Village, including several homeowners who live on the “neck”, who feel that now is the time to have the Village designated as a Local Historic District to ensure that the investment that has been made by the State and the individual property owners will be protected in the years to come.

Findings:

1. The proposed ordinance has been fully supported by the Cranston Historic District Commission.
2. The Proposed Ordinance is consistent with the following goals and policies of the Historic Preservation Element of the City of Cranston 1992 Comprehensive Plan:

GOAL HP-1 Protect and preserve properties of historic and architectural significance, as well as known and suspected archaeological sites, cemeteries, engineering structures and city-owned properties.

Policy HP-3.2 Encourage the establishment and participation of citizen and neighborhood groups interested in promoting historic preservation.

Action HP-4 Continue to establish local historic zoning overlay districts for areas and begin designation of individual structures.

Page 139. “Efforts to establish an historic district in Pawtuxet should continue.”

Page 139. “The identification and designation of potential local area and single-property districts is recommended as a basic component of future preservation activities in Cranston.”

Page 137. Local Historic Districts. “The enactment of local historic district zoning is rarely a simple undertaking, as it tends to trigger owners’ fears of outside control over aspects of property ownership. However, historic districts are the most powerful tool available to a community to help preserve the distinct character and sense of place of an historic area and ensure that it will not be undermined by unsympathetic changes.”

3. The proposed ordinance is also consistent with all of the applicable purposes of zoning as presented in Section of 45-24-30 of the Rhode Island General Laws and Section 17.040.010 E. General Purposes, of the Cranston Zoning Code, which states the code “provides for the preservation and promotion of the natural, historic, cultural and scenic character of the city.”

Senior Planner, Lynn Furney, gave an overview of the proposal and its history, stating that attempts in the past to establish the area as a historic district were proposed by the City. This

time the Pawtuxet Village Association (PVA) initiated the historic district designation. She explained that local district designation would preclude State review in the permitting process; further explaining that local review is less rigorous than State review. Structures less than 50 years old are also subject to less rigorous review. She attempted to explain that the proposed designation would insure that the character of the village is maintained and would prevent homeowners from possibly purchasing a property and razing a historic home or remodeling in a detracting manner. In closing, she reiterated that this designation would satisfy several elements of the Comprehensive Plan.

Those members of the public who spoke in favor of this ordinance were Jonathan Lewis and Susan Hartman, Chair of the Pawtuxet Village Association. Mr. Lewis pointed out that this home was built in 1770 and is on a double lot. His concern is that someone could, potentially, purchase his home, demolish it and re-build on the lots. Ms. Hartman pointed out that Historic District designation raises property values and can, potentially, increase business in the Village.

Many property owners in the area spoke in opposition of the proposal. Mr. James Cornwell, Rhode Island Yacht Club, asked that individual property designation should be considered rather than a "blanket designation".

Mr. Dick Nickerson stated that every property along the 'neck' is already under the jurisdiction of the CRMC (Coastal Resource Management Commission) and the RIHPHC (Rhode Island Historic Preservation and Heritage Commission). He stated that the residents do not "need another level of bureaucracy" and also cited the expense the City has incurred as each resident received certified mail notification of the proposal.

Councilman Lupino expressed concern with a brochure that the PVA has circulated which mentions that tax credits are available and that "the proposal is endorsed by the Planning Commission" as the Commission has not given a recommendation yet. He expressed concern with the fact that property values and taxes would rise, as well as insurance, and hardship situations. He stated that he would like to see an endowment fund established.

Area residents Alan Butler, 45 Fort Avenue, and Michael Cutty, 114 Fort Avenue, expressed concern with "another level of bureaucracy" added to the building permit process. Ms. Cheryl Umbriano, Ocean Avenue, as well as another resident at 30 Commercial Street, expressed concern with hardship cases.

James and Kim Doorley, 112 Fort Avenue, were upset that many of their neighbors are out of town and unaware of this effort. Mr. Doorley stated that he did not want to see this "forced through" in January. He asked that the "neck" be left out of the proposed historic district and asked that the Planning Commission vote against this. Mrs. Doorley stated that an "opinion survey" of the property owners be conducted. She further stated that the owners of the Dr. Comfort Carpenter House are "doing a good job" in the rehabilitation of that home.

A resident of 84 Fort Avenue stated that he has been "trying to rebuild" for 16 months, noting that there was a two month delay with the RIHPHC, therefore, he does not want "another level of bureaucracy".

A motion to approve made by Mr. Moran was seconded by Mr. Smith, however, the Planning Commission did not attain a majority vote to recommend approval of this ordinance, therefore, the Commission forwarded this ordinance proposal without a recommendation to the City Council.

Aye votes: Chairman Petit, Mr. Moran and Mr. Smith.

Nay votes: Mr. Rossi, Mr. Sylvia and Mr. Cicerone.

Ordinance 12-08-11 In Amendment of Chapter 17.16 of Title 17 of the Code of the City of Cranston, Entitled "Zoning" (Special Flood Hazard Districts)

Ordinance 12-08-11 proposes to amend Chapter 17.16, Special Flood Hazard Districts, of the Zoning Code. The Federal Emergency Management Agency [FEMA] and the Army Corps of Engineers have recently completed updating the FIRM [floodplain] maps for Rhode Island, including the City of Cranston. Both as part of that update and as a requirement for the City's continued participation in the National Flood Insurance Program, Cranston must 1) reference the new FIRM maps in the City's Zoning Ordinance and 2) update the floodplain management chapter of the Zoning Ordinance to reflect current FEMA standards by March 2, 2009. In moving to meet FEMA's requirements, Chapter 17.16 Special Flood Hazard Districts for City Council consideration is proposed. The draft ordinance is mainly derived from a model ordinance prepared by the Rhode Island Emergency Agency and it is designed to meet all FEMA requirements for maintaining a community's status in the National Flooding Insurance Program.

[Please note that the Planning Department has proposed to eliminate in its entirety existing Chapter 17.16 and to substitute the new ordinance.]

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *approval* of the above referenced ordinance.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Moran, Mr. Smith and Mr. Cicerone. There were no nay votes.

ELECTION OF OFFICERS

Upon motion made by Mr. Rossi and seconded by Mr. Moran, the Commission unanimously voted to elect Paul Petit as Chairman of the Planning Commission.

Upon motion made by Mr. Petit and seconded by Mr. Moran, the Commission unanimously voted to elect Charles Rossi as Vice-Chairman of the Planning Commission.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Moran, Mr. Smith and Mr. Cicerone. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PROJECTS

Gold Meadow Farm – Preliminary Plan (continued from November 5, 2008)

Major Subdivision with street creation
Lippitt Avenue
AP 30/3, Lot 240 and AP 23, Lots 6, 7, 8, 15, 20 and 36

At the request of attorney, Robert Murray, and upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to *continue* review of the above referenced subdivision to the February 3, 2009, Planning Commission Meeting. The applicant has been notified that this will be the last continuance granted. If they are not ready to move forward by the February 3rd meeting, they are urged to withdraw the application without prejudice.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Smith, Mr. Sylvia and Mr. Cicerone. Nay votes: none.

Rogers Plat – Master Plan (continued from November 5, 2008)

Major Subdivision without street extension
Hodsell Street and Arthur Street
AP 5/1, Lots 20 and 1831

Mr. John Caito, P.E., explained the proposal to subdivide the two existing lots into three lots: one (1) for the existing home, and two (2) new building lots for development. Lot 1 will have 8,012 square feet of land area with 25.18 feet of frontage; Lot 2 will have 9,940 square feet of land area with 25.18 feet of frontage; Lot 3 will have 6,309 square feet of land area with 70.32 feet of frontage. The existing structures will be demolished. He noted that this subdivision will require waivers from the Subdivision and Land Development Regulations as well as a variance from the Zoning Board of Review. All proposed lots will be serviced by public water and sewer.

Mr. Pezzullo explained that the first proposal submitted had irregular shaped lots. The proposal now reflects a common driveway and straightens the lot lines as well as can be done. He noted that sidewalks and curbing will be required along the front of the property.

Commissioner Moran asked if the site is contaminated. Mr. Caito responded, stating that the site is not contaminated and the underground tank has been properly removed.

Several of the neighbors expressed concern with soil contamination and mitigation of possible lead or asbestos that may be present, as well as noise, during demolition. They were David Fallon, 24 Hodsell Street and Mr. Chris Heinz, 14 Hodsell Street; who also questioned the need for a fence to deter cut-thru pedestrian traffic to the neighboring market.

Upon motion made by Mr. Moran and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following findings of fact and *approve* your Master Plan, with waivers for frontage and common lot line configuration, subject to the conditions denoted below.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 12/23/08 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 12/24/08 edition of the Cranston Herald.
2. The proposed subdivision, and its resulting density of approximately 9.7 residential units per acre, is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
3. The proposed subdivision is inconsistent with the Cranston Zoning Code for frontage and irregular common lot line configuration. However, the use of the property for two new duplex structures in this modified configuration will not alter the general character of the surrounding area or impair the intent and purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master 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 Arthur Street and Hodsell Street, 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 and adequate surface water run-off.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

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

Conditions of Approval

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

1. Applicant shall obtain all necessary dimensional relief from the Zoning Board of review prior to Preliminary Plan submittal.
2. Preliminary Plan submission shall depict 6" concrete curbing and sidewalks along the frontages of all subject lots.
3. Payment of Eastern Cranston Capital Facilities Impact Fees of \$2,373.84 (\$593.46 x 4) at the time of Final plat recording.
4. As the property has been used commercial/industrial business the applicant shall conduct a soil evaluation and submit a report to the Planning Department as part of the Preliminary Plan submission that the soil is safe and suitable for the conversion to residential use.
5. Demolition of the existing structures shall be consistent with all established City and State standards for the demolition of commercial buildings. Demolition Permit issued from the Building and Zoning Department shall be submitted as part of the subdivision file.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Sylvia, Mr. Smith and Mr. Cicerone. There were no nay votes.

The Palazzo Plat - Preliminary Plan

Major Subdivision without street extension
Natick Avenue
Assessors Plat 22/4, Lot 7

Attorney John DiBona stated that this subdivision received Master Plan approval from the Planning Commission and a Use Variance from the Zoning Board of Review in November, 2008. The variance was required to retain two individual homes on proposed Parcel 3.

The subject property is located on Natick Avenue, Assessors Plat 22/4, Lot 7. The property is zoned A-20 requiring a 20,000 square foot minimum lot size with 125' of frontage for single-family dwellings.

The existing lot contains four (4) single-family dwellings. The applicant has proposed to create three separate lots: Parcel 1 will have 20,002 square feet with 125' of frontage and contain one existing single-family dwelling; Parcel 2 will have 2.4 acres with 267' of frontage and contain one existing single-family dwelling; Parcel 3 will have 49.59 acres with 290.31' of frontage and contain two existing single-family dwellings.

Neighboring property owner, Jeffrey Flynn, asked if the proposal includes extension of the driveway. Attorney DiBona responded, stating that at this time no driveway extension is proposed.

Public Works Director, Anthony Sylvia, stated that, in an effort to raise awareness for the future of this site, if any future development is proposed the applicant/property owner should be required to negate the existing flooding that occurs and not merely produce a zero net increase in runoff.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Smith, the Commission unanimously voted to adopt the following Findings of Fact and *approve* your Preliminary Plan with waivers for curbing, sidewalks, frontage and use; subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified return receipt mail on 12/23/08 and the meeting agenda has been properly posted. Advertisement for this major subdivision appeared in the 12/24/08 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .07 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 "less than 1 residential unit per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code as there is no proposed alteration to the site and the applicant has received a use variance from the Zoning Board of Review.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan since there are no proposed alterations.
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 Natick Road, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Applicant shall pay the outstanding filing and advertising fees for Pre-Application, Master Plan and Preliminary Plan stages of review in the amount of \$1,305 *prior* to submission of the Final Plan application with the Planning Department.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Sylvia, Mr. Smith and Mr. Cicerone. There were no nay votes.

Royal Woods Condominiums – Master Plan

Major Land Development without street extension
 1027 Providence Street
 AP 18/3, Lot 1192

Attorney John DiBona and Richard Bzdyra, Ocean State Planners, spoke on behalf of the applicant, Mr. John B. Guisti of the MGMD Real Estate Group, LLC, c/o Fortune 500, Inc. P.O. Box 7537 Warwick, RI 02887, stating that the condominium structures will not be located in the City of Cranston. The property located in Cranston is zoned A-8 requiring an 8,000 square foot minimum lot size with 80 feet of frontage for single family dwellings. The property within West Warwick is zoned R-10, requiring a 10,000 square foot minimum lot size with 100 feet of frontage.

The applicant has proposed to develop the 2.75 acre parcel into a 16-unit, multi-family, condominium development. This proposed land development is split between the Town of West Warwick and the City of Cranston. The majority of the development site is located within West

Warwick but the entire 63 feet of frontage and associated buffer area is located within Cranston. Basically, the Cranston portions will be used as a driveway and rear yard.

This subdivision will require waivers from the Subdivision and Land Development Regulations as well as a variance from the Zoning Board of Review. All proposed dwelling units will be serviced by public water and sewer. A traffic study has been submitted.

Area resident, Art Taylor, New London Avenue, asked if the proposed condominiums will be "Section 8". He also expressed concern with traffic. Attorney DiBona responded, stating that the condominiums will be market-rate units, and the traffic study submitted indicates that "the proposed residential project access and circulation plan has been designed to maintain a desirable level of traffic safety and efficiency on the surrounding roadway system" (taken from the traffic study submitted by RAB Professional Engineers, Inc.).

Area resident, Cheryl Ursillo, asked for clarification on what the City of Cranston's role is in this development proposal other than the development's visual impact on neighbors. Commissioner Moran then asked the Commission to consider the requirement of vegetative screening to lessen the visual impact for neighboring property owners.

There being no further testimony the Commission moved to a vote. Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following Findings of Fact and *approve* your Master Plan proposal, with waivers for use; subject to the conditions denoted below.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 12/23/08 and the meeting agenda has been properly posted. Advertisement for this major land development appeared in the 12/24/08 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately 7.3 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing 4-8 residential units per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code but the use of the A-8 land for multi-family development will require a use variance from the Zoning Board of Review.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master 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 New London 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 and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Payment of the Pre-application, Master Plan filing fee and advertisement fee in the amount of \$795.00 to be submitted with the Preliminary Plan application.
2. Applicant shall receive a Physical Alteration Permit (PAP) from the RIDOT *prior* to submission of the Preliminary Plan application with the Planning Department.
3. Applicant shall submit the proposed drainage plan to the Cranston Public Works Department and receive approval *prior* to Preliminary Plan submission with the Planning Department.
4. Applicant shall receive final design approval from the Kent County Water Authority and Veolia Water (Cranston Sewer System) prior to Preliminary Plan submission with the Planning Department
5. Applicant shall receive the required Use Variance from the Zoning Board of Review *prior* to Preliminary Plan submission with the Planning Department.
6. Applicant shall provide a landscape buffer plan prepared by a Registered Landscape Architect to adequately screen the abutting single-family properties from the multi-family condominium development. This plan shall be incorporated as part of the Preliminary Plan submittal.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Sylvia, Mr. Smith and Mr. Cicerone. There were no nay votes.

DSM Realty – Master/Preliminary Plans

Major Subdivision without street extension
Malden Street
AP 5/3, Lots 1692 & 1690

At your request, and upon motion made by Mr. Rossi and seconded by Mr. Moran, the Planning Commission unanimously voted to *continue* their review of the above referenced subdivision to the February 3, 2009, Planning Commission Meeting.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Sylvia, Mr. Smith and Mr. Cicerone. There were no nay votes.

Morel Subdivision – Master/Preliminary Plans

Major Subdivision without street extension
280 Lippitt Avenue
AP 30, Lot 155

Mr. Pezzullo, Principal Planner, explained this pre-existing, nonconforming parcel is 4.02 acres with 350' of frontage and contains two (2) single-family dwellings on the same lot. There will be no new construction as a result of this subdivision.

The proposed subdivision will create two separate lots, each having 2 acres of land area but with only 175 feet of frontage per lot where 200 feet is required. In addition, Proposed Lot 1 is encumbered with an easement from Providence Water Supply Board Aqueduct which drops the usable area of this lot below 80,000 square feet. The substandard frontage, usable land area for Parcel 1, and the existing two-family home will require waivers from the Subdivision and Land Development Regulations as well a variance from the Zoning Board of Review (ZBR) prior to consideration for Final Plan approval. All proposed lots will be serviced by public water and ISDS.

No public testimony was offered on this application.

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Master/Preliminary Plan submission with waivers for frontage, minimum buildable area, use variance and the provision of sidewalks, and 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 certified and return receipt requested mail on December 23, 2008 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the December 24, 2008 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .5 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 less than 1 residential units per acre".
3. This proposal will require a use variance for the two-family home, a dimensional variance for the substandard frontage and usable land area for Parcel 1. However, since there is no proposed construction this subdivision will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master/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 Lippitt 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 and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Applicant shall receive all required variances from the Zoning Board of Review (use variance, dimensional variance) prior to filing the Final Plan submission with the Planning Department.
2. The Final Plan application shall include a Zoning Certificate specifying the legal status of the two-family dwelling.
3. Applicant shall install 6" concrete curbing along the frontage of both lots to the satisfaction of the Public Works Department and the Building Department.

Aye votes: Chairman Petit, Mr. Sylvia, Mr. Rossi, Mr. Moran, Mr. Smith and Mr. Cicerone. There were no nay votes.

Replat of Oaklawn Highlands – Preliminary Plan

Minor Subdivision without street extension

1726 Phenix Avenue
AP 22, Lot 15

Mr. Pezzullo explained the proposal to subdivide the existing 20,000 square foot record lot into two lots: Parcel A, fronting on Phenix Avenue, will contain the existing single-family home with 10,000 square feet of land area with 100' of frontage; Parcel B, fronting on High View Drive, will have 10,000 square feet of land area with 100' of frontage and will accommodate one additional single-family home. Both lots will be serviced by public water. The newly created lot will be serviced by ISDS.

Mr. Ronald Shopan, on behalf of the applicant, Romeo Nascenzi, reiterated Mr. Pezzullo's comments and asked that final plan approval be handled administratively.

No public testimony was offered on this application.

Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Preliminary Plan submission, with waiver for sidewalk provision, and 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 on 12/23/08 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 4.4 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing 4-8 residential units per acre".
3. The proposal is consistent with the A-8 zoning designation and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Phenix Avenue and High View Drive, improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.
- 11.

Conditions of Approval

1. Applicant shall receive ISDS approval from the RIDEM, or submit RIDEM soil suitability

approval, prior to submission of the Final Plan with the Planning Department.

2. Payment of Western Cranston Capital Facilities Impact Fees of \$1,389.50 at the time of Final plat recording.
3. Payment of Western Cranston Water District Impact Fee of \$3,071 at the time of Final plat recording.
4. The applicant shall install 6 inch concrete curbing along the frontage of both lots to the satisfaction of the Engineering Division and the Building Inspections Department.

Aye votes: Chairman Petit, Mr. Sylvia, Mr. Rossi, Mr. Moran, Mr. Smith and Mr. Cicerone. There were no nay votes.

EXTENSIONS OF TIME

W. Industrial, Phase II, Section 3

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to *extend* the Preliminary Plan approval for one year; to expire on March 6, 2010.

Voting Aye: Chairman Petit, Mr. Moran, Mr. Sylvia, Mr. Cicerone, Mr. Smith and Mr. Rossi. There were no nay votes.

PERFORMANCE GUARANTEES

Helen Estates - Bond Reduction Request

Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to reduce the required \$127,000 bond by \$47,000 leaving a new balance of \$80,000 in accordance with the Engineering Division's recommendation.

The 2% administrative inspection fee remains at \$2,540, which is required at the time of the Final Plat recording.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Moran, Mr. Sylvia, Mr. Smith and Mr. Cicerone. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

JOHN S SIMONIAN 61 ELDRIDGE STREET CRANSTON RI 02910 (OWN/APP) has filed an application for permission to build a 12' X 18' wooden sun deck with restricted lot coverage at **61 Eldridge Street**. AP 6/2, lot 287, area 4000+/- sq ft, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre.
2. The applicant's lot is a non-conforming, pre-existing lot of record. (the original subdivision was for 40' x 100' lots).
3. Of the 81 residential dwellings located within the 400' Zoning notification radius, 22 have the same or smaller lot area as the applicant's 4,000 sq. ft. lot.

4. The applicant's existing lot coverage is 34.425%; the proposed deck will increase the lot coverage to 39.825%, where 35% is the maximum allowed by the Zoning code.
5. The existing side yard setback for the house is 5'-6" (8' is required by the Zoning Code).
6. The proposed setback for the deck is 5'-6", which continues the pre-existing non-conforming, side yard setback.
7. The proposed rear yard setback for the deck is 17', where 20' is required by the Zoning Code.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* of this application as the proposed deck will not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Code, and with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Smith, Mr. Moran and Mr. Cicerone. There were no nay votes.

THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O MICHAEL F RYAN PRESIDENT 280 MELROSE STREET PROVIDENCE RI 02907 (OWN) AND THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O DANIEL MCINTYRE PE 25 RESEARCH DRIVE WESTBOROUGH MA 01582 (APP) have filed an application for permission to relocate two existing 115 kV transmission lines and the construction of a new 345 kV transmission line on a north-south right of way [4.2 miles X 250' Cranston portion] with height in excess of that allowed by ordinance west of **Interstate Route 295**. AP 23, lots 11,12, AP 24 lots 1, 2, 66, 8, AP 28 lots 6, 8, 25, 28, 31, 44, 47, 55, 57, 59, 61, 63, 65, 66, 72, 96, 98, 100, 132, 196, 197, AP 34, lots 10, 12, 14, 20, 53, 104, AP 36 lots 33, 127, 128, 131, 133, area 127.28+/- acres, zoned A-20, A-80, B-2, M-1, M-2, S-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Upon motion made by Mr. Moran and seconded by Mr. Rossi, and at the written request of the applicant, the Commission unanimously voted to *continue* this matter to the February 3, 2009, Planning Commission meeting.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Smith, Mr. Moran and Mr. Cicerone. There were no nay votes.

PPC PROPERTIES LLC C/O KEVIN J MCALLISTER ESQ 362 BROADWAY PROVIDENCE RI 02909 (OWN/APP) has filed an application for permission to install a freestanding sign with restricted front yard setback at **905 Pontiac Avenue**. AP 9/1, lot 1692, area 22,652+/- sq ft, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (3) Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The proposed medical office use is consistent with the Comprehensive Plan's Future Land Use Map, which designates the area as *Commercial and Services*.
2. The maximum allowed area for a freestanding sign in a C-2 zone is 25 sq. ft.; the proposed two-sided sign is 44.34 sq. ft. total.
3. The proposed height is 8'-1", where a maximum 12' height is allowed, per the Zoning Code.

4. The proposed front yard setback for the sign is 3", where the required setback is 5 feet; however, because of a 4 ft. high stockade fence along the abutting property's southerly side lot line, a sign installed with a 5 ft. setback on this property would have reduced visibility from southbound traffic on Pontiac Avenue.
5. The City's Traffic Safety Engineer has not reviewed the sign's location for sight visibility issues along Pontiac Avenue, which is also along a curve at this location. (Also, the site plan showing parking and site circulation has not been approved by the Traffic Safety Engineer).
6. Though the lot area is 22,652 S.F., the property contains much unusable area, which slopes down to the lot's southerly lot line along the Pocasset River.
7. Site Plan Review is not required as only 14 parking spaces are being provided (15 parking spaces triggers Site Plan Review).

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *approval* of this application, with the following conditions:

1. Review and approval of the site plan by the City's Traffic Safety Engineer.
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
3. Install a minimum 5' wide landscaped strip along Pontiac Avenue.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Smith, Mr. Moran and Mr. Cicerone. There were no nay votes.

GINO TONETTI 380 ATWOOD AVENUE CRANSTON RI 02920 (OWN) AND LEGERE INC 30 NORTH MAIN STREET ATTLEBORO MA 02703 (APP) AND SPEEDEE INC CORPORATION TRUST CENTER WILMINGTON DE 19801 (LESSEE) have filed an application for permission to install a double sided two line electronic message unit sign at **380 Atwood Avenue**. AP 12, Lots 887, 888, 889, 908, 909, 910 & 3260, area 20,000 +/- sq ft, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (B), (G), and (P) Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

In October 2008, the Planning Commission unanimously voted to recommend *tabling* this application, with the applicant's attorney's consent, to allow the applicant sufficient time to redesign the existing and new EMU sign to conform with the sign ordinance's maximum area of 50 sq. ft. for freestanding signs. The applicant felt he could not reduce the area proposed for the new signage, and is requesting a recommendation on the original application.

Findings of Fact:

1. The current use of the property, a SpeeDee Oil change and automotive maintenance business, conforms with the Comprehensive Plan's Future Land Use Map, which designates this area of Atwood Avenue as "Commercial and Services". The Land Use Element of the Comprehensive Plan entitled *Commercial Corridor Design Strategies*, recommends an action that would "prohibit tall and internally lit signs, and allow free-standing signs only under limited conditions..."(page 43).
2. The proposed message board will be installed under a new 10' x 6" pylon sign, which totals 50 sq. ft. The height of the existing sign is 14'-6" which conforms to the maximum allowed height of 15' for freestanding signs. The area of the existing sign is 4.16 sq. ft. larger than the maximum 50 sq. ft. allowed by the sign ordinance.

3. The proposed 2 sided message board will measure 10' x 2.2 ft. for a total of 44 sq. ft. (22 sq. ft. per side), which is an increase of 88% over the permitted area of 50 sq. ft. allowed by ordinance for freestanding signs in a C-4 zone, therefore, the excessive signage will alter the general character of the area and the general content of the zoning code.
4. A photograph taken on January 6, 2009, shows a 2 sided banner was installed under the existing 2 sided, freestanding sign, sometime between October 2008, and January 6, 2009. The inspections office shows no application for a temporary banner was taken out. The only permit application for a temporary portable sign was taken out in 2004.
5. Within the 400' radius, there are 13 commercial businesses located on Atwood Avenue, one business (Paul Mitchell across the street) has an EMU that was granted by variance.. Less than a half mile away, Sasa Auto at 550 Atwood Avenue received a sign variance for an EMU in April 2008, with the condition that their existing pylon sign be removed, and the electronic letters (LED's) in the EMU be amber in color.(The Planning staff had recommended denial for the EMU.)
6. CVS, located 1,700 feet south of the applicant's property on Atwood Avenue, also recently received a zoning variance for an EMU. (The Planning staff's recommendation had been for denial).

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to forward this application without a recommendation. The addition of the EMU board on the existing freestanding sign results in an amount of total square footage that exceeds the maximum allowed area for freestanding signs, which is inconsistent with the recommendations of the Comprehensive Plan. The Commission felt the building's setback from Atwood Avenue could justify the need for larger signage.

NOTE: The Commission realizes that EMU signs are a trend of the future, but also realizes that the addition of EMUs on existing signs has the potential to double the area of freestanding signage on Commercially zoned streets (ie. Park Ave., Reservoir Ave., Oaklawn Ave., Atwood Ave.) The photo of the signs on Atwood Avenue located to the north and south of the applicant's property illustrates the Commission's concern, and recognizes the need to update the sign ordinance to list standards for future EMUs.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Smith, Mr. Moran and Mr. Cicerone. There were no nay votes.

CAPITAL BUDGET

Mr. Pezzullo informed the Commission that Capital Budget requests total roughly 13 million dollars. The Planning Department is awaiting some guidance from the new administration as to the amount they are willing to bond.

ADJOURNMENT

Upon motion made by Mr. Sylvia and seconded by Mr. Smith, the Commission unanimously voted to adjourn at 10:40 p.m.

NEXT REGULAR MEETING:

February 3, 2009, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

