

## **MINUTES**

June 1, 2010

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

Charles Rossi, Chairman  
Richard Bernardo, Public Works Director  
Michael Smith  
Robert Strom  
Mark Motte

Also present were:

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

The following members of the public attended: Robert Mignanelli, Richard Hanson, Brett Cimino, John Francisco, Joe Giammarco, Barbara Rotler, Felicia Lidentia, Carol Rotter.

### **APPROVAL OF MINUTES**

Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Planning Commission unanimously voted to *approve* the minutes of the May 4, 2010, Planning Commission Meeting.

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **Lantern Hill Estates Phase II – Preliminary Plan – Continued from 5/4/10** **(formerly know as Lippitt Hill Estates Phase II)**

Major Subdivision with street extension  
AP 30/4, Lot 250  
(Continued from the May 4, 2010 agenda)

Attorney Robert Murray spoke on behalf of the developer stating that the developer wishes to withdraw the application without prejudice.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to allow the withdrawal of this application without prejudice.

Aye votes: Chairman Rossi, Mr. Bernardo, Mr. Smith, Mr. Strom and Mr. Motte. Nay votes: none.

**Francisco Plat – Preliminary Plan – Minor Modification**

Minor Subdivision without street extension

1402 Phenix Avenue

AP 21, Lot 1

Mr. Pezzullo explained that the applicant received Preliminary Plan approval for this two lot minor subdivision on March 3, 2008. The applicant's present proposal is a modification to the common lot line that would eliminate the formerly proposed shared driveway configuration.

A neighboring property owner asked if the applicant would be required to return to the Planning Commission should he decide to add a third lot to this proposal. Mr. Bernardo responded, stating that sewer service would not be available to accommodate a third lot.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to adopt the following Findings of Fact and *approve* the revised Preliminary Plan subject to the conditions denoted below, with waiver for the provision of sidewalks.

**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 May 21, 2010 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 1.7 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 4-8 residential units per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Phenix Avenue, improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, 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 building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

### Conditions of Approval

1. The owner of the proposed lot 2 shall own/operate/maintain the sewer line from the cleanout to Phenix Avenue and out into the street and shall be denoted on the Final Plan submission.
2. A performance guarantee bonding amount shall be prepared by the Public Works / Engineering Division to cover the cost of utility expansion and public improvements. This bond amount shall be provided to the Planning Department prior recording the Final Plan.
3. Payment of Western Cranston Water District Impact Fee in the amount of \$1,352 at the time of Final plat recording.
4. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final plat recording.

Aye votes: Chairman Rossi, Mr. Bernardo, Mr. Smith, Mr. Strom and Mr. Motte. Nay votes: none.

### **Independence Park Redevelopment (Plainfield Pike Walmart)**

#### **Preliminary Plan**

Major Land Development without street extension  
1776 Plainfield Pike & Independence Way  
AP 37-1, Lot 3

Principals involved in the project, Attorney Elizabeth Noonan; Bill Goebel, Bohler Engineering; Traffic Engineer, Shaun Kelly, Vanasse Associates; Tara Calabrese, AICP; spoke on behalf of the project. The proposal is to demolish a portion of the existing building in the adjacent vacant mall and expand the Walmart structure on its northern and eastern sides. The result will be 35,200+/- sq. ft. of new retail space. The one story façade of the building will be remodeled and the parking area reconfigured. Along with a pedestrian access way leading to the garden center and the store's two new front-entry vestibules, additional landscape enhancements are proposed. Upon review of the proposed expansion, it will not have a significant impact on the surrounding area, based on the materials submitted.

Area resident Joseph DeSimone, 10 Pond View Drive, asked if the proposed project required RIDEM approval. Mr. Goebel responded, stating that RIDEM approval is not required.

Area resident Richard Hanson, 123 West View Drive, expressed concern with maintenance of the site. Attorney Noonan responded, stating that the developer is committed to maintaining the site.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Commission unanimously voted to adopt the below Findings of Fact and *approve* your Preliminary Plan submittal subject to the following conditions.

#### Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return/receipt mailing on 5/18/10 and the meeting agenda has been properly posted. Advertisement for this Major Land Development was published as a display ad in the 5/19/10 edition of the Cranston Herald.
2. The proposed expansion of the Walmart store is considered a use allowed by right and conforms to the intensity regulations of the Cranston Zoning Code.
3. The proposed retail establishment is consistent with the Comprehensive Plan, Future Land Use Map as amended, which designates this area as "Commercial and Services".

4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
5. There will be no significant negative environmental impacts from the proposed major land development as shown on the proposed Preliminary Plan.
6. The proposed major land development promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
7. The proposed major land development 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 property in question has adequate permanent physical access to Independence Way, an improved public roadway located within the City of Cranston.
9. The proposed major land development, Preliminary Plan, 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.
10. The design and location of roadways, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Final Plan application and complete plan set and supporting materials shall include and incorporate all conditions imposed by the Site Plan Review Committee on 4/21/10 and detailed in the Planning Directors 5/27/10 decision letter, prior to Final Plan recording.

Aye votes: Chairman Rossi, Mr. Bernardo, Mr. Smith, Mr. Strom and Mr. Motte. Nay votes: none.

**PERFORMANCE GUARANTEES**

**Dynamic Estates** – Bond Reduction Request

Mr. Pezzullo explained that Mr. Walter Skorupski, City Engineer, inspected the site to determine the appropriate amount for the reduction. On May 27, 2010, Mr. Skorupski recommended a reduction in the existing performance guarantee, BankRI Standby Letter of Credit No. D8401 dated May 20, 2010, Amended May 15, 2010 which is set to expire on May 15, 2011. He recommended a reduction of \$38,000 leaving a remaining balance of \$31,000 which is now approximately 25% of the original bond amount.

Upon motion made by Mr. Bernardo and seconded by Mr. Strom, the Commission unanimously voted to *reduce* the bond amount required by \$38,000, leaving a remaining balance of \$31,000.

Aye votes: Chairman Rossi, Mr. Bernardo, Mr. Smith, Mr. Strom and Mr. Motte. Nay votes: none.

**ZONING BOARD OF REVIEW RECOMMENDATIONS**

**HARRIS HOUSE PARTNERS LP 28 HARRIS AVENUE CRANSTON RI 02920 (OWN) AND CLEAR WIRELESS LLC C/O PRINCE LOBEL 100 CAMBRIDGE STREET SUITE 2200 BOSTON MA 02114 (APP)** have filed an application for special permit to install wireless communication panel antennas and dish antennas and related equipment on the roof of an existing building at **28 Harris Avenue**. AP 7/2, lot 3142, area 4.32+/- acres, zoned M-2 & B-1. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.030 Schedule of Uses.

Findings of Fact:

1. The proposed three, panel antennas, and one, 1' diameter dish antenna ,are being installed on the roof of the Harris House, ( at elevation 70' and 77') therefore, the application will not alter the character of the surrounding neighborhood or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Zoning ordinance is based.
2. Section 17.76.010 C.I. of the Cranston Zoning Code states:  
*Communication antennas not attached to a communication tower shall be permitted as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:*
  - i. *The antennas are not higher than twenty-five (25) feet above the highest point of the structure;*
  - ii. *The antennas comply with applicable FCC and FAA regulations; and*
  - iii. *The antennas comply with all applicable zoning requirements and building codes, with the exception of the restriction pertaining to height limitations.*
3. As the antenna is not attached to a communication tower, and is located on top of an existing tall building, the application could be considered a permitted accessory use.
4. The proposal is in accordance with Section 17.76.010.C.3.a. of the Cranston Zoning Code, which states “A reasonable effort shall be made to utilize existing structures for telecommunications antennae.
5. The application has no negative impact on the natural, cultural or scenic character of the City, therefore, the application is in conformance with the Comprehensive Plan, regarding those elements.

Recommendation: The application is not inconsistent with the Comprehensive Plan, therefore, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation to the Zoning Board for a Special Use Permit for this application.

Aye votes: Mr. Rossi, Mr. Smith, Mr. Bernardo, Mr. Motte and Mr. Strom. Nay votes: none.

**DERCOLE GROUP REALTY LLC 9 DERCOLE DRIVE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 60' X 75' garage/storage building with office at **2814 Plainfield Pike**. AP 33, lot 22 and 36, area 62,300+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity.

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

Findings of Fact:

1. The property received a variance in 1988 from the Zoning Board to park and store construction equipment and related materials. The condition placed on the approval was to provide a minimum 5' high arborvitae shrubbery buffer around the perimeter of the property to conceal the trucks and equipment from view. Today, there is no evergreen buffer as the lot has been paved to the property line. (The Plan Commission had recommended **denial** on the 1988 application, for the reason that it was an over intensive use in the residential zone.)

2. The existing and proposed construction/industrial use is **not consistent** with both the 1992 or the newly adopted 2010 Comprehensive Plan's Future Land Use Map, which designates this area as residential, less than 1 unit per acre.
3. An L-shaped portion of the subject lot (42,300 sq. ft.) is paved with recycled asphalt, with an existing 30' x 40' storage building already on the left rear corner of the lot, and an existing residential dwelling on the front right corner on a 21,000 sq.ft. portion of the same lot.
4. The area dedicated to the industrial use (42,300 sq. ft.) would not conform to the minimum lot size of 60,000 sq. ft. if the lot was located in an M-2 industrial zone.
5. The applicant received a preliminary approval from the Site Plan Review Committee on September 16, 2009, subject to Zoning approval.
6. The elevation drawings submitted with the zoning application, shows what appears to be a corrugated metal building, with the gable end of the building being a solid wall facing Plainfield Pike. This is totally different from what was submitted for Site Plan Review.
7. The site plan shows six parking spaces are perpendicular to the building along the Plainfield Pike façade; but only four of those spaces have the required back up aisle distance, because the location of a proposed sign, within a fenced island, restricts the backup aisle space to 15' for the handicap space and the abutting parking space.
8. Two overhead garage doors on the proposed building face the interior of the lot, with a distance of 70' between the proposed new building's garage doors and the fence and arborvitae hedges that separates the applicants' own single family rental property on the same lot from his industrial use.
9. The right rear portion of the lot (behind the house) is used as a outdoor storage area for construction materials, including metal forms, stone and gravel bins, tires, etc. as seen with pictometry bird's eye 2009 aerial maps; the surveyed site plan submitted shows that portions of the storage area is actually on City of Cranston property.
10. The abutting 2 family residential property to the West (lot 36), is owned by the applicant. A 2010 aerial photograph shows a new driveway opening from the industrial use into the rear of that lot, and a new gravel area in front of an existing shed on the rear of the 2 family lot, which raises the question regarding encroachment of the industrial use into the neighboring lot.
11. Recent photographs show 2, storage trailers (scales to 28' long and 40' long) parked on either side of the existing 30' x 40' building in the rear left. (Aerials from 2001 show the trailers were there then.)
12. The City's Building Department Records show that no building permits were issued after 1988, for neither the former barn's structural renovations for the industrial use, nor the two trailers on either side of the 30 x 40 building.
13. The existing 2-sided, 4' x 4' x 8' high freestanding sign will remain in its current location.
14. Within 450' easterly of the applicant's property on Plainfield Pike, and onward easterly to Route 295, the City has designated 1.8 miles of Industrial Zoned properties along Plainfield Pike, several of which are vacant. The closest industrial building to the applicant's lot has a street setback of 492' from Plainfield Pike.

Recommendation:

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board, as the application is not consistent with either the 1992 Comp Plan's Future Land Use Map, or the Plan Commission's adopted 2010 Comprehensive Plan's Future Land Use Map.

Aye votes: Mr. Rossi, Mr. Smith, Mr. Bernardo, Mr. Motte and Mr. Strom. Nay votes: none.

**PLANNING DIRECTORS REPORT**

Mr. Lapolla noted concern with applications submitted to the Zoning Board of Review in regard to the scale of renderings submitted for their review. He will be submitting a memorandum requesting that the Zoning Board of Review applications require renderings be drawn to accurate scale.

**ADJOURNMENT**

Upon motion made by Mr. Bernardo and seconded by Mr. Smith, the Commission unanimously voted to adjourn at 8:30 p.m.

**NEXT REGULAR MEETING**

Tuesday, July 6, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planning/Secretary