

MINUTES

January 9, 2007

Chairman William Guglietta called the Planning Commission meeting to order at 7:37 p.m. in the City Council Chamber. The meeting was delayed due to the Board of Contract and Purchase meeting. The following Commission members were in attendance:

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

Also present were:

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

The following members of the public attended:

Thomas Costello	Leonora Costello	Ronald Caramante
James Hassell	Rily Simmers	Susan Rowe
Mariann San	Robert Loeber	Julian Frey
Salvatore Damiani	Peter Caruso	Michael Mulcahy
Tom Roselli	Patti Roselli	Richard Bzdyra
Herb Judge	Vincent DiNofrio	Jim Riley
Carolyn Izzi	Robert Nelson	Gary Ashness
David Allaire	Jody Sceery	Kevin Aguiar
Damien Salisbury	Stephanie Wiencis	Kevin Morin
Paul Votta	John DiBona	Mr. & Mrs. Allan Rossi Sr.

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the December 5, 2006 Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Chairman Guglietta announced that the Fenner Place Master Plan application would be taken out of order.

Fenner Place – Master Plan

Major Residential Planned District
43 Stony Acre Drive
AP 37/2, Lot 6

Attorney Robert Murray, on behalf of applicants Richard A. and Kathleen Fenner, Trustees, requested that the application be tabled in order to allow sufficient time for the applicants to obtain an intensive Phase 1 Archaeological Study for the entire property and to provide a revised Existing Conditions Survey Plan, Conventional Subdivision Yield Plan and proposed RPD Development Plan that accurately documents the required land unsuitable for development calculations and open space provisions.

Councilman John Lanni, representing neighboring property owners, requested that due to the historical value of the subject property, neighbors concern with the pumping stations' ability to handle further development, concern with sewage backup and the proposals ability to meet required frontage requirements, further analysis be done prior to the Planning Commission's consideration of the proposal.

Councilman Richard SantaMaria stated that further analysis of this site is required and asked the Planning Commission to proceed slowly and cautiously in their review of this proposal.

There being no further testimony, the Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously voted to *table* this application until further instruction is given by the applicants.

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

Rossi Subdivision – Preliminary Plan

Minor Subdivision with street extension
1850 and 1876 Phenix Avenue
AP 22/2, Lots 127 and 129

Attorney John DiBona, representing property owners Allan Rossi, Sr., Allan Rossi, Jr. and Vanessa Rossi, explained the proposal to subdivide the two existing lots, totaling 2.98 acres, to create one additional .97 acre parcel for future development. Proposed Lot 1 will be 37,489 sq. ft., Lot 2 will be 42,421 sq. ft. and proposed Lot 3 will be 50,272 sq. ft. He mentioned that the project has been tabled by the Ordinance Committee until such time that the applicant receives subdivision approval. The project is pending a change of zone from A-80 to A-20. He further explained that waivers have been requested for the provision of sidewalks, curbing, street trees and a reduction in pavement width.

Peter Alviti, P.E. project engineer, stated that 40 ft. roadway has been requested in view of the fact that the proposed roadway will service only one home. He stated that the site is conducive for the construction of a single family home. He stated that there is an 8 ft. groundwater system, and there will be adequate water pressure. He pointed out that if the zone change is approved, the resulting proposed lot will be twice as large as what is required.

No public testimony was offered on this application.

Jason Pezzullo, Principal Planner, explained that when the proposal was first submitted, there was some question as to whether the proposed roadway would be a private or public roadway. He presented the staff memorandum, dated January 5, 2007, which is attached and made part of these minutes. He explained that if the proposed roadway were not a public right-of-way, the Planning Commission may set precedent that would allow applicants in the future to forgo the process of creating suitable frontage for new lots on a public roadway, thereby making it

acceptable to create zero frontage lots. Therefore, this subdivision proposal was reviewed as if the subject property were already zoned A-20.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Preliminary Plan, with waivers for curbing, sidewalk provision, and 24 ft. roadway width subject to the conditions denoted below.

Findings of Fact

The Planning Commission reviewed the Preliminary Plan application for conformance with the required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and found as follows:

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified/return receipt request mail on November 13, 2006 and the meeting agenda has been properly posted. Advertisement for this Public Hearing was published in the December 20, 2006 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately 1 residential unit per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing 1-4 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 once the parcels are rezoned from A-80 to A-20 per City Council Ordinance #3-06-5.
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 Phenix Avenue, an improved public roadway located within the City of Cranston as well as to the proposed roadway, Rossi Lane.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

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

1. City Council approval of Ordinance #03-06-5, rezoning the subject property from A-80 to A-20 prior to Final Plan submittal.
2. Written Preliminary design approval to be provided from Providence Water Supply Board for the needed water main extension prior to Final Plan submittal.
3. RIDEM ISDS approval for Lot 2 to be provided with Final Plan submittal.

4. Final Plans shall denote the correct zoning of abutting property owners.
5. Final Plan approval to be handled administratively.
6. Payment of Western Cranston Capital Facilities Impact Fees of \$1,389.50 at the time of Final plat recording.
7. Payment of Western Cranston Water District Impact Fee of \$1,352.00 at the time of Final Plat Recording
8. Performance guarantee in the amount of \$40,000 and a separate 2% administrative fee of \$800.00 to be provided at Final Plat Recording.

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

Alpine East – Revised Master Plan

Major Subdivision with street extension
Scituate Avenue
AP 36/3, Lot 11

Attorney John DiBona, representing the applicant, F. Paolino Homes, explained that this is a revised Master Plan proposal. The original conventional subdivision Master Plan was granted Planning Commission approval in March, 2006. This revised proposal is for a Residential Planned District (RPD). The applicant proposes to subdivide the existing 18.65 acre parcel into nine lots; seven new building lots, one detention basin lot and one 14.48 acre open space lot. Under the RPD development regulations, it is no longer necessary for the applicant to obtain RIDEM approval for wetland crossing; the application conforms to RPD requirements.

Kevin Morin, P.E., DiPrete Engineering Co., further explained that he has been involved with the project for 1½ years. RIDEM wetlands approval has been obtained, and a detention basin is proposed in the lower elevation. The sewer line crosses the wetland area and will connect to Cranberry Terrace. Sidewalk will be extended down one side of the new roadway to Scituate Avenue. A 28 ft. roadway width is proposed, and a waiver is sought for the proposed 400 ft. roadway length.

No public testimony was offered on this proposal.

Jason Pezzullo, Principal Planner, presented the Planning Department's staff memorandum, which is attached and made part of these minutes. He stated that the open space areas on each side of the roadway entrance should be owned and maintained by the homeowner's association. Chairman Guglietta questioned whether the proposed cul-de-sac would ever connect to Cranberry Terrace. Mr. Rhodes responded that the proposal is for two private lots at the end of the cul-de-sac, therefore, the new roadway would not connect to Cranberry Terrace.

Discussion then focused on whether there are existing sidewalks to connect to in Alpine Estates. Mr. Schiappa responded that there are no sidewalks in Alpine Estates with which to connect, however, he suggested the possibility of a portion of impact fees being used to defray the cost of the developer's installation of the sidewalk extension.

Mr. Devine then mentioned a new RIDOT program, namely "Safe Routes to School", that should be available in the Spring. The program helps fund projects of this type; the construction of provision of sidewalks in communities statewide.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Devine and seconded by Mr. Petit, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this revised Master Plan proposal, with waivers for pavement width and cul-de-sac length, and subject to the conditions denoted below.

Findings of Fact

The Planning Commission has reviewed the Residential Planned District (RPD) Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60 as well as the City of Cranston's Subdivision and Land Development Regulations. At this time, however, the Planning Commission can only make limited positive Findings of Fact due to the less stringent submittal requirements of the Master Plan stage. The remaining (premature) findings of fact will be addressed by staff at the Preliminary Plan stage where the submittal requirements, including the recommended conditions of this approval are more stringent.

Positive Findings

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 mailing on 12/18/06 and the meeting agenda has been properly posted. This Residential Planned District (RPD) has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations and appeared in the 12/20/06 edition of the *Cranston Herald*.
2. The proposed RPD and its resulting gross density of approximately .38 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 1-4 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 A-20 single family residential zone when developed as an RPD.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
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 Scituate Avenue, an improved public roadway located within the City of Cranston. The resulting lots will also have adequate permanent physical access from the proposed unnamed roadway.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

Premature Findings

1. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Master Plan.
2. 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.
3. 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

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

1. Installation of granite bounds to allow easy identification of RIDEM's wetland jurisdictional limit in the field prior to Final Plan approval.
2. Preliminary Plan shall denote each open space area depicted on the Master Plan as a separate lot. These lots are to be privately owned and maintained by the homeowners association.

3. Number all proposed open space lots.
4. Draft Homeowners Association documents to be provided for staff review at the Preliminary Plan submittal.
5. Written Preliminary Sewer Design approval from Veolia Water or Subdivision Suitability from the RIDEM prior to Preliminary Plan submittal.
6. Written Providence Water Supply Board design approval prior to Preliminary Plan submittal.
7. Receipt of a Physical Alteration Permit from the RIDOT for the new curb cut proposed for Scituate Avenue at the time of Preliminary Plan submittal.
8. Provide draft deed restriction language for proposed Lot 6 prohibiting driveway access from Scituate Avenue. This prohibition shall be noted on the Final Record Plan and denoted in the deed for this lot.
9. Applicant shall rename the proposed roadway to the satisfaction of the Fire and Police departments.
10. Preliminary Plan shall depict one fire hydrant located in the vicinity of the southern property line Lot 1.
11. Applicant shall depict and provide a planting plan with the Preliminary Plan submittal for a substantial vegetated buffer to screen the proposed detention basin from Scituate Avenue and the existing dwelling unit located at AP 36-3, Lot 25.
12. Preliminary Plan shall depict street trees at 50' intervals along both sides of the proposed roadway.
13. Payment of \$9,726.50 (1389.50 x 7 units) in Cranston Capital Facilities Impact fees at time of Final plat recording.
14. Payment of \$9,464 (1,352 x 7 units) in Western Cranston Water District Impact fees prior to Final plat recording.
15. Municipal Lien Certificate indicating that taxes on the subject property are up to date.

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

Allaire Plat – Preliminary Plan

Minor Subdivision without street extension
 5 Frankfort Street
 AP 6/4, Lots 2145 and 925

Mr. Richard Bzdyra, Registered Land Surveyor, Ocean State Planners, explained the proposal to subdivide the two existing parcels, which total 20,555 sq. ft., into two lots. Parcel A will have 13,519 and retain the existing legal nonconforming multi-family (4 unit) structure, which is proposed to be reduced to a three-unit dwelling. Six parking spaces are proposed. Parcel B will have 7,036 sq. ft. and conform to the area and frontage requirements of the Cranston Zoning Code and will be suitable for the development of a single family home in a B-1 zone. Water main extension is needed to provide water to proposed Parcel B and will be installed under the direction of the Providence Water Supply Board.

Chairman Guglietta expressed concern with the steep grade of the proposed parking area. Mr. Schiappa, Public Works Director, stated that it is the decision of the developer to determine if these grades are acceptable or if retaining walls will be needed to provide a level parking area. Mr. Rhodes stated that should retaining walls, etc. be proposed, a revised plan must be reviewed further by the Planning Commission.

No public testimony was offered on this proposal.

Mr. Rhodes presented the Planning Department's staff memorandum and Findings of Fact, dated January 5, 2007, which is attached and made part of these minutes. He reiterated that the 4 unit structure must be reduced to a 3 unit dwelling prior to final plat recording, and a Zoning Certificate documenting the change will be required.

Mr. Rhodes then touched on the matter of the steep slope of the proposed parking area; stating that the area is not considered area not suitable for development. He stated that the staff considered the sewer easement and odd shape of the lot when performing their review. He stated that the staff analyzed Parcel A and its proposed reduction to a 3 unit structure to determine if its individual resulting density of one unit per 4,506 sq. ft. of land area was consistent with the density of the 13 other multi-family structures located within that portion of the 400 ft. Zoning Board of Review radius that is zoned B-1. In conducting this analysis, staff found that the average density of these units is one per 3,563 sq. ft. of land area and that the proposal exceeds the average by 26% and therefore is consistent with the character of the general area.

Mr. Rhodes further stated that the developer will be required to provide the City with a Performance Guarantee covering the cost of either appropriate grading or retaining walls at the time of final plat recording. The proposal will also require the applicant to seek a dimensional variance from the Zoning Board of Review due to the reduced size of proposed Parcel A, which will contain the legal nonconforming multi-family structure.

Mr. Schiappa questioned the existing 'gangway' as it appears it is owned by the City and is a public right of way. Mr. Bzdyra explained that the 'gangway' is a rather old term for access to the abutting property.

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

Findings of Fact

The Planning Commission has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

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 first class mail on December 18, 2006 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 8.5 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 more than 8 residential units per acre".
3. The proposal will require the applicant to seek a dimensional variance from the Zoning Board of Review due to the reduced size of the Parcel A which contains the legal nonconforming multi-family structure. The proposal, however, will not result in a net increase of dwelling units on the subject property and therefore it will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. Additionally, the proposed density of Parcel A will be 26% larger than the average density of all of the 2, 3, and 4-family dwelling units within the 400' ZBR notification radius.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.

5. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
6. The property in question has adequate permanent physical access on Franklin Street, an improved public roadway located within the City of Cranston.
7. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, and for a suitable building site.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Premature Finding

1. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.

Conditions of approval

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

1. Applicant to obtain the necessary dimensional relief for Parcel A from the Zoning Board of Review prior to Final Plan submittal.
2. Coordinate with the Providence Water Supply Board to provide their written final water main extension design approval prior to Final Plan submittal.
3. Final Plan submittal to depict the installation of 6" concrete curbing along the full frontage of Parcels A and B.
4. Final Plan submittal to depict either appropriate grading or retaining wall construction plans for the rear of the parcel for the Commission's review.
5. Performance Guarantee amounts for the curbing and grading/retaining wall elements to be established by the Engineering Division through Final Plan review.
6. Final Plan submittal to be brought before the Planning Commission for review and approval.
7. Zoning Certificate confirming that the existing structure has been reduced from a 4-unit to 3-unit dwelling to be provided at Final Plat recording

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

Rhode Island Resource Recovery Corp. – Final Plan

Minor Subdivision without street extension
 Plainfield Pike
 AP 35, Lot 17

Jason Pezzullo, Principal Planner, presented the staff's Findings of Fact, documented in his memorandum dated January 5, 2007, which is attached and made part of these minutes. He stated that the proposal to subdivide the subject 2.92 acres from the original 19.86 acre parcel was approved by the Planning Commission in 2003. However, the approval lapsed and was reinstated by the Planning Commission in June, 2006.

Christopher Mulhearn, Esq., representing RI Resource Recovery Corporation, stated that due to a clerical error in conditions imposed at the time of Planning Commission approval; namely conditions 2b and 3 be deferred to the time of building permit because: 1.) A specific

development plan for the conforming lot has not been proposed at this time, and that 2.) Procedures are in place to address these concerns once a specific development plan is proposed and a building permit is sought.

No public testimony was offered on this application.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Petit and seconded by Mr. Devine, the Commission unanimously voted to adopt the following Findings of Fact and approve this Final Plan submission for Minor Subdivision subject to the following conditions.

Findings of Fact

The Planning Commission has reviewed this Final Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Positive Findings

1. An orderly, thorough and expeditious technical review of this minor subdivision has been conducted. Abutter notification and newspaper advertisement are not requirements of the Final Plan review stage.
2. The proposed development is consistent with the Comprehensive Plan's Future Land Use Map which calls for this land to be developed as "Industrial".
3. Staff finds that both lots in the proposed subdivision will comply with the requirements of the City of Cranston Zoning Ordinance.
4. There will no be significant negative environmental impacts from the proposed development as shown on the final plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
6. The subdivision as proposed would not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Plainfield Pike, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provide 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.

Premature Finding

10. It is uncertain if 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 due to the fact that there that a specific development proposal is not part of this minor subdivision application.

Conditions of Approval

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

1. Western Cranston Water District fee to be paid at the building permit stage.
2. Note #7 of the Final Record Plan to state "If a future sewer connection for Parcel 1 is proposed to tie into the existing line in the access easement area, then that existing line will be required to be brought into conformance with the City's sewer design standard for a "Sewer Main".

3. Note #8 of the Final Record Plan to state: "Physical Alteration Permit from RIDOT to be received prior to the issuance of building permits related to any changes of use for Parcel 1".

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

Hope Farms – Preliminary Plan Reinstatement

Major Subdivision with street extension
Hope Road
AP 24, Lot 69

Jason Pezzullo, Principal Planner, explained that the property owner, Frank Simonelli, is preparing to submit a Final Plan for the proposed 13 lot subdivision that received conditional Preliminary Plan approval on June 10, 2005. He further explained that during the past year and a half Mr. Simonelli has been pursuing a build/bond scenario, completing the majority of the required public improvements. As of November 6, 2006, Hope Farms LLC had completed \$486,000 or the \$540,000 worth of public improvements required on site.

No public testimony was offered on this matter.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Petit, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this request for reinstatement of the Hope Farms development subject to the following conditions.

Findings of Fact

The Planning Commission reviewed and made the following findings of fact in accordance with Section VIII. B. of the Cranston Subdivision and Land Development Regulations relating to the criteria needed for the granting of reinstatements.

1. The subdivision is consistent with the Comprehensive Plan and with the prior approval including all conditions attached thereto;
2. The Subdivision and Land Development Regulations are substantially the same as they were at the time of original approval;
3. The zoning of the subdivision parcel is substantially the same as it was at the time of the original approval;
4. Physical conditions on the subdivision parcel are substantially the same as they were at the time of the original approval, excluding the construction of planning public improvements noted above;
5. Applicable state or federal regulations are substantially the same as they were at the time of the original approval.

Conditions of Approval

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

1. Granting of requested sidewalk, curbing, roadway width and landscape waivers subject to provision of plantings in accordance with the accepted planting plan.
2. Repaving of Hope Road following extensions from edge to edge.
3. Submittal of proper and sufficient documentation ensuring that all foundation drains and drywells are to be maintained by the owner, developer and/or a legally constituted homeowners association prior to final plat approval.
4. Applicant shall revise plans to address technical comments of the Veolia Water staff as noted in their memoranda prior to Final Plat approval.

5. Performance Guarantee of \$54,000.
6. 2% Administrative fee of \$10,800.
7. Capital Facilities Impact Fee of \$18,063.50.
8. Western Cranston Water District Fee of \$17,576.

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

ZONING BOARD OF REVIEW ITEMS

DONALD J PROUT TRUSTEE 10 CATHERINE COURT WARWICK RI 02889 (OWN) AND R K NELSON REALTY INC 268 ELM STREET WARWICK RI 02888 (APP) have filed an application for permission, to convert approximately 1800+/-square feet of an existing building for retail sales of auto parts with restricted off-street parking, front, rear and corner side-yard setback on an undersized lot at **35-39 Glen Road**. AP 10/4, Lot 793, area 19,784+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off-Street Parking.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) “Standards for Variance” which reads as follows:

“That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

Findings of Fact:

1. The Cranston Comprehensive Plan Future Land Use Map designates the property for Industrial purposes.
2. The Comprehensive Plan Goal LU 4.3 calls for the City to discourage infiltration of commercial and retail activities into industrial zones, particularly those that might lead to strip commercial development.
3. The Comprehensive Plan Goal ED-3.1 calls for the City to strengthen use standards for industrially zoned land to prevent the erosion of the City’s supply of land suitable for manufacturing.
4. The proposed Napa Auto Parts Store is a commercial/retail activity consistent with commercial strip development and allowing it in this industrial zone would result in infiltration of undesirable uses and further erode the City’s limited supply of land available for industrial uses.

Recommendation:

Upon motion made by Mr. Devine and seconded by Chairman Guglietta, the Planning Commission unanimously voted to recommend *denial*, as the application is inconsistent with the intent and purpose of the Comprehensive Plan which specifically calls for the City to discourage infiltration of such commercial strip/retail uses into this valuable industrial zone.

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

ROBERT A AND NOREEN LOEBER 127 LYNDON ROAD CRANSTON RI 02905 (OWN/APP) have filed an application for permission, to build an 396+/- sf addition to an existing single family dwelling with restricted front, rear and side-yard setback on an undersized lot at **127 Lyndon Road**. AP 4, Lot 2492, area 5000+/- SF, zoned A-6. 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 existing residential use conforms to the Comprehensive Plan’s residential designation of this area and, therefore, will not impair its intent or purpose.
2. The existing building’s restricted front yard setback of 19.9 feet will not change.
3. The proposed rear yard setback conforms to the Zoning Code’s requirement.
4. The proposed restricted side yard setback of 6.5’ for the proposed rear addition continues the dwelling’s existing 6.5’ restricted side yard setback.
5. 33 out of 69 (48%) dwellings within the 400’ zoning notification area have side yard setbacks less than the required 8 feet, therefore the application will not alter the general character of the neighborhood or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review’s record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

DAWN SOUZA AND PAUL ANNICELLI 52 ST MARYS DRIVE CRANSTON RI 02920 (OWN) AND PETER H CARUSSO 2 SUGAR HILL COURT CRANSTON RI 02921 (APP) have filed an application for permission, to leave an existing legal non-conforming single-family dwelling with restricted frontage, front and side-yard setback on a 4,500 square foot, undersized lot [945] and build a new 24’ X 44’ single-family dwelling with restricted frontage on the abutting 4,500 square foot, undersized lot [946] at **52 Saint Mary’s Drive**. AP 8/1, lots 945 and 946, area 9000+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Merger of Sub Standard Lots of Record.

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 Planning Commission reviewed this application on November 6, 2006, and recommended approval to the Zoning Board. Since that time, the applicant has proposed changes in the height and design of the structure, which do not affect its footprint, setbacks, or the Findings of Fact previously adopted by the Planning Commission.
2. Those findings are as follows:
 - a) The application will result in a density of 9.6 residential units per acre for both the existing single family and the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.

- b) There are 25 single-family, 16 two-family, and 1 three-family structures located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit is 4,668.55 square feet.
- c) The subject lots are 50' x 90' (4,500 sq. ft. each.)
- d) 14.2 % of the 42 residential dwellings within the radius area are on lots that are the same size or smaller than those proposed. Of the 25 single family parcels within the 400 ft. radius notification area, 4 or 16% are on the same size lot as that proposed.
- e) Five, 4,500 sq. ft. residentially developed lots are located on the same side of the street as the subject property. Of those five, three are directly adjacent to the subject property.
- f) 24 of the developed 42 lots within the radius, or 57% also have the same insufficient frontages of 50' or less.
- g) The proposed single family dwelling meets all required yard setbacks.
- h) The application therefore, will not alter the general character of the neighborhood or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

THOMAS G ROSELLI PO BOX 506 NARRAGANSETT RI 02882 (own/app) has filed an application for permission, to build an 36' X 54' three bay garage with restricted front, rear and side-yard setback on an undersized lot at 52 Glen Road. AP 10, Lot 784, area 22,266+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "Standards for Variance" which reads as follows:

"That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of Fact:

1. The Cranston Comprehensive Plan Future Land Use Map calls for Industrial uses in this area, therefore the proposed accessory garage for the existing industrial use conforms to the City's Comprehensive Plan.
2. The existing industrial building contains a small jewelry manufacturer and Elmwood Counter Top. The latter business will be using the proposed garage to store delivery and service vehicles.
3. The Tax Assessors records indicate that the two businesses operating from the site have a total of ten employees (7 for the counter manufacturer and 3 for the jewelry manufacturer.)
4. The Cranston Zoning Code requires the provision of one off-street parking space for each four employees; therefore, three off-street parking spaces are required.

5. The submitted traffic circulation and parking plan, which has been approved by the City Traffic Engineer, provides for six off-street parking spaces (excluding the proposed garage), therefore, the proposal conforms to the City's off-street parking requirements.
6. The proposed 51% lot coverage conforms to the Code's allowance for maximum lot coverage of 60%.
7. The proposed garage will have a restricted rear yard setback of 4 ft whereas 30 ft. is required. Analysis using the Cranston GIS indicates that 7 out of 16 (44 %) existing structures within the radius have similar nonconforming rear yard setbacks, 4 of those 7 have setbacks less than 5.5 ft.
8. The proposed garage will have a restricted side yard setback of 8 ft. whereas 25 ft. is required. Analysis using the Cranston GIS indicates that 10 out of 16 (62.5 %) existing structures within the radius have similar nonconforming side yard setbacks.
9. The proposed garage will have a restricted front yard setback of 20 ft whereas 40 ft. is required. Analysis using the Cranston GIS indicates that 15 out of 16 (94 %) existing structures within the radius have similar nonconforming front yard setbacks.
10. None of the industrial developed lots in the 400 ft. notification radius conform to all of the Zoning Code's area and setback requirements.
11. The application, therefore, will not alter the general character of the neighborhood or impair the intent or purpose of the Zoning Ordinance.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

WESTERN REALTY INC 1428 PARK AVENUE CRANSTON RI 02920 (OWN) AND GINO DIMASCIO D/B/A STARZ BAR AND GRILL 1458 PARK AVENUE CRANSTON RI 02920 (APP) have filed an application for permission, to serve alcoholic beverages from a restaurant facility at **1458 Park Avenue**. AP 11/2, Lot 224, 2971, area 35686+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows:

"That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of Fact:

1. The Cranston Comprehensive Plan Future Land Use map calls for Commercial and Service uses to be made of the property; therefore, the proposed restaurant does not impair its intent or purpose.
2. Restaurants serving alcohol are not allowed in a C-2 zoning district; however, there are five restaurants within the 400' zoning notification radius that currently serve alcohol. One is directly across the street from the applicant's property on A.P. 11/2, lot 268; one directly abuts the property on lot 226, and the remaining three are between 200 and 400 feet away on lots 1032, 262 and 1860.

3. The proposed application will not therefore, alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Code.

Recommendation:

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend *approval* with the following conditions:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

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

PERFORMANCE GUARANTEES

Orchard Meadows

Request for Reduction in Required Bond Amount

Mr. Rhodes explained that the Planning Department received written correspondence from Mr. Peter Alviti, P.E., on behalf of the property owners, Nove Partners LLC, requesting a reduction of the required Performance Guarantee for the subject property. The applicants have pursued a build/bond scenario and all construction of the project is substantially complete with the exception of the final paving, as-built drawings and the setting of granite bounds.

The request was forwarded to the City's Engineering Division for review and recommendation. In response, Mr. Walter Skorupski of the Engineering Division recommended that the required Performance Guarantee for this project be reduced by \$346,000, thereby leaving a balance of \$164,000 of the original \$510,000.

Upon motion made by Councilwoman McFarland and seconded by Mr. Petit, the Commission unanimously voted to *reduce* the required performance guarantee amount of \$510,000 by \$346,000, thereby leaving a balance of \$164,000; in accordance with the Engineering Division's recommendation.

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

Wildflower Estates

Pending Bond Expiration

Mr. Rhodes explained that Mr. Joseph Germaine has provided the City of Cranston with Domestic Bank Irrevocable Letter of Credit No. 168 in the amount of \$409,000, which is set to expire on February 2, 2007.

Communication with the Engineering Division confirms that the planned public improvements have not been completed to the City's satisfaction as of this date.

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to allow the *extension* of existing Domestic Bank Letter of Credit No. 168 for one additional year if received prior to January 19, 2007 and to authorize the City Finance Department to withdraw the applicable funds should an extension not be received by January 19, 2007.

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

ELECTION OF OFFICERS

Chairman Guglietta announced that he will be submitting his resignation from the Commission to the Mayor effective March 1, 2007 as he has been appointed to serve as a Municipal Court judge. He stated that he is proud of the Commission as well as the opportunity of having served with a Commission that has promoted a high level of public service to the residents of the City of Cranston. Chairman Guglietta then proceeded to nominate Vice Chairman Paul Petit for chairman of the Planning Commission, stating that Mr. Petit is the second longest serving commissioner. Mr. Rossi seconded the nomination and all were in favor.

Upon motion made by Chairman Guglietta, seconded by Mr. Petit, the Commission unanimously voted to elect Councilwoman Paula McFarland as Vice Chairperson.

Upon motion made by Chairman Guglietta and seconded by Mr. Rossi, the Commission unanimously voted to elect Jason Pezzullo, Principal Planner, as Secretary and Administrative Officer and Lynn Furney, Senior Planner, as an Administrative Officer.

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

APPOINTMENTS

Chairman Guglietta stated that appointments to the Industrial Development and Recreation Commissions will be continued to the February 6, 2007 Planning Commission Meeting.

Upon motion made by Mr. Petit and seconded by Mr. Schiappa, the Commission unanimously voted to *continue* the appointments to the Industrial Development and Recreation Commissions to the February 6, 2007 Planning Commission Meeting.

MISCELLANEOUS

2007-2012 Departmental Capital Budget Requests

Mr. Rhodes stated that all capital budget requests from the various departments received to date have been distributed to the commissioners. He stated that he and Mr. Pezzullo, Principal Planner, are set to meet with Mr. Jerome Baron, Finance Director, next week and will meet with the various department chairs this week to review their capital budget requests. Mr. Rhodes invited all to attend these meetings. He further stated that he has not, to date, received the School Department's capital budget requests but anticipates its submittal this week. A draft 2007-2012 capital budget will be presented at the February 6, 2007 Planning Commission Meeting.

Councilwoman McFarland stated that, in the future, she would like to see more detail in the various departments requests, such as which playgrounds/parks will be renovated, etc.

2007 Meeting Schedule

The proposed meeting schedule was briefly discussed, and all were in agreement with the proposed meeting dates.

Planning Director's Announcement

Mr. Rhodes announced that a second draft of the City's Comprehensive Plan was delivered today. He stated that only one copy was provided and will be reproduced and provided to each commissioner. He stated that he has not yet had a chance to review the draft, however, the Future Land Use Map has been revised, and it is his hope that other concerns have been

addressed as well. He asked that once the commissioner's receive their copy of the draft they submit written comments for the benefit of review.

Planning Director Jared Rhodes II then announced that he will be leaving the City's employ, effective February 6, 2007, to continue his career as Chief of Statewide Planning at the State Department of Administration. He stated that it has been a pleasure working with the Commission and that during his tenure with the City of Cranston he has learned much and has grown tremendously professionally.

Mr. Rhodes stated that Mayor Napolitano has been informed of his pending departure and then asked the Commission's approval to advertise for his successor in the Providence Journal and the Boston Globe. The Commission is in agreement with this, and the submittal deadline for eligible candidates will be January 29, 2007 at 4:30 p.m. Interviews will be scheduled the week of February 5, 2007. Chairman Petit, Councilwoman McFarland and Commissioner Steve Devine will serve on the interview panel.

NEXT MEETING

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

ADJOURNMENT

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

Respectfully submitted,

Jason M. Pezzullo
Secretary/Principal Planner