

MINUTES

July 10, 2007

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

Paul M. Petit, Chairman
Councilwoman Paula McFarland, Vice Chair
Corsino Delgado, Finance Director
Charles Rossi

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
Lynn Furney, AICP, Senior Planner
Vito Sciolto, City Solicitor
J. Resnick, Senior Clerk

The following members of the public attended:

Joseph Strakaluse
Kevin Morin
John Caito
Marie DelPadre
Anthony Lupino
Steven Rosenbaum, Esq.
George Passet
Mario Aceto
Christina Balletto
Marie Sweet
Thomas Bense
John DiBona, Esq.

Anthony Strakaluse
Stephanie Wenlas
Robert Caito
Albert DelPadre
Michael Corso
Ellen Falvey
August Saccoccio
Gary Malloy
Philip Mancini
Matt Maguire
Dorothy Greene

Frank Paolino
Nicole Reilly
Stephen Polselli
Sandy Goldman
Jay Glasson, Esq.
Linda Passet
Mario Nadich
Robert Murray, Esq.
Gary Balletto
Anthony Haskins
Doug Doe

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to *approve* the minutes of the June 5, 2007 Planning Commission Meeting.

ORDINANCES

Ordinance 5-07-10 Ordinance amending the Comprehensive Plan of 1992 Land Use Plan Map – Niantic Avenue, Josephine Street, Russe Street and East Spectacle Street by deleting the designation “Industrial” and adding “Commercial and Services”.

Ordinance 5-07-11 Ordinance amending Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – Niantic Avenue) by deleting M-2 District located at AP 6/4, Lot 1284 and adding thereto C-2 designation for AP 6/4, Lot 1284.

Mr. Jason Pezzullo, Principal Planner, explained that this ordinance has been introduced by the Planning Department and came about while working on the major land development application, "Town Homes of Niantic, LLC", located at 411 Niantic Avenue. Presently the area is zoned M-2 (Heavy Industrial). However, analysis of the entire neighborhood illustrates that the present land uses do not conform to this zoning designation and most likely never will. This is mainly due to the high number of undersized lots in the area that make the prospect of new industrial/manufacturing businesses unlikely. In addition, the area does contain a number of businesses and commercial establishments, none of which could be described as "heavy industrial" as defined by the Cranston Zoning Code. Finally, the area contains a number of single and two-family homes in the area which are not compatible with a heavy industrial zone.

Mr. Pezzullo explained that the Comprehensive Plan – *Future Land Use Map* designates this area as *Industrial* which essentially excluding most commercial and all residential uses. Staff felt that a change to the Comprehensive Plan *Future Land Use Map* from *Industrial* to *Commercial and Services* would accomplish several goals: First, it would more accurately reflect the present land use in the area. Secondly, it would enable the existing businesses and land owners the ability to petition the City Council for zone changes to less intense zoning designations without the need to further modify the Comprehensive Plan. Lastly, this Compressive Plan amendment would eliminate the spot zoning nature of future changes because they would now be consistent with the Future Land Use Map.

Attorney Robert Murray, who represents the owner/applicant of the "Town Homes of Niantic, LLP" subdivision, appeared to speak in favor of both ordinances. He stated that the subdivision proposal has received Pre-application Site Plan Review approval for a 12 unit condominium proposal as well as Master Plan approval from the Planning Commission the previous month. He stated that his client is interested only in re-zoning this parcel, however, his client is in agreement of the proposed zone change and Comprehensive Plan amendment of the whole area.

No public testimony was offered on this proposal.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and recommend *approval of Ordinance 5-07-10 and Ordinance 5-07-11*.

Comprehensive Plan Amendment (*Ordinance 5-07-10*)

Findings of Fact

1. The subject land is bounded by Niantic Avenue to the east, Route 10 to the west, and includes Russe Street, East Spectacle Street and East Josephine Street. The subject parcels are AP 6/4, Lots 1227, 1228, 1229, 1277, 1279, 1280, 1281, 1282, 1283, 1284, 3294, 3296, 3297, 3321, 3323, 3344, 3354, and 3355. The Comprehensive Plan – Future Land Use Map, currently designates this entire area as *Industrial*.
2. Under the current Comprehensive Plan and zoning designations, multi-family residential development, as proposed in the "Town Homes of Niantic" development, is prohibited in the M-2 zone. If the designations were to be changes as proposed by this and its companion ordinance number 5-07-11, multi-family/condominium units would be allowed by right.
3. Within the subject area, there are 4 single-family, 3 two-family, 3 commercial establishments, and only 2 manufacturing establishments. The adjacent land in Providence on Niantic Avenue is zoned residential and has been developed consistent with this designation. This area does not, and is unlikely to ever conform to the "heavy industrial" nature of the M-2 zone.

4. Virtually all of the properties located within this subject area are considered nonconforming due to the fact they are all short of the minimum 60,000 square feet required in the M-2 zone.
5. The proposed change will facilitate future commercial zone changes without the need for further amendments to the City's Comprehensive Plan.

Change of Zone (Ordinance 5-07-11)

Findings of Fact

1. The proposed change of zone for AP 6/4, Lot 1284 from M-2 (Heavy Industrial) to C-2 (Neighborhood Business) is consistent with the City of Cranston's 1992 Comprehensive Plan Future Land Use Map as amended.
2. The proposed change is consistent with each of the applicable purposes of zoning as presented in section 45-24-30 of the Rhode Island General Laws and 17.04.010 of the City of Cranston Zoning Code.

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

SUBDIVISION AND LAND DEVELOPMENT PLANS

Farm House Lane – Preliminary Plan

Major Subdivision/Residential Planned District (RPD) w/street extension
Hope Road
AP 23, Lot 12; AP 24, Lots 66 and 105

Attorney John DiBona, representing the applicant, Frank Paolino, explained the proposal to develop the parcel as an RPD (Residential Planned District). The parcel is approximately 78.2 acres, and the subdivision proposal is to create 33 lots, one for the existing home, three for open space/utility lots and 29 new building lots. He stated that the proposed open space lots would be owned by a homeowners association. He questioned Condition #2 of the Master Plan approval, in particular the common driveway easement, stating that all lots would remain in common ownership. He stated that he has drafted a conservation easement, and each lot will be given a 1/30th interest of the open space. A conservation easement for these areas will then be granted to the City.

Nicole Reilly, DiPrete Engineering, stated that since the Master Plan approval last year, the Providence Water Supply Board, on 1/9/07, provided documentation of water availability. An Insignificant Alteration Permit has been obtained from RIDEM. She stated that a 28 ft. roadway is proposed, and granite bounds to identify conservation and wetland jurisdiction will be installed during construction, and improvements to Hope Road are proposed.

Mr. Pezzullo discussed the Planning Department staff report, stating that one curb cut to access two homes with a shared driveway from Hope Road should be reconsidered. A 50 ft. right-of-way is proposed for a secondary access to an abutting property. In regard to existing nursery stock on the property, the Planning Department staff asked the applicant to consider re-working the stock so that the trees/shrubs are not in rows, but be replanted to appear in a more natural configuration.

The following public comments were offered:

Ms. Marie Sweet, Conservation Commission Chair, reiterated the Planning Department staff's comments to re-work the existing arborvitaes and possibly supplement the conservation easement areas with more "natural bushes".

Mr. Matthew Maguire, 625 Hope Road, expressed concern with drainage, stating that Hope Road floods and that his driveway is at the lowest part of Hope Road.

Mr. Pezzullo addressed this concern, stating that proposed drainage channels will flow from west to east to the proposed detention basins, therefore, there should be no increased flooding from this development. He further stated that the proposed detention facilities should actually improve the overall drainage conditions in the area.

Councilman Anthony Lupino began his comments by asking the Commission to consider the impact on the surrounding area of new subdivision proposals. He stated that the Providence Water Supply Board has asked for increased impact fees in Western Cranston, further stating that homeowners west of Pippin Orchard Road would like to tie into the public water supply. He questioned Veolia Water allowing sewer "tie ins" to the public system; questioning the status of the Veolia Water contract. Another concern was the response time for Police and Fire, which he stated was not adequate in this area. He suggested that the Planning Commission set aside a parcel of land for the future location of a new fire station, as well as a pumping station for the area.

Chairman Petit responded, stating that the matter of sewer "tie ins" is under the jurisdiction of the Public Works Department and the Planning Department is not privy to the details of the existing contract with Veolia Water. Mr. Pezzullo also responded, stating that this developer cannot be expected to remedy the existing drainage issues of private property owners that are off site. He did state, however, that all subdivision proposals are reviewed by both the Engineering and Public Works Departments who have found that this particular proposal will not increase the drainage issues in the area, but more than likely will have a positive impact.

Councilwoman McFarland stated that she wants to ensure maintenance of the proposed vegetation. Attorney DiBona responded, stating that the homeowner's association will provide for this.

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

Findings of Fact

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

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified/return receipt mailing and the meeting agenda has been properly posted. This major RPD has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations. The required advertisement appeared in the 6/20/07 edition of the *Cranston Herald*.
2. The proposed subdivision 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 less than one residential unit per acre.
3. The proposed development is consistent with the City of Cranston Zoning Code, the Subdivision Regulation requirements for Residential Planned Districts (RPD) and the A-80 residential zone. There are no variances being sought or needed as part of this proposal and all waivers from the Subdivision Regulations were granted at the Master Plan stage of review.

4. The property in question has adequate permanent physical access to Hope Road, an improved public roadway located within the City of Cranston.
5. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan. The applicant has obtained the necessary Insignificant Alteration Permit to cross wetland areas from the RIDEM.
6. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
7. The proposed RPD 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.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, and for suitable building sites.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site. The applicant has provided significant open space that will preserve and enhance the rural/agricultural nature along the City's Historic Farm Route.
10. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions for Approval

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

1. Provide final written approval from Veolia Water for the proposed public sewer system at the time of Final Plan submittal.
2. Provide final design approval from the Providence Water Supply Board for the needed water main extension at the time of Final Plan submittal.
3. Provide final written approvals from the Traffic Engineer, City Engineer, and Public Works Director for the Hope Road widening, sight lines, additional curb cut and shared driveway configuration located on Lot 1 servicing Lots 2 and 3.
4. The secondary 50' ROW shall remain undeveloped as a "paper street".
5. Provide deed restriction for Lot 1 prohibiting its future subdivision in perpetuity.
6. Installation of permanent markers to allow easy identification of the conservation and wetland jurisdictional limits in the field.
7. Provide final Homeowners Association documents at the time of Final Plan submittal to reference the presence and location of the conservation easements and the RIDEM regulated wetlands on site. In addition, these documents will detail the Association's responsibility for the care and maintenance of the proposed detention facilities.
8. Existing vegetation and nursery stock located within Open Space Lot 100 to remain on site but reworked in such a way to serve as a natural looking landscape buffer between the Hope Road Historic Farm Route and the proposed residential housing units; to be maintained by the Homeowner's Association.
9. Provide a deed for the 50' wide public right-of-way between Farm House Land and the abutting AP 20/Lot 11 for a potential secondary access point if this land is ever developed.
10. Provide a performance guarantee in the amount of \$1,966,000 with a separate 2% administrative fee of \$39,320, to be provided at the time of Final Plat recording.
11. Payment of Western Cranston Water District fees of \$39,208 (\$1,352 x 29) at the time of

plat recording.

12. Payment of Western Cranston Capital Facilities Impact Fees of \$40,295.5(\$1,389.50 x 29) at the time of plat recording.
13. Final Plan approval will be handled administratively.

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

Tory Woods – Preliminary Plan

Major Subdivision with street extension
Old Scituate Avenue
AP 36/4, Lots 1, 20 and 26; AP 37/3, Lots 138 and 839

Attorney John DiBona, representing the applicant, F. Paolino Homes, Inc., addressed several matters regarding the conditions of the Master Plan approval as follows: 1) the draft conservation easement has been provided for the open space area, 2) Lots 17 and 18 have been labeled as utility lots 1 and 2 and, 3) a Physical Alteration Permit has not yet been granted by RIDOT even though it was submitted six months ago.

Mr. Kevin Morin, P.E., DiPrete Engineering, stated that the project has RIDEM and RIPDES Program approvals, as well as site suitability for ISDS approval. The proposal is for the creation of 17 house lots; two lots for the existing homes and 15 new building lots, as well as two open space/detention basin lots. He stated that a 1,700 ft. roadway, 28 ft. wide, is proposed; and the roadway configuration remains the same as that proposed at Master Plan. He stated that most of the open space vegetation will be retained. The northern detention pond will discharge to Amflex Drive, and an access easement will be finalized with the Engineering Department prior to Final Plan submittal. The south detention pond will discharge to Scituate Avenue. He further stated that the utility lots will be donated to the City, and the landscape plan provides for several large trees to be preserved. The project has received 'water availability approval' from the Providence Water Supply Board.

Ms. Marie Sweet, Conservation Commission Chair, expressed several concerns, namely: 1) the landscape plan shows a landscape buffer that is misleading to existing homeowners. There is "nothing to provide that new property owners be prohibited from clearing their lots to their property line". 2) She asked that existing large trees be protected with fencing.

Attorney John DiBona responded, stating that as a practical matter, it is highly unlikely that future homeowners would clear their lot to the property line as they would most likely want to maintain their privacy/buffer. He further stated that the owner of the lot with the drainage swale would be forbidden to interfere with the swale.

Mr. Pezzullo, Principal Planner, stated that this Preliminary Plan is much the same as the second Master Plan submittal, reiterating that the proposal is for a conventional subdivision; therefore, there will be no homeowners association. He stated that the S-1 Open Space area was not used to configure the 20,000 sq. ft. lots in this A-20 zone. He further stated that a temporary construction easement will be required at the time of Final Plan submittal for the construction of the retaining wall towards Old Scituate Avenue.

Councilwoman McFarland then asked if the Commission had any authority to mandate that the tree-lined area be maintained. Chairman Petit responded, stating that once the property is sold, there is nothing to prevent homeowners from clearing their property even though limits of disturbance have been shown on the proposed Preliminary Plan.

Attorney Jay Glasson, representing Industrial Plat Associates, questioned the waivers granted to this project at the Master Plan stage. Mr. Pezzullo explained that waivers for pavement width

(28'), cul-de-sac length (1,683') and for the provision of sidewalks were previously granted at the time of Master Plan review. At this Mr. Glasson went on to state that "this property is an anomaly", citing the fact that the property in question is zoned A-20 and directly abuts an M-2 Zone. He stated that the owner/s of Industrial Plaza (his client) were required by the Site Plan Review Committee to submit a Noise Study. He then handed each Commissioner a copy of the noise study, which indicated that his client is in compliance with Federal and State Noise Regulations. He then asked if this developer has been required to submit a noise study as well, and he suggested that this developer consider installing an additional buffer of trees. He also suggested a conservation easement to the north. He went on to question the proposed 6 ft. retaining wall, asking how deep the footings would be and if it has been approved by the Public Works Department. He asked how the developer plans to build the proposed wall and how existing ledge would be removed. He went on to ask if the proposed retaining wall could be moved 20 ft. to the east. He further stated that the plan submitted does not show either the abutting *Penske* or *Kamco* Industrial sites; stating that prospective homeowners have a right to know. He stated that several approvals have not been granted, namely National Grid. He stated that the waivers granted do not comply with the Comprehensive Plan. He cited several public safety concerns with the narrow roadway proposed and lack of sidewalks in the development. He expressed concern with drainage in the area, in view of the amount of ledge that exists. He questioned the depth of the proposed detention ponds of 20 ft, and the absence of fencing around these ponds. He further asked where sub-drainage would flow.

Mr. Kevin Morin, P.E., DiPrete Engineering, attempted to address the many concerns raised by Mr. Glasson. He stated that *Versalok* and boulder-type material have been considered for construction of the retaining wall, and footings are not required with either of these materials. He stated that water tables in the area are 2 ½ ft; blasting may be required; however, the proper permits will need to be obtained. In regard to utilities, approvals are not given by the utility companies until Final Plan approval has been issued. He stated that the detention ponds are 5-5 ½ ft. deep, and typically fencing is required in residential areas. A project narrative has been submitted, and the application has been certified complete.

Area resident, Ellen Falvey, stated that presently there is blasting at the Penske site every day. She stated that her noise meter indicates that the noise level is excessive, 70-75 decibels. She stated that the Penske property "is in a pit" and that the City cannot enforce its own noise ordinance. She further stated that businesses routinely open earlier than what is allowed by Code.

Ms. Lilly Pasek, who lives on the second lot on Charcalee Drive, wants a prohibition on blasting. She stated that presently Penske blasts two times per day, and the "whole area is ledge".

Ms. Pam Jackvony, 905 Scituate Avenue, asked what a swale is and how it is maintained. Chairman Petit responded, stating that in this instance it would be the private property owner/s of the particular lots where the swale/s are located.

There being no further public testimony, Mr. Pezzullo, Principal Planner, presented the Planning Departments findings, as follows:

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

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified/return receipt mailing and the meeting agenda has been properly posted. This major RPD has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations. The required advertisement appeared in the 6/20/07 edition of the *Cranston Herald*.

2. The proposed subdivision and its resulting gross density of approximately 1.18 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 units 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
4. The property in question has adequate permanent physical access to Old Scituate Avenue, an improved public roadway located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.
7. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
8. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on subject lots, according to pertinent regulations and building standards would be impracticable.
9. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.
10. There will be no significant negative environmental impacts from the proposed subdivision.

Upon motion made by Mr. Delgado and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the above Findings of Fact and *continue* this application to the August 7, 2007 Planning Commission Meeting.

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

Discussion followed the vote, with Councilwoman McFarland requesting that the Planning Commission examine more closely any future expansion proposals in the subject area.

Attorney John DiBona stated that he and his client need to know, more specifically, the areas to be addressed. He asked that Attorney Jay Glasson submit his list of concerns in writing so that the applicant can systematically address the concerns raised.

Commissioner Delgado questioned the sub-drainage proposed. Mr. Morin responded, stating that drywells on lots 2-6 and 12-16 are proposed. He explained that this is in keeping with best management practice. He further explained that each specific lot is designed individually prior to application for a building permit.

Councilwoman McFarland stated that there is no indication of what trees are to be provided and asked that landscape plans be provided for public view.

Property owner John Caito appeared to voice his frustration. He stated that several years ago he was party to a request for a change of zone for the subject site; from residential to industrial. At that time a decision was made to keep the area residential.

In closing this discussion, Chairman Petit requested that Mr. Glasson meet with the Planning Department to specify the items his client would like addressed. Peter Lapolla, Planning Director, further requested that Mr. Glasson provide a written list of the items to be addressed.

Lincoln Avenue Development – Master Plan

Major Land Development with street extension

Lincoln Avenue

AP 7, Lots 135-138, 2334 and 3706

Attorney David Iglizzi briefly described the proposal to construct two new three-family dwellings by subdividing the existing lots, creating two new additional building lots. Parcel 1 is proposed at 10,202 sq. ft.; Parcel 2 is proposed at 9,372 sq. ft. and Parcel 3 is proposed at 6,684 sq. ft. and will retain the existing two-family home. He stated that Parcels 1 and 2 will require use variances from the Zoning Board of Review as three-family homes are prohibited within the B-1 zone. A dimensional variance for the reduced lot size for the existing two-family unit will also be sought.

Project engineer and land surveyor, Phil Mancini, stated that within the 400 ft. radius of the subject site there are 4 single-family homes, 7 two-family homes, 10 three-family homes and 1 four family homes. The average lot size of these homes is 1,945 sq. ft. per unit. Over 3,000 sq. ft. per unit for each of the two new lots is proposed. He further stated that Lincoln Avenue is a dead-end street, and drainage is proposed at the end of the dead-end. "A couple of catch basins to a drainage swale are proposed at the dead-end". He stated that internal drainage will result in a zero run off. The proposed parking plan is for "one-way in and one-way out". He stated that the landscape plan provides for landscaping surrounding each property, and the units will be serviced by public water, sewer and gas. The sewer proposal for the two three-units will be a sewer force main. The plans will be submitted to Veolia Water for their approval.

Councilwoman McFarland expressed concern with the existing narrow roadway width and fears parking problems and emergency vehicle access as there is a senior citizen high-rise building in the area. She also expressed concern that Parcel 3 currently is serviced by two cesspools. She further asked if the proposed detention pond would be landscaped and if the developer would consider a wooden guardrail rather than metal. Mr. Mancini responded, stating that the cesspools will be properly removed, and the landscape plan has not yet been finalized. In regard to the guardrail, it is Mr. Mancini's opinion that the type of guardrail would be determined by City requirement.

There was some discussion in regard to the two variances that will be needed. Mr. Lapolla asked the applicant to consider re-adjusting lot lines so that Parcel 3 could be enlarged and brought into conformance. Attorney Iglizzi stated that the applicant will not have ownership of Parcel 3.

No public testimony was offered, therefore, Mr. Pezzullo presented the Planning Department staff's Findings of Fact, which are noted below and made part of these minutes. He explained that the proposal is 60% less intense than existing parcels in the area and noted that future stages of development will require a drainage plan and approvals from the PWSB and Veolia Water.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan submittal subject to the below conditions.

Findings of Fact

Staff has reviewed this Master 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 finds as follows:

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 6/25/07 and the meeting agenda has been properly posted. Advertisement for this major land development appeared in the 6/23/07 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately **13.2** 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" and therefore will not impair or alter its intent or purpose.
3. The proposal to construct 2 three-family structures within the B-1 zone is inconsistent with the City of Cranston Zoning Code schedule of uses and is prohibited. In addition, the existing two-family dwelling will have less than the required minimum for two-family units in this zone. However, an analysis of the neighborhood reveals that the two proposed three-family structures are 60% less intense than the other three-family units in the surrounding neighborhood. Additionally, the proposed nonconforming two-family unit is 37% less intense than the other two-family units in the surrounding neighborhood.
4. The property in question has adequate permanent physical access to Lincoln Avenue, an improved public roadway located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will 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 impractical.
8. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
9. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
10. The proposed subdivision provides for safe vehicular through traffic, for adequate surface water run-off, and for a suitable building site.

Conditions of Approval

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

1. All roadway design details including profiles and sections shall be included in the Preliminary Plan submittal.
2. A drainage report shall be included with the Preliminary Plan submittal.
3. Applicant shall obtain the necessary Use Variance and Dimensional variances from the Zoning Board of Review prior to Preliminary Plan submittal.
4. Applicant shall obtain Preliminary Site Plan Review approval prior to Preliminary Plan submittal.
5. Obtain preliminary design approval from the Providence Water Supply Board prior to Preliminary Plan submittal.
6. Applicant shall provide written correspondence from Veolia Water confirming the approval to connect to existing sewer utilities.

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

Aceto Plat (formerly “Phenix Avenue Minor Subdivision”)

Preliminary Plan

Minor Subdivision without street extension

Phenix Avenue

AP 17/2, Lot 1756

Attorney Robert Murray explained that the subject site is a 38,000 sq. ft. parcel just north of the Rt. 295 overpass. It steeply slopes down from Phenix Avenue. The proposal is to create two additional lots for development, which are in excess of what is required by zoning requirements. A 25 ft. ‘no disturbance zone’ is acknowledged surrounding the cemetery on site. The existing 25 ft. wide driveway will be improved (asphalt and proper drainage). He noted that the property is the subject of litigation involving the occupant of the home on Lot #3. The current proposal will improve the existing right-of-way and meets current subdivision regulations.

Mr. Pezzullo stated that several years ago a subdivision proposal was submitted and continued due to concerns with the steep slope. The current proposal has modified the lot lines and driveways have been added. He noted that there are no standards in our current zoning or subdivision regulations that restrict the slope of driveways. He stated that the driveways shown on the plan will not be constructed but are merely to indicate physical access to the street in which they front. He noted that a temporary construction easement would be needed from AP 17/2, Lot 1980 in order to construct the proposed retaining wall.

Attorney Murray interjected, stating that his client is prepared to install the driveways if need be. In response, Mr. Lapolla stated that the Planning Department merely wanted to show that street access could be obtained.

Area resident Albert DelPadre, 176 Highland Street, presented photographs of the deplorable condition of the property. He stated that he maintains the property and noted that “bushes were not put in” and water runs on to his property. He stated that water was supplied to Lot #3 with a garden hose. He expressed concern with emergency vehicle access.

Mr. Tom Bencz, 180 Highland Street, stated that the applicant “decimated the area”. He stated that debris from tree cutting was never cleared, there was no limit of disturbance; the applicant placed a silt fence without hay bales. He further stated that the developer never follow through with what was proposed and expressed concern with drainage, ledge and sewer connection.

Mr. Anthony Haskins, 640 Phenix Avenue, stated that the existing house has been neglected, the mailbox for the existing home is in his front yard, construction equipment is stored on the property, the character of the area has been harmed, and he warned the Commission to be “cautious of this developer”.

Councilman Lupino asked if the pending litigation is contingent upon this project’s approval and whether Final Plan approval would be handled administratively.

Dorothy Greene, a resident of Highland Street, stated that the right-of-way is “horrendous”; dead trees and rats exist on the property. She questioned whether it is “legal to build a piece of property at someone else’s expense”.

Attorney Murray responded, stating that Lorenzo Aceto owns the property. His brother, Mario Aceto, does not condone the condition of the property; and through this application, he is trying to improve the site.

Mr. Mario Aceto, 150 Locust Glen Drive, expressed empathy for the neighboring property owners; apologizing for the conditions his brother left. He stated that it his intention to correct the situation and will install the plantings and clear the debris from the site.

The resident of 176 Highland Street expressed concern with the steep slope of the driveways shown, snow removal and cars "hitting her home". Mr. Murray responded, stating that the driveways, if constructed, would not go down the slope.

Area resident Peter Mancini reiterated the prior speakers concerns, asking why the parcel was "not cleaned up before this".

Councilwoman McFarland asked why a road had not been installed at the time the existing home was built. She questioned the location of the mailboxes. She stated that this proposal's Final Plan should not be handled administratively, as is customary, but rather should be heard by the Planning Commission.

Mr. Murray responded, stating that it is inappropriate to build a road prior to a plan's final approval. Additionally, he asked that the requirement of obtaining a temporary construction easement from the owner of AP 17/2, Lot 1980. To that end, Samuel Hemenway, P.E., stated that the retaining wall can be constructed from "the high side" and will not require a temporary construction easement.

Councilwoman McFarland asked for the City Solicitor's comment. Attorney Sciolto stated that the City cannot impose conditions that cannot be done. In response, Mr. Pezzullo stated that all of the improvements proposed will be bonded, and the Commission can impose higher bond amounts accordingly.

Attorney Mark Morse, representing the plaintiff who resides on Lot #3, came forward to speak; stating that he would like to see the Acetos take steps to develop the property. He further stated that if this project is approved, "it will go a long way to favorably resolving this matter".

In closing, Chairman Petit stated that the current plan for this parcel should improve the area. There being no further testimony, the Commission moved to a vote.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this minor subdivision subject to the following conditions.

Findings of Fact

Staff has reviewed this 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 finds as follows:

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 4/23/07 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 **3.37** 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 1-4 residential units per acre" and therefore will not impair or alter its intent or purpose.
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-6** single family residential zone.

4. The property in question has adequate permanent physical access to Phenix Avenue and Highland Avenue, improved public roadways located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will 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 impractical.
8. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
9. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
10. The proposed subdivision provides for safe vehicular through traffic, for adequate surface water run-off, and for a suitable building site.

Conditions of Approval

The following conditions shall apply to this Preliminary Plan approval, in addition to other applicable state and local requirements and shall be met within the next six months:

1. Final Plan application shall include correspondence from Veolia Water stating that the outstanding \$4,440.13 fee has been paid in full.
2. Final Plan application shall include correspondence from Veolia Water stating that there is adequate sewer pressure in the area and that proposed subdivision complies with ANNEX A – Design of Sewers.
3. Final Plan application shall include correspondence from the Providence Water Supply Board approving the proposed public water connection.
4. If required, the applicant shall obtain a temporary construction easement for the construction of the proposed driveway along the eastern property line.
5. Applicant shall remove the illegally constructed sheds located on the property and submit written correspondence from the Building and Zoning Department confirming that this work has been done prior to Final Plan submittal.
6. Application shall submit appropriate cross easement documents for the shared driveway configuration at Final Plan submittal.
7. Applicant shall submit a performance guarantee in the amount of \$57,000 with a separate 2% administrative fee of \$1,140 for connection of public water and sewer at the time of Final Plat recording.
8. Final Record Plan shall not depict proposed structures.
9. Payment of Eastern Cranston Capital Facilities Impact Fees of \$1,186.92 (\$593.46 x 2) at the time of Final plat recording.
10. The applicant shall provide correspondence from the Building and Zoning Department that the existing brush and debris has been removed prior to Final Plan submittal.
11. The applicant shall stake out and maintain the surveyed property line throughout construction of the proposed driveway.
12. Provide written correspondence from the Cranston Postmaster approving the locations of the proposed mailboxes at Final Plan submittal.
13. Applicant shall address the issue of trash collection at Final Plan submittal a note to this

effect shall appear on the Final Record Plan.

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

EXTENSION OF TIME

Gold Meadow Farms – Master Plan

Attorney Robert Murray, on behalf of his client, Gold Meadow Acres, LLC, stated that the property is in its second receivership. He stated that, technically, the receivership tolls the last extension (August 1, 2006). The project originally received Master Plan approval in July, 2001 and has been reinstated by the Planning Commission several times. Upon the request of the Planning Department, the applicant submitted a detailed progress report. The largest stumbling block to the development of this property is the fact that the property has been in receivership twice. However, Mr. Murray is confident that the new owner, Gold Meadow Acres, LLC, is prepared to move forward.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *extend* the Master Plan approval to July 10, 2008 with the stipulation that additional requests for extensions beyond July 10, 2008 be conditioned on the applicant's prior receipt of Wetland and Subdivision Suitability approvals from the RIDEM.

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

PERFORMANCE GUARANTEES

Jenny Estates

Mr. Pezzullo explained that the current Citizens Bank Letter of Credit No. S902687, Amendment No. 003 in the amount of \$34,000 is set to expire on August 3, 2007. Communication with the Engineering Division confirms that the planned improvements have not yet been completed.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *extend* the existing Letter of Credit to August 3, 2008 if received prior to July 27, 2007 and to authorize the City Finance Department to withdraw the associated funds should an extension not be received prior to July 27, 2007.

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

ZONING BOARD OF REVIEW ITEMS

ERNEST RICCI 12 ROGER WILLIAMS CIRCLE CRANSTON RI 02905 (OWN) AND RICHARD CARLUCCI PO BOX 8452 CRANSTON RI 02920 (APP) have filed an application for permission to leave an existing legal non-conforming single family dwelling on an undersized 4500+/- SF [lot 2520] with restricted frontage and front yard setback and build a new 30' X 24' single family dwelling with a 10' X 14 deck on the abutting 4500+/- SF undersized [lot 2519] with restricted frontage at **135 Ferncrest Avenue**. AP 2/5 Lots 2519, 2520 area 9000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard 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 application’s proposed density of 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”.
2. The average single family density of the lots within the 400’ zoning notification radius is one unit per 4900 square feet of lot area. The applicant’s overall proposal is slightly denser (1 unit per 4,500 sq. ft.) than the existing residential development density in the surrounding neighborhood.
3. The overall density of the 133 total units (includes 1,2 and 3-family dwellings) within the 400’ zoning notification radius is 3,753 sq. ft. per unit; the application is therefore less dense than the overall neighborhood density..
4. Of the 78 single family dwellings within the entire 400’ radius, 65 or 83 % are on lots that are smaller than the required 6,000 sq. ft. minimum, and 34 are on lots that are between 4,000 and 5,000 s.f., therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.
5. The proposed house meets all the required yard setbacks.
6. The existing garage and shed will remain on the lot. Both have restricted front yard setbacks from Lynn Avenue and the garage has a restricted side yard setback from the abutting lot (#1346).

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review’s record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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, Councilwoman McFarland, Mr. Rossi and Mr. Delgado. There were no Nay votes.

PATRICIA LETT 160 HARRIS AVENUE SMITHFIELD RI 02917 (OWN/APP) has filed an application for permission to build a new 24’ X 44’ two story single family dwelling with restricted frontage on an undersized lot on **Clifden Avenue**. AP 3/1 Lots 1360 area 4400 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots of Record.

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

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

Findings of Fact:

1. The application’s proposed density of 9.9 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”.
2. The average single family density of the lots within the 400’ zoning notification radius is one unit per 5,624 square feet of lot area.

3. Of the 68 single family dwellings within the entire 400' radius, 49 (or 72%) are on lots that are smaller than the required 6,000 sq. ft. minimum; of those, 33 (49%) are on lots that are less than 4,500 s.f., therefore, the application to construct a single family on 4,400 sq. ft. will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.
4. Title cards for the applicant's lot show that the parcel is a pre-existing lot of record, and has been singularly owned since 1960, therefore a hardship exists, as the lot was never merged with an abutting lot.
5. The proposed house meets all the required yard setbacks.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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, Councilwoman McFarland, Mr. Rossi and Mr. Delgado. There were no Nay votes.

MICHAEL AND MICHELE CORSO 19 SEAVIEW AVENUE CRANSTON RI 02905 (OWN/APP)

have filed an application for permission to build a 17' X 22' two story addition to an existing legal non-conforming single family dwelling on an undersized lot with restricted frontage and side yard set back at **19 Seaview Avenue**. AP 1 Lots 146 area 3,608 +/- 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 applicant's building has preexisting restricted yard setbacks of 5 ft. from the front property line, 2.5 ft. from the left property line, and 15 ft. from the rear property line.
2. There are 28 residential buildings located within the 400' zoning notification radius. Of those, 25 dwellings have either a restricted front, side, or rear yard setback or a combination of all three. The existing yard setbacks in the area range between 1 ft. and 7 ft. (Analysis was done using the City's GIS.)
3. In the area of the proposed addition, GIS showed an existing garage with a 0' side yard setback and 5 ft. rear yard setback. This garage will be removed.
4. The proposed side yard setback for the addition is 2.37 feet., with a rear yard setback of 14.5 ft. which is an increase over the existing garage setbacks.
5. The existing building covers 28% of the lot, where 30% lot coverage is allowed. The proposed 379.14 sq. ft. addition will result in a lot coverage of 38.5 %. GIS shows that several small lots on Fort Ave., and Bayamo Lane have lot coverages in excess of the zoning requirements.
6. Therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

7. The property is within 200' of the coastline (Pawtuxet Cove), and therefore will require CRMC and RI Historic Preservation and Heritage Commission approval. The property is also located within the Pawtuxet Village National Register Historic District.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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, Councilwoman McFarland, Mr. Rossi and Mr. Delgado. There were no Nay votes.

DEBORAH ANN AND LAWRENCE THOMAS BYRNE 965 BANNOCK COURT CONCORD CA 94518 (OWN/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 an undersized [lot 2295] and build a new 26' X 32' cape style home on the abutting [lot 2293] at **17 Hampshire Road**. AP 5/4 Lots 2295 & 2293, area 11,459 +/- 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 application's proposed density of 7.6 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".
2. The average single family density of the lots easterly of Pontiac Avenue and within the 400' zoning notification radius is one unit per 6,135 square feet of lot area, which exceeds the minimum lot area required in an A-6 zone. The applicant's overall proposal is denser (1 unit per 5,729.5 sq. ft.) than the existing residential development density in the surrounding neighborhood.
3. Taken separately, the proposed new single family will be constructed on an existing 7,182 sq. ft. lot, which exceeds the minimum required lot area by 1,182 sq. ft., and the existing single family will remain on an existing 4,277 s. ft. lot., which is 1,723 sq. ft. smaller than the required 6,000 sq. ft. lot area.
4. However, of the 59 single family dwellings within the entire 400' radius, 37 or 61 % are on lots that are smaller than the required 6,000 sq. ft. minimum, therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

KAYROSE LLC 54 PINEHILL ROAD JOHNSTON RI 02919 (OWN) AND NEW BEGINNINGS CHRISTIAN CHURCH PO BOX 8009 CRANSTON RI 02920 (APP) have filed an application for special permit for permission to operate a church from an existing building at **500 Dyer Avenue**. AP 8/3 Lots 113,114,115,116,117 area 25,709 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.020 Special Permit.

This application was reviewed for conformance with Chapter 17.92.020 of the Cranston Zoning Code, entitled *Special Use Permit*, which establishes criteria for the issuance of Special Use permits within a Commercial District.

Findings of Fact:

1. The application conforms with the Comprehensive Plan's Future Land Use Map, which designates this parcel as Commercial and Services.
2. The proposed church will be located within 2 units containing 2,160 square feet of an existing 6 unit, 6,480 sq. ft. strip commercial building.
3. The church will have 81 seats, requiring 9 parking spaces (1 space for every 10 seats). The parcel contains a total of 41 shared parking spaces.
4. There are 6 other commercial and 2 industrial uses along Dyer Avenue within the 400' zoning notification radius. All of the commercial buildings are approximately the same size as the strip commercial building where the church will be located. Therefore, the proposed use conforms with Sec. 17.92.020 of the Cranston Zoning Code entitled Special Use Permit, which stipulates that the application will substantially conform to the scale and context of the surrounding developments.

Recommendation:

Mr. Rossi made a motion for a favorable recommendation to the Zoning Board on this application. Mr. Delgado made the second to the motion. However, since only four members of the Planning Commission were present for the meeting, the vote taken was three in favor of the motion, and one against the motion. Therefore, the motion did not pass, and the application will be forwarded to the Zoning Board with no recommendation from the Planning Commission.

Aye votes: Chairman Petit, Mr. Rossi, and Mr. Delgado. Councilwoman McFarland voted nay.

JOSEPH MATTIACE TRUST, MARIO MATTIACE, ELAINE BEELEY, ANTHONY R MIGNARELLI TRUSTEES 10 WEYBOSETT STREET SUITE 205 PROVIDENCE RI 02903 AND MODESTINA MATTIACE TRUST MODESTINA MATTIACE TRUSTEE 364 LAURAL HILL AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to leave an existing legal non-conforming two family dwelling on a proposed 5675+/-sf lot with restricted front and side yard setback at **364 Laurel Hill Avenue**. AP 7/1 Lots 3235, 3601, 509, 104 area 7628 +/- SF, 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."

Note: As the subject property is within 17 feet of the Providence City boundary, only the lots that are located completely in Cranston within the 400' Zoning Notification Area were used in the analysis

Findings of Fact:

1. The application's density of 15 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".
2. The applicant has applied for an Administrative Subdivision, and has a conditional approval, pending zoning board of review approval of the subject lots.
3. A 1,953 sq. ft. portion of the applicant's lot #3601 will be transferred to the abutting undersized lot #3462, which currently contains a three family on 1,695 sq. ft. in Cranston. The remainder of both lots is in Providence. The transferred 1,953 sq. ft. section of the property eliminates the hockey stick shape of the applicant's parcel and adds valuable square footage for off street parking for the abutting 3 family.
4. The city's GIS shows a 40' long hedge perpendicularly located across lot # 3601 along the proposed new lot line for the three family, and presently serves as a natural visual divider.
5. There will be no physical changes in the field, except the addition of 4 off-street parking spaces on the transferred section of land. No additional units are proposed, therefore the existing density will not increase.
6. There are 17 two family houses within the 400' Zoning Notification Radius. Six (35%) of those 2 family houses are on undersized lots.
7. Therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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, Councilwoman McFarland, Mr. Rossi and Mr. Delgado. There were no Nay votes.

JOSEPH J & SUSIE TOSANI 10 STONY ACRE DRIVE CRANSTON RI 02920 (OWN/APP)

have filed an application for permission to leave an existing single family home on an undersized parcel [lots 90 & 91] and build a new one story 26' X 40' single family home with an 8' X 34' front porch on an undersized [lot 45] at **10 Stony Acre Drive**. AP 37/2 Lots 45, 90 and 91 area 13,005 +/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

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

Findings of Fact:

1. The application's density of 6.7 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" 4- 8 residential units per acre".
2. The average size of single family house lots within the 400' radius is 7,328 sq. ft.

3. There are 31 single family houses within the 400' Zoning Notification Radius. Eighteen (58%) of those single family houses are on pre-existing, non-conforming undersized lots. (The Fenner House is located within the 400' radius; however, since it is on a 2.15 acre parcel, it was omitted from the analysis, so as not to skew the results).
4. The overall density of all residential units within the 400 foot radius is 6,368 sq. ft. of land area per unit, which includes the 5, two family dwellings also within the radius. Both of the applicant's parcels are less dense than the average density within the 400' Radius.
5. Therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.
6. The proposed new dwelling meets all required yard setbacks.

Recommendation:

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

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances 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, Councilwoman McFarland, Mr. Rossi and Mr. Delgado. There were no Nay votes.

MISCELLANEOUS

Due to the late hour, revision of the Application Fee Schedule was not discussed.

ADJOURNMENT

Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to adjourn at 11:10 p.m.

NEXT MEETING

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

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

