

MINUTES

July 7, 2009

Vice Chairman Charles Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:03 p.m. The following Commission members were in attendance:

Charles Rossi, Vice Chairman
Robert Strom, Finance Director
Michael Smith
Gene Nadeau
James Moran

Also present were:

Peter Lapolla, Planning Director
Jason Pezzullo, Principal Planner
C. Daniels, Associate Planner
Stephen Marsella, Esq., Assistant City Solicitor

Those members of the public in attendance were: Attorney Robert Murray and Mr. Paul Carbone.

APPROVAL OF MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Smith, the Commission unanimously voted to *approve* the minutes of the June 2, 2009, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Dynamic Estates – MINOR MODIFICATION TO FINAL APPROVED PLAN

Minor Subdivision with street extension
1730 Plainfield Pike
AP 37, Lot 533

Attorney Robert Murray, representing Mr. Paul Carbone, Acme Concrete Forms, discussed pavement width, installation of sidewalks and road elevations. Mr. Carbone has requested the elimination of a portion of sidewalk next to the proposed wall. Sidewalk along the frontage of the entire subdivision was required by the Planning Commission as a condition of the Preliminary Plan approval. Mr. Moran questioned the stability of the slope, stating that a retaining wall is needed. The Fire Department's input will be sought regarding the request for narrowing the roadway width.

Mr. Murray stated that his client will 'stake out' the center line and curb lines and will follow up with the Fire Department regarding the roadway width.

Mr. Carbone expressed concern for the woman who purchased the home at the corner.

Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to *table* this matter to the August 4, 2009 Planning Commission Meeting to allow the applicant sufficient time to stake out the property as discussed.

Aye votes: Vice Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Strom and Mr. Smith. There were no nay votes.

EXTENSION OF TIME

Farm House Lane – Preliminary Plan
Residential Planned Development
AP 23, Lot 12 and AP 24, Lots 66 and 105
Two year extension request

Mr. Pezzullo, Principal Planner, explained that the Planning Department has no concern regarding this request for a two year extension of time of the Preliminary Plan approval granted by the Planning Commission on July 10, 2007.

Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to *approve* the request for a two year extension of time of the Preliminary Plan for the Farm House Lane RPD.

Aye votes: Vice Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau and Mr. Strom. There were no nay votes.

PERFORMANCE GUARANTEE

Birchwood Estates
Major Land Development – Bond Revocation

Mr. Pezzullo presented photographs of the deteriorated roadway that exists in Birchwood Estates. This matter has been on-going for several years. A condition of the Preliminary Plan approval specifically required the following: Due to the road being a newly completed roadway surface, final pavement improvements shall include a *curb to curb overlay* with six foot wide gutter-line grinding per City of Cranston standards. Also a *construction schedule for said improvements be submitted to this Office for approval with the anticipation of said work to be completed as soon as practical to ensure the residents of Birchwood Estates do not endure unnecessary delays involving this matter.*

The Planning Department staff held a meeting with the developers and their attorney, John Mancini, on July 2, 2009; at which time the developer agreed that the paving will be completed by August 31, 2009. The developer and their attorney were informed that this matter will be reviewed at the September 1, 2009 Planning Commission Meeting.

Upon motion made by Mr. Nadeau and seconded by Mr. Smith, the Commission unanimously voted to extend the deadline for satisfactory completion of the required roadway work to Monday, August 31, 2009. If said roadway paving is not completed to the satisfaction of the Public Works, Engineering Division by that date, the existing Hartford ITT, Bond #02BCSAA8195, in the amount of \$135,250, will be exercised.

Aye votes: Vice Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau and Mr. Strom. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

RAYMOND C AND KATHLEEN S DELUCA 55 MANHASSET STREET CRANSTON RI 02910 (OWN/APP) have filed an application for permission to use an existing legal nonconforming building as a professional office including a security alarm company with restricted front, side and rear yard setbacks, off street parking on an undersized lot at **51 Manhasset** . AP 6/4, lot 1182, area 5000 +/- sf, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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 property's proposed commercial use is inconsistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre.
2. The property, which is located on the corner of Molter Street, is located across the street from an area in the city that is zoned industrial.
3. The property has been used commercially since a Zoning variance was received in 1968; therefore, the proposed office use will not alter the existing general character of the surrounding neighborhood, or impair the intent and purpose of the Cranston Zoning Code, and the Comprehensive Plan, upon which the Zoning Code is based.
4. The opposite corner property on Manhasset Street is also a Commercial use by variance.
5. The building contains a garage that can accommodate parking for 3 vehicles inside, and 2-3 vehicles outside.
6. The existing building has a 2' front yard setback from Molter Street, and a 14' setback from Manhasset Street.
7. The parcel's westerly property line abuts the parking lot for Twin Oaks.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to recommend *approval* with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Aye votes: Vice Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau and Mr. Strom.
There were no nay votes.

MONTECATINI PROPERTIES LLC 836 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) AND GEORGIANA APPOLONIO (LESSEE) 15 POINT AVENUE WARWICK RI 02889 have filed an application for permission to operate a hair salon from a portion of an existing building at **836 Oaklawn Avenue**. AP 15/2, lot 372 & 374, area 20,234 +/- sf, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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 property's proposed commercial use is inconsistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 4-8 units per acre.
2. In 1980, the house on lot #372 received a Zoning Variance for office use. The 1984 tax assessor's field card showed the building was being used as offices. However, somewhere between 1984 and 1996, the building converted back to residential use, and all tax assessor records shows the property has been taxed as a single family from 1996 to present.
3. The existing house on lot #374, is currently being taxed as a single family. That lot was the subject of a Zoning variance request in 1999 for a restaurant, but the application was withdrawn.
4. Though the site plans submitted with the application shows a proposed addition connecting the two, single family dwellings is to be used as a church; the photos taken on July 1, 2009, clearly show the addition has already been constructed. It is not known how many seats are located in the church, which determines the number of parking spaces needed.

5. The existing side yard setback is 6' where 8' is required.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to recommend *approval*. While the application for Commercial use is out of conformance with the current City Of Cranston Comprehensive Plan Future Land Use Map, which designates the area for residential use, the Commission recommends approval, because it believes the use reflects the existing commercial character of Oaklawn Avenue; which will be reflected in the new, updated future land use map, and with the following conditions:

1. 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.
2. A written, shared parking agreement with the abutting property to the north be obtained, as part of any Zoning approval.

Aye votes: Vice Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau and Mr. Strom. There were no nay votes.

COMPREHENSIVE PLAN UPDATE

APPOINTMENTS

City Plan Commission appointment to the *Cranston Parks and Recreation Commission*

This matter was tabled to the August 4, 2009 Planning Commission Meeting.

LAND DEVELOPMENT AND SUBDIVISION PERMITTING PROCESS

ADJOURNMENT/NEXT MEETING

Tuesday, August 4, 2009, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary