

## MINUTES

July 8, 2014

Chairman Smith called the Planning Commission Meeting to order at 7:12 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman  
Gene Nadeau  
Mark Motte  
Robert Strom

Also present were:

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

## APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted to approve the minutes of the June 3, 2014, Plan Commission meeting.

## CITY COUNCIL ORDINANCE RECOMMENDATION

**Ordinance #6-14-01** In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone – Extension of Pepper Mill Lane)

Attorney Robert Murray, representing his three clients; Phyllis Brown, Lorraine Carlino and Patricia Iannelli, stated that the site consists of 5.77 acres of unimproved land at the end of Pepper Mill Lane. The request is to re-zone this area from A-80 to A-20, which is consistent with the Comprehensive Plan as well as consistent with the zoning in the rest of Alpine Estates. He stated that this area is the last piece to be re-zoned. Public water and sewer are available. He emphatically stated that the proposed roadway extension will not go through to Dove Court. The cul-de-sac that exists (since 1994) has always been intended to be temporary. If the re-zone is granted, the result will be six or seven ½ acre lots.

Vern Karidis, 9 Pepper Mill Lane, stated that the existing covenants for Alpine Estates will expire in 2016 and further stated that there are no assurances that the road will not connect.

Planning Director, Peter Lapolla, responded, stating that the land on the other end does not belong to this property owner, it is privately owned.

Stephanie Kafenberg, One Pepper Mill Lane, expressed concern with her property value, stated that traffic will double and there will be construction, wants guarantee on the style of housing and stated that a "realtor said that the land was unbuildable".

Mr. Pezzullo responded, stating that it is not the Commission's purview to dictate what style of housing or type of housing will be built. Chairman Smith further explained that the only thing the Commission is concerned with at this meeting is the proposals conformance with the Comprehensive Plan.

Greg Silva, 16 Pepper Mill Lane, stated that he was told that the land was not buildable and further stated that there is a stream on the land. Mr. Lapolla responded, stating that RIDEM will be involved during the subdivision process and will flag/verify the wetland area/s.

John Piotti, 15 Pepper Mill Lane, stated that he has had water in his basement twice. He stated that he has lived there for 12 years and stated that "changing the zoning is based on tax increases for the city and are based on money".

Brad Kafenberger, One Pepper Mill Lane, asked why this property was zoned A-80 to begin with. Chairman Smith responded, stated that the property has existed this way and any zone changes are granted by the City Council. He explained that the Commission makes a recommendation to the City Council. Mr. Lapolla further interjected, stating that all or most of Alpine Estates was originally zoned A-80. This is the last remaining parcel zoned this way.

Councilman Mario Aceto stated that "the people are concerned with wetlands." He further stated "Once you stir the land up, where is the water going to go"? He also asked about continuing the covenants.

Another female resident asked, "Why now"? Mr. Lapolla again responded, stating that a good part of western Cranston was originally zoned A-80 at one time. These property owners simply did not ask for their property to be re-zoned until now.

Shaun Comody, Basil Crossing, asked the Commission to reject the proposal.

Councilman Aceto stated that it was his understanding that everything west of Pippin Orchard Road was to remain A-80. Mr. Lapolla responded that a private owner requested it. That request came after the Council approved the Comprehensive Plan.

A resident of 14 Basil Crossing objected to this proposal, stating that there are a lot of children; further stating that the land has been used as a walking path and also expressed concern with the size of the homes.

In closing, Attorney Murray sought to dispel any misunderstandings. He stated that his client does not own the property to connect to Dove Court, his client is aware that there are wetland areas along the property line that abuts the M-2 zoned property. It has been verified by RIDEM. He also stated that the 1992 Comprehensive Plan may have called for higher density. In the 1980's, water and sewer were not readily available.

Mr. Pezzullo reiterated that the plan presented by Mr. Murray is conceptual. A more detailed plan would be required at the time of subdivision. He also stated that residential housing does not benefit the City financially. He stated that this is not a consideration during the subdivision process.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to adopt the following Finding of Fact and forward a recommendation of approval of Ordinance #6-14-01.

#### Findings of Fact

1. The proposed change of zone for AP 35, Lot 13 from A-80 to A-20 is consistent with the City of Cranston's 2010 Comprehensive Plan – Future Land Use Map which designates this area as "Residential allowing for 3.63 to 1 units per acre". The proposed density will yield 2.18 units per acre.

Ayes: Chairman Smith, Mr. Strom, Mr. Motte and Mr. Nadeau. Nay: none.

## **SUBDIVISION AND LAND DEVELOPMENTS**

### **Chapel View MPD – Major Land Development** **Violations of the Approved MPD Ordinance-Enforcement Actions**

Sockanossett Crossroad/New London Road  
AP 14, Lot 1 and portion of Lot 15

Attorney John Bolton, representing the Carpionato Corporation, referenced Mr. LaPolla's letter of June 18, 2014, which contained alleged violations of the previously approved MPD. Mr. Bolton stated that there is only one officer of the City that can enforce zoning, that being the Zoning Official. He further stated that the City Charter indicates that the MPD must be enforced by the City Building Official. He stated that "it is improper for this Commission to issue these violations". He asked that the June 18, 2014, letter be withdrawn and the

agenda item removed. He objected to any comments on this matter, further stating that his client will not subject himself to any comment by this Commission.

Chairman Smith suggested that, perhaps, this matter could be discussed under the agenda item listed as the Planning Director's Report. It was determined that this matter was placed on the agenda as information for the Commissioners and no action (vote) would be required.

Mr. Lapolla stated that the developer is in violation of the Final Approved Plan. He pointed out on the visual screen several areas where islands and related landscaping had been removed and parking added.

### **PERFORMANCE GUARANTEE**

**Reed/Kezerian Minor Subdivision** - Expiration of existing bond  
Narragansett Blvd./Grand Avenue  
AP 2, Lots 737, 738 and 4006

A Western Surety Company Bond # 24798525 in the amount of \$10,000 was issued as a performance guarantee for the completion of the public improvements associated with the Reed / Kezerian Minor Subdivision, and is set to expire on 7/31/14.

Communication with the Engineering Division confirms that the planned improvements have not been completed to the City's satisfaction as of this date. Therefore, upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to:

1. Allow extension of the Western Surety Company Bond # 24798525 to July 31, 2016, if received prior to July 30, 2014; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by July 30, 2014.

Ayes: Chairman Smith, Mr. Motte, Mr. Nadeau and Mr. Strom. Nay: none.

### **ZONING BOARD OF REVIEW RECOMMENDATIONS**

**RICARDO A & JOSHUA ABREU 108 PRINCESS AVENUE CRANSTON RI 02010 (OWN/APP)** have filed an application for permission to convert an existing detached one story garage to a two story studio apartment at **108 Princess Avenue**. AP 8/2, lots 707&708, area 7760+/-SF, zoned B-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.070 More than one dwelling structure on any lot prohibited, 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. B-2 Zoning requires 10,000 sq. ft. for a two family, and 14,000 for a three family.
2. The application for three units on 7,760 sq. ft. is approximately half of the required lot size for 3 residential units in this zone.
3. The existing 2-family on 7,780 sq. ft. results in a density of 11.23 units per acre, which already is not consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area as Residential with a density to be less than 10.89 units per acre.
4. The proposed apartment would result in a density of 16.84 units per acre, which is severe overcrowding and not consistent with the Comprehensive Plan Future Land Use Map.
5. The garage does not meet the 8 ft. side yard setback requirement for a building with living space.
6. The site plan and floor plan submitted are not to scale.
7. A second floor addition is proposed to be constructed on the existing one story, 22' x 21' two car garage, with living space on the entire first and second floors.
8. The driveway parking area is too small to accommodate 6 separate parking spaces that would allow street access from the parking lot in a forward motion.

Recommendation: Based on the findings of fact, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board, as the application will result in severe overcrowding and is not consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Residential, 10.89 units per acre, for this area of the City.  
Ayes: Chairman Smith, Mr. Motte, Mr. Nadeau and Mr. Strom. Nay: none.

**STEPHEN A & KIMBERLY MORETTI 25 ORIOLE AVENUE CRANSTON RI 02920 (OWN) AND CEM DENTAL SERVICES INC 289 BUDLONG ROAD CRANSTON RI 02920 (APP)** have filed an application for permission to build a 299+/- SF addition to an existing dental laboratory at **289 Budlong Road**. AP 11, lot 2276, area 8000+/-SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural Alterations to Non-Conforming Building.

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 commercial use is not consistent with the Comprehensive Plan's 2010 Future Land Use Map that designates this area of the City for Residential Use, however, there is a single family dwelling on the same lot.
2. The existing 18' x 25' building received a zoning variance in 2010 for a dental lab. The building had been used commercially by variances since 2002.
3. The addition will be constructed on the rear of the existing dental lab.
4. A parking area for 5 vehicles will be added behind the dental lab and single family.
5. The two existing curb cuts on Budlong Road will allow one way in and one way out of the rear parking area.
6. The addition exceeds the required rear and side yard setbacks.

Recommendation: The commercial use is not consistent with the 2010 Comprehensive Plan Future Land Use Map. However, since the property has been used as a mixed residential and commercial use prior to the adoption of the current Comprehensive Plan. Therefore, upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the application will not alter the general character of the area, or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Code is based.

Ayes: Chairman Smith, Mr. Motte, Mr. Nadeau and Mr. Strom. Nay: none.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to reconsider the following matter.

**RIFAAT SAMROUT 163 KELLEY BOULEVARD NORTH ATTLEBORO MA 02760 (OWN) AND EDGEWOOD SERVICE INC 1647 BROAD STREET CRANSTON RI 02905 (APP)** have filed an application for permission to sell not more than 3 used cars at any time from an existing legal non-conforming gasoline and service station at **1647 Broad Street**. AP 2, lot 1876, area 10,998+/-SF, zoned C-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity. John F Cotter Esq. filed on 5/13/14.

**Note: On June, 3, 2013, the Plan Commission reviewed this application and forwarded its Recommendation to the Zoning Board. At the request of the applicant's attorney, the Commission voted to rehear this application for reconsideration, but found that the information presented by the applicant's attorney did not change the findings, therefore, the negative recommendation of June 3, 2014, (below) stands.**

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 2010 Comprehensive Plan Future Land Use Map designates this area of Broad St. as Neighborhood Commercial. The existing gas and service station use is inconsistent with the Comp Plan.
2. The City of Cranston Bureau of Traffic Safety has disapproved the site plan submitted as the curb cut width of 49' exceeds the maximum allowed of 35 ft., and the 6' and 12' driveway opening distances from the corner intersection and abutting properties, are not in compliance with the 25' minimum distance requirements.
3. The site plan submitted shows parking for 9 cars.

Recommendation: In addition to the fact that the existing use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Neighborhood Commercial for the area of Broad Street, the Commission finds that adding used car sales would exacerbate the already over intensive use of the property. Therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

Ayes: Messers Smith, Moran, Motte, Mason, Nadeau and Vincent. Nay: none.

### **PLANNING DIRECTORS REPORT**

Mr. Motte stated that the Chapel View matter heard earlier was very informative and encouraged Mr. Lapolla to "stay on it".

### **ADJOURNMENT**

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 9:10 pm.

**DATE OF NEXT MEETING** August 5, 2014 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner