

MINUTES

June 3, 2008

Chairman Paul Petit called the Planning Commission Meeting to order at 7:15 p.m. in the City Council Chamber. He announced that the Glen Hills Drive Minor Subdivision application would not be heard as notice was not sent to the abutting property owners in a timely manner. Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to *continue* this matter to the July 8, 2008, Planning Commission Meeting.

The following Commission members were in attendance:

Paul Petit, Chairman
Councilwoman Paula McFarland, Vice Chair
Corsino Delgado, Finance Director
Anthony Sylvia, P.E., Public Works Director
Charles Rossi
James Moran
Robert Cicerone

Also present were:

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

The following members of the public attended:

Frank Zaino	Keven McKenna	John lafrate
Carmine Cece	Rose Cece	Doug Yates
Al Vasconcellos	Donna Vasconcellos	Franklyn Cooke
Kristin Forloney	Wayne Kezirian	David Varone
Matthew Keenan	Vic Reuter	Martha Lucia
Raymond Lucia	Suzanne Arena	Robert Jacquard
Charles Birin	Richard Carpenter	Angelo DiMascio
Dorothy DiMascio	John Richland	Janice Holland
Councilman Santamaria		

APPROVAL OF MINUTES

Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the minutes of the May 6, 2008, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Lippitt Farm Phase I – Preliminary Plan – Cont'd

Major Subdivision with street extension
Laten Knight Road
AP 30/4, Lot 250

Attorney Robert Murray noted last month's extensive presentation on this matter and announced that Mr. Thomas Daley, of LFR Inc, was present to review the findings of the water availability and potential impact study he conducted over the last month in regard to well yield. He addressed Mr. Yates concerns with: 1) the easement to the new roadway entrance to the development and the unmaintained silt fence and, 2) the temporary cul-de-sac should Phase 2 of the project fail to come to fruition.

Mr. Murray explained that his research into the matter of the easement revealed that the easements that exist over the Yates and Trainor properties are 'construction easements' and not 'access easements'; as they were mistakenly referred to at last month's meeting. He stated that upon completion of the project these 25 ft. easements will terminate. He stated that the silt fence has been re-established. He further stated that Mr. Daley's test results pertain to the entire 26 lot subdivision.

Mr. Daley then reviewed his PowerPoint presentation documenting the results of water availability and potential impacts of this proposal on the surrounding area. A copy of this report has been made part of the permanent record. The evaluation was based on a 5 hour pump test (2 hour pump test was required in 1988-89). The report documented increased well yield than that of 1988-89, with all five bedrock wells exceeding the RIDEM well yield requirement. In addressing concerns raised at last month's meeting regarding decreased well yield, Mr. Daley attributed the Vasconcello's property yield decrease to any number of reasons; pump failure, well cave-in, etc. and not an increase in development. He explained that poorly functioning wells "are the nature of the beast", that the process is "hit or miss" and that "if fractures are not hit when drilling, a deeper well will be needed".

Mr. Doug Yates, 780 Laten Knight Road, asked if he can expect that proper grading will be done as his property is higher than the roadway. Kevin Morin, P.E., DiPrete Engineering, stated that grass shoulders are proposed with a maximum slope of 3-1. Jason Pezzullo, Principal Planner, stated that the developer is required to provide a performance guarantee that will ensure all work done is to the satisfaction of the Public Works/Engineering Department.

Mr. Al Vasconcellos, 766 Laten Knight Road, expressed concern Mr. Daley's presentation, stating that historical data suggests that increased wells deplete the amount of water available. He questioned the accuracy of the analysis and asked that; 1) deed restrictions be placed on all new lots banning outdoor watering and, 2) a non-interest bearing escrow account be instituted to assist area residents who experience decreased well yield.

Mr. Frank Zaino, 225 Laten Knight Road, stated that Laten Knight Road is an access road where residents have no public water, sewer or gas; expressing concern with further development.

Mr. Frank Cortland, 160 Laten Knight Road, expressed concern with roadway traffic stating that, "the road is not meant to handle this".

Attorney Robert Murray stated that there is no evidence that an escrow account is warranted; the data presented does not indicate a need for such an account. In regard to banning the use of lawn sprinklers, he stated that it is the individual property owners' prerogative to water their lawn.

Public Works Director, Anthony Sylvia, noted that some areas of the state impose water restrictions and that he is "not convinced there won't be problems". He suggested that the Commission consider imposing deed restrictions on outdoor lawn watering such as limiting the

In presenting his memorandum, dated June 3, 2008, which is made part of the permanent record, he suggested the Final Plan come back before the Commission to draft language regarding water restrictions.

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

Findings of Fact

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 requested mailing and the meeting agenda has been properly posted. This major subdivision proposal has been properly advertised per Section V.F.3.g of the City of Cranston Subdivision Regulations and the notice appeared in the 3/13/08 edition of the Cranston Herald.
2. The proposed subdivision, and its resulting gross density is consistent with the City of Cranston Comprehensive Plan and its Future Land Use Map which designates the property in question as "Residential" allowing less than one residential unit per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the **A-80** single family residential zone.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary plans with the required conditions of approval obtained from the RIDEM.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods, and will reflect their existing characteristics.
6. 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.
7. The property in question has adequate permanent physical access to Laten Knight Road, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate 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 not been identified on the site.
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, in addition to other applicable state and local requirements.

1. The name of the Final Plan submission shall be changed to the satisfaction of the Police and Fire Departments and shall not have any reference to the local historic name of "Lippitt Farm".
2. Final Plan submission shall depict underground utilities as well as a safety fence around the detention basin as required by the Cranston Subdivision and Land Development Regulations.
3. Final Plan submission shall denote the names of the proposed roadway to the satisfaction of the Police and Fire Departments.

4. No curb opening widths for any of the lots shall exceed the maximum of 20'.
5. Applicant shall revise the drainage plan to be in conformance with all City standards and this plan shall be reviewed and approved by the Public Works / Engineering Division prior Final Plat Recording.
6. Provide 911 address maps with the Final Plan submission.
7. Payment of Western Cranston Capital Facilities Impact Fees of \$16,674 (\$1,389.50 x 12) at the time of Final plat recording.
8. Provide a Performance Bond in the amount of \$523,000, with a separate 2% administrative fee of \$10,460.
9. The deeds for the proposed lots shall reflect a permanent restrictions limiting outdoor water use associated with their street address (odd street numbered homes can water their lawns on odd days of the month, even numbered houses can water their lawns on even days of the month) until such time that Providence Water can provide water service to the area. The deed language is to be provided prior to final plan recording.

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

Francisco Plat – Preliminary Plan

Minor Subdivision without street extension
 1402 Phenix Avenue
 AP 21, Lot 1

Jason Pezzullo, Principal Planner, explained the proposal to subdivide the existing 51,207 square foot lot into two lots: one for the existing single-family home on 14,451 square feet, and one 36,756 square foot lot for an additional single-family residence. Both of the proposed lots meet the minimum frontage and area requirements within the A-12 zone and will be serviced by public water and sewer. He stated that the proposal has taken some time due to the fact that the applicant is providing connection to the RISE return line. No waivers have been requested. He reiterated the following comments from the Public Works Department:

- The owner of the proposed lot will own/operate/maintain the sewer line from the cleanout to Phenix Avenue and out into the street.
- The applicant will be required to provide a curb to curb patch of the roadway system that will result for the extension of the public utilities.
- The plat will be subject to a performance bond to cover the costs of an approved sewer force main and any associated work and fees resulting from roadway restoration/improvements that will be required.

Mr. Robert Rally, 43 Blueberry Lane, asked what the distance to the new property line would be. Mr. Pezzullo responded, stating that the distance is 17 ft. Mr. Rally noted that when a colonial style home was constructed on the corner of Honeysuckle and Blueberry Lane he experienced increased water run off. He asked that a raised-ranch style home be considered for the site so that a deep basement would not be used.

Mr. Sylvia stated that there would be no difference in the ground water for the surrounding area, stating that the greater risk is to the new property owner.

A property owner on Phenix Avenue noted that the lot is "wet all year long". He is concerned with water "shedding to the lower properties".

Neighboring property owner, Mr. DiMascio, claimed a drainage ditch fills with water when it rains. He noted neighboring home owners failing septic systems due to poor drainage in the area. He also expressed concern with the proposed driveway, stating that it is below grade.

Mr. Sylvia addressed this, stating that the design includes galleys that will handle drainage from the proposed home and that RIDEM has approved the proposal. However, Mr. Sylvia expressed concern with the driveway proposed. He asked that the driveway and grading be re-designed and the property line be adjusted accordingly. Mr. Pezzullo stated that cross easements will be provided for the shared driveway.

The neighboring property owner at 1092 Phenix Avenue stated that the water table is high in the area and that water exists in the summer and is worse in the winter. He expressed concern with his septic system and asked if any other engineering can be done. Mr. Sylvia responded, stating that the project has been properly engineered.

Mr. Kevin Hanly, 21 Blueberry Lane, stated that his rear lot is saturated. He asked that further consideration be given to the proposal. He further stated that he was unaware that residents could "tie in to the sewer line".

Mr. Sylvia stated that the design is a "responsible design". He stated that the home will be built on a slab. He reiterated that the developer is bringing in the sewer line and that the RISE Line is being evaluated and will be made available to Western Cranston residents.

Nick Piampiano, P.E., explained the drainage plan, stating that roof run off will be infiltrated into the ground. He stated that there would be no impact to surrounding properties. In regard to the driveway, he stated that the existing driveway is 197 ft. He stated the new driveway will not impact the existing culvert.

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

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 27, 2008 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 applicant shall file the appropriate cross easement documentation for the proposed shared driveway at the time that proposed Lot 2 is transferred to a new property owner.
2. The extension of public utilities to require curb to curb patching which shall be depicted on the Final Plan and approved to the satisfaction to the Public Works / Engineering Division prior to Final Plat recording.
3. 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.
4. 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.
5. Payment of Western Cranston Water District fee in the amount of \$1,352 at the time of Final plat recording.
6. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final plat recording.
7. Drainage and grading shall be re-designed prior to Final Plan submittal.
8. Changes on the Final Plan will show the final grading of the driveway and swale to maintain the existing hydrology and prevent erosion to the neighbor to the west.
9. Driveway shall be crushed stone, if necessary, to maintain the flow of water.

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

Atwood Village Condominiums

Master Plan – Major Land Development
 Burton Street, Berry Street and Cady Avenue
 AP 12/4, Lots 938-953 and 996-1002

Attorney John DiBona, representing the owner/applicant, Testa & Carlino Developers LLC, gave a brief history of the proposal to construct a 27 unit condominium project on Berry Street. He stated that in 2004 the project received a comprehensive plan amendment and zone change from A-6 to B-2 for 16 units. However, in 2006, the owner/applicant acquired additional property and received a comprehensive plan amendment and zone change on that parcel as well. Also, a portion of Burton Street was abandoned and acquired by the owner/applicant as well. On September 7, 2007, the project received Preliminary Site Plan Review approval. The matters of traffic and the retaining wall have been satisfactorily addressed. He stated that although the neighbors would rather have the proposed project accessed from Burton Street, the proposal was originally and remains from Berry Street. Mr. DiBona noted that the retaining wall will require an easement, and the retaining wall will be maintained by the condominium association. At the request of the Site Plan Review Committee, the curb opening for Cady Street was widened.

Mr. Peter Alviti, P.E., civil engineer for the project, stated that all buildings meet subdivision requirements. He stated that the site remains as it has been over the last 70 years. Storm water flows overland and down to Atwood Avenue. There are no wetlands on the site. Sufficient parking is proposed, with one interior parking space, driveway space and additional parking area

that exceeds the parking requirements. Drywells for each unit with ground infiltration system are proposed. There will be a net zero increase in runoff. RIDOT has issued a Physical Alteration Permit for drainage to the State system, and the owner/applicant will bear the cost of replacing insufficient State system pipes. A traffic study was provided with the Master Plan, and RIDOT and City engineers agree that the appropriate traffic flow will be from Berry Street to Randall Street to a signalized intersection on Atwood Avenue. Level of Service B will remain for Randall Street. He noted that the 16' to 20' embankment along the Berry Street access requires a retaining wall, which has been approved by the Site Plan Review Committee. The project has received Providence Water approval. Prior to Final Plan submission, the applicant will provide Veolia Water approval for improvements to the Randall Street Pump Station. Said improvements will be provided by the developer. At this time the only permit outstanding is a UIC Permit, which the owner/applicant expects to receive in the near future. Mr. Alviti reiterated that RIDOT urged the construction of a small infiltration system for this project.

Attorney Kevin McKenna, representing Mr. John Iafrate and Mr. Carmine Cece, presented a plat plan of 1909 for the record. In citing a Supreme Court case, he stated that Berry Street is owned by the City and the property abutters, not the applicant of this proposal. He stated that the Planning Commission should only evaluate private property and not Berry Street. He stated that the logical access for this proposal is from Burton Street. He insinuated that "background deals" were made in regard to this proposal. He threatened legal action against the Planning Commission and the applicant if this development moves forward. (He noted Title 45, Section 23.) He stated that the proposal is spot zoning and that the petition is void as the applicant does not own Berry Street. He stated that the Planning Commission cannot authorize development of a property the applicant does not own. He mentioned that the matter was advertised as a Preliminary Plan proposal, not a Master Plan. He then went on to mention that the City of Cranston's Comprehensive Plan is not valid as it was never approved by the State. In closing, Mr. McKenna asked that the Commission seek a title attorney's advice regarding ownership of Berry Street.

Attorney John DiBona rebutted, stating that Berry Street is a paper street. Regarding the matter of the Comprehensive Plan, he stated that the City's Comprehensive Plan is, in fact, a valid plan. In regard to Mr. McKenna's claim that "background deals" were made, Mr. DiBona pointed out that the Planning Commission approved the change of zone for this project. In response to the matter's stage of review, Mr. DiBona stated that the notice that was mailed out and advertised was for a Preliminary Plan.

Mr. McKenna reiterated that the property abutters have rights to access Berry Street, the proposal is taking the abutters property rights away, and the Planning Commission should be protecting the tax payers rights.

Mr. John Iafrate, 198 Randall Street, commented that he was pleased to see new members on the Commission as the former Commission members voted to approve the Master Plan for this proposal, of which one of the owners is a former City councilman. He expressed concern with turn around space for large vehicles and trucks with "only 8 ft. of a 20 ft. roadway would be allowed". He stated that the proposed development should be accessed from Burton Street.

Mr. Carmine Cece, owner of the sandwich shop fronting on Atwood Avenue, stated that access should be from Burton Street and not from "behind his store". He also expressed concern with water flowing down to his property.

Public Works Director, Anthony Sylvia, stated that Berry Street is a right of way.

Councilwoman McFarland stated that Atwood Avenue business owners have been enjoying the use of property they do not own, and the Berry Street access will give the residents of Burton Street some traffic relief.

Principal Planner, Jason Pezzullo, noted that the developer is required to provide a performance guarantee that ensures the project is completed to the City's satisfaction. He stated that the Site Plan Review Committee has worked out all concerns and the project has received all the required approvals.

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

Findings of Fact

An orderly, thorough and expeditious technical review of this Major Land Development – Preliminary Plan has been conducted. The abutters have been notified via Certified / Return Receipt mail and the meeting agenda has been properly posted. Advertisement for the informational meeting was published in the April 24, 2008 edition of the Cranston Herald.

1. The proposed development is consistent with the City of Cranston Comprehensive Plan Future Land Use Map as amendment by Ordinances 2004-40 and 2006-37 which designate that the subject parcel is to be used for "Multi Family Transitional" purposes.
2. The proposal major land development is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the **B-2** multi-family transition residential zone.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary plans, with the required conditions of approval obtained from the RIDEM.
4. The proposed 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.
5. The proposed development will have adequate permanent physical access to Berry Street, an improved public roadway located in the City of Cranston.
6. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on site.
7. The proposed development will serve as a transition between the commercial uses located along Phenix and Atwood Avenues and the single family residential neighborhood to the north and west. It will be well integrated with the surrounding area and reflect the general characteristics of the development patterns located along the north-western portion of the Atwood Avenue corridor.
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. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Applicant shall obtain Final Plan approval from the Site Plan Review Committee, addressing all of the outstanding conditions of the 9/7/07 Preliminary approval, prior to submission of the Final Plan submission with the Planning Department.
2. Provision of condominium declaration/incorporation and homeowners association documents at Final Plan submittal.
3. Applicant shall provide a performance guarantee in the amount of \$243,000 with a separate 2% administrative fee of \$4,860.

4. Payment of Eastern Cranston Capital Facilities Impact Fees of \$14,484.42 at the time of recording.
5. Submission of signed and dated documentation from the Public Works Director to the placement of the retaining wall within the public right-of-way.
6. Applicant shall obtain the required UIC Permit prior to Final Plan submittal
7. Approval of easement agreement.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Rossi. Nay vote: Mr. Cicerone.

Equestrian Estates – Master Plan

Major Residential Planned District (RPD) with street extension
Laten Knight Road
AP 28, Lot 11

Attorney John DiBona, representing property owners/applicants, Lawrence and Elizabeth Moses, began by stating that the Platting Board of Review granted the appeal of the applicant. The proposal is to develop this 15.85 acre parcel as a cluster, or RPD (Residential Planned District). The RPD allows lots as small as 20,000 sq. ft. Open Space (4.6 acres) is proposed, which will be maintained by the homeowner's association. He noted Attorney D'Amico's previous statement at the last meeting that ten acres is required for the raising and keeping of animals, however, he noted Section 6.04.030 of the City Code which states, "no person shall keep any horse within any closely built-up residential area unless he or she shall have available, either through ownership or lease, at least twenty thousand (20,000) square feet of pasture area." In regard to the concern that the proposal is a commercial use, Mr. DiBona stated that the Moses own all of the horses on the premises. In closing, Mr. DiBona stated that all other issues regarding this proposal will be addressed by the Site Plan Review Committee and asked that the Commission focus on the requirements of this Master Plan proposal.

Mr. Peter Alviti, P.E., briefly reviewed the site conditions, stating that the property slopes from Northwest to Southeast in an easterly direction. RIDEM has approved the 1.96 acres of wetland. The FPLE low pressure sewer system exists on Pippin Orchard Road, and the applicant will tie in to this line. The applicant has petitioned the City to extend the water main from Pippin Orchard Road to this proposed development as the water main was installed to provide additional water service to this area. The drainage "will continue as it has, with the net result being a zero increase in runoff to the existing stream. The drainage plan will be submitted to RIDEM. The proposed lot size is larger than the minimal requirement of an RPD, with 30,000 sq. ft. lots proposed.

Attorney Robert D'Amico, representing neighboring property owner, Frank Zaino, asked for clarification regarding extension of sewer and water service. Public Works Director, Anthony Sylvia, responded, stating that both are feasible and will be done. Mr. D'Amico then referenced a memorandum dated May 1, 2007, page 3, in which the Engineering Division stated that both water and sewer are needed for an RPD. Mr. D'Amico then stated that this statement was "switched" to either/or water or sewer can be provided in order to develop as an RPD. He stated that it is his belief that this proposal needs both utilities to proceed.

Mr. Pezzullo responded, stating that either/or utility (water and sewer) are required to proceed as an RPD or the parcel must have 80,000 sq. ft. lots. He stated that the statement that both utilities are required was a typographical error and should have read either/or utility required.

Mr. D'Amico referenced the poor well returns on Lauren Court, stating that "responsible planning would not allow this development to go forward". He disagreed with the property owners right to subdivide and stated that the open space proposed is to "satisfy zoning". Should the applicant

install a sprinkler system in the barn in the future, third party horses could be board there. He stated there needs to be permanent restriction of the boarding of third party animals. He stated that the proposal is "four acres short, and the lot that has the house needs ten acres for the raising and keeping of horses". In closing, Mr. D'Amico asked the Commission to consider the historic value of the site, dating back to 1785.

Planning Director, Peter Lapolla, stated that the principal use and accessory use of the property must be determined. He further stated that no boarding of horses would be made a condition of approval.

Attorney John DiBona again reminded the Commission that the proposal is a Master Plan, and the applicant has met the requirements of Master Plan.

Mr. Pezzullo reviewed his memorandum, dated June 3, 2008, (which is part of the permanent record). He noted that waivers for 28 ft. pavement width, cul-de-sac length of 700+/- feet and provision of sidewalks have been requested.

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 following Findings of Fact and *approve* this Master Plan, and the above mentioned waivers requested, subject to the conditions denoted below.

Findings of Fact

11. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mailing by the applicant and the meeting agenda has been properly posted. This Residential Planned District (RPD) has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations and appeared most recently in the 4/23/08 edition of the *Cranston Herald*.
12. The proposed RPD and its resulting gross density of approximately .4 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 1 residential unit per acre.
13. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the A-80 single family residential zone when developed as an RPD.
14. 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.
15. The property in question has adequate permanent physical access to Laten Knight Road, an improved public roadway located within the City of Cranston. The resulting lots will also have adequate permanent physical access from the proposed unnamed roadway.
16. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site.
17. The proposed Residential Planned Development (RPD) subdivision promotes high quality appropriate design and construction, will be well integrated with the low density surrounding neighborhood and will reflect its existing rural characteristics.

Premature Findings

18. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Master Plan.
19. 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.

20. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

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

1. Applicant shall receive Preliminary Sewer Design approval consistent with ANNEX A - Design of Sewers from Veolia Water prior to submitting the Preliminary Plan application to the Planning Department.
2. Applicant shall receive approval for all public improvements and infrastructure, including the drainage improvements on Laten Knight Road, from the Public Works Department prior to submitting the Preliminary Plan submission to the Planning Department.
3. Applicant shall receive approval from the PWSB if the City Council extends the Western Cranston Water District (WCWD) prior to Preliminary Plan submission with the Planning Department. If WCWD is not extended, the applicant shall obtain well yield data to be verified by the RIDEM prior to Preliminary Plan submission.
4. Notation of the field marker installation to allow easy identification of RIDEM's wetland jurisdictional limit on the Preliminary Plan submission.
5. Rename the roadway to the satisfaction of the Cranston Fire and Police Departments.
6. Coordinate with the Fire Department for an emergency water cistern for fire suppression.
7. Payment of \$8,337 (1389.50 x 6 units) in Cranston Capital Facilities Impact fees at the time of Final plat recording.
8. Payment of \$8,112 (1,352 x 6 units) in Western Cranston Water District Impact fees at the time of Final plat recording (if extended).
9. Applicant shall obtain Preliminary Site Plan Review Committee approval prior to Preliminary Plan submission to the Planning Department.
10. There shall be no commercial boarding of horses or business operation on Lots 3 & 4.

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

PERFORMANCE GUARANTEES

Western Cranston Industrial Park East

Amflex Drive Extension (Delfino property)

Performance Guarantee release request

Mr. Pezzullo explained that a request for release of existing U.S. Fire Insurance Co. Insurance Bond #610-2296001 has been received for the above referenced site. Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the release of the above referenced insurance bond in its entirety; in accordance with the Engineering Division's recommendation.

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

EXTENSIONS OF TIME

Farm House Lane – Preliminary Plan

Hope Road
AP 23, Lot 12; AP 24, Lots 66 and 105

Mr. Pezzullo explained that correspondence has been received from Attorney John DiBona requesting an extension of the Preliminary Plan approval granted by the Planning Commission on July 27, 2007. The developer has been working on infrastructure related matters, as well as dealing with the slumping housing market, and is not yet ready to file the Final Plan submission.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the request for a *one year* extension of the Preliminary Plan.

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

Gray Coach Lane Phase II – Final Plan

(formerly Newbury Village Phase II)
AP 36/3, Lot 54

Mr. Pezzullo explained that correspondence has been received from Attorney Robert Murray requesting an extension of time to record the Final Plan for Gray Coach Estates Phase 2. The developer has been working on infrastructure and should be presenting Phase 2, Section (2-1) for recording in the near future.

Upon motion made by Councilwoman McFarland and seconded by Mr. Sylvia, the Commission unanimously voted to *approve* the request for a *one year* extension of the Preliminary Plan.

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

ZONING BOARD OF REVIEW ITEMS

RICHARD F CARPENTER 298 MONTGOMERY AVENUE CRANSTON RI 02905 (OWN/APP)

has filed an application for permission to convert a portion of an existing legal non-conforming building into a residential living unit at **298 Montgomery Avenue**. AP 2/4, Lot 7, area 7920 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.88.050 Structural alterations.

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 pre-existing, non-conforming auto repair shop use, is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map, which designates the subject parcel as “Commercial and Services.” The proposed residential use however, is not consistent with the Future Land Use Map.
2. The applicant’s lot is surrounded on all three sides by residential uses.
3. The plans submitted showed two garages and overhead doors will be eliminated on the right side of the building, and the 24’ x 26’ space will be renovated into a 1 bedroom apartment, to be occupied by the owner of the business. (Photographs taken on 6/3/08 show that the exterior renovations have already been done).
4. Residential uses are prohibited in C-3 zones, as are auto repair shops, however, a residential use is a less intensive use than auto repair.

5. There are only 4 other commercial uses located within Cranston's portion of the 400' zoning notification radius. The Providence line is the centerline of Montgomery Avenue.
6. There are approximately 55 residential units located within Cranston's half of the 400' radius; therefore the application for a residential unit will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning code.

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

1. The residential unit is to be owner occupied.
2. 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. Delgado, Mr. Cicerone, Mr. Sylvia, Mr. Moran and Mr. Rossi. There were no nay votes.

JOHNSON & WALES UNIVERSITY 8 ABBOTT PARK PLACE CRANSTON RI 02903

(OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1150 Narragansett Boulevard**. AP 2/3, Lot 681, area 140,000 +/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010 (2) Signs.

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 current college use is legal, non-conforming. The former use, a hotel, was also legal, non-conforming.
2. The existing freestanding 2 sided sign is 280 sq. ft., which is 264 sq. ft. larger than the 16 sq. ft. of signage allowed in a B-2 zone.
3. The proposed single sided monument sign is 20.75 sq. ft. Two separate monument signs will be installed on either side of the landscaped area, connected by a stone wall. The total monument sign area is 41.5 sq. ft., a reduction of 238.5 sq. ft. from the former sign area.
4. The existing sign is approximately 24 feet high, where a maximum height of 4 feet is allowed for a monument sign.
5. The proposed monument sign height is 6'-1" (2'-1" over the allowed height).
6. The zoning code prohibits sign locations within 10 feet of a street or driveway. One of the proposed signs will be located 4'-6" from the right driveway. The other monument sign's location conforms to the required setbacks.
7. The proposed signage, which is smaller and lower than the existing signage, will not alter the character of the neighborhood or impair the intent or purpose of the Zoning Code.

Recommendation: Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to recommend *approval* with the following 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: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Cicerone, Mr. Sylvia, Mr. Moran and Mr. Rossi. There were no nay votes.

WILLIAM A CAPUANO, PAULA C SARDELLI, EVELYN C RECCHIA, WILLIAM A CAPUANO, EVELYN C RECCHIA, CO-TRUSTEES C/O 1020 PARK AVENUE CRANSTON RI 02910 (OWNER) AND COLBEA ENTERPRISES, LLC 2050 PLAINFIELD PIKE CRANSTON RI 02920 (APP) have filed an application for permission to replace the existing fuel dispenser canopy with a new 28' X 102' canopy on an existing legal non-conforming gasoline service station with restricted front yard set back at **1036 Reservoir Avenue**. AP 9/2, Lot 2606 & 2609, area 23,627 +/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of uses, 17.48.010 Gasoline Service Stations, 17.88.050 Structural Alterations, 17.72.010 Signs.

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 service station use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as Commercial and Services.
2. The existing gas station is a pre-existing, legal, non-conforming use with an existing canopy perpendicular to Reservoir Avenue (over the gas pump islands).
3. The proposed canopy with a front yard setback of 29', will encroach on the required 40' front yard setback. The existing canopy to be removed has a 12' front yard setback.
4. The existing fuel dispenser pump islands with 20' front yard setbacks, will be removed and replaced with new pump islands with 35' front yard setbacks.
5. The new canopy will include 2 small logo signs totaling 26.16 sq. ft.
6. The proposed new canopy increases the front yard setbacks for both the canopy and the fuel pumps, and therefore, will not alter the general character of the area or impair the intent or purpose of the Zoning Code.

Recommendation:

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

1. An approval from the City's traffic Engineer for the new parking areas and traffic circulation on the site.
2. 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. Delgado, Mr. Cicerone, Mr. Sylvia, Mr. Moran and Mr. Rossi. There were no nay votes.

CRANSTON LEASE LLC C/O DANIEL A CASE ESQ. CASE, KNOWLSON, JORDAN & WRIGHT LLP 2029 CENTURY PARK EAST, SUITE 2500, LOS ANGELES CA 90067 (OWN) AND CRANSTON-RESERVOIR CVS, INC ONE CVS DRIVE WOONSOCKET RI 02985 (APP) have filed an application for permission to have additional signage than that allowed by ordinance including an electronic message board at **681 Reservoir Avenue**. AP 9/5, Lot 114, area 93,424 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (5) Signs.

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 CVS pharmacy use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as Commercial and Services.
2. The total area for the 2-sided freestanding (monument) sign with electronic message board is 185.48 sq. ft. where 50 sq. ft. is allowed by code. This is 270% larger than what is allowed.
3. The proposed height of the same freestanding (monument) sign is 24 feet, where a maximum height of 15 feet is allowed for a freestanding sign. This is 60% higher than what is allowed by zoning code.
4. 30 sq. ft. of building signage is permitted per street elevation, for a total of 90 sq. ft. allowed (Reservoir, Leyden and Handy Avenues). Schedule A submitted with the application states the proposed total building signage is 192.52 sq. ft., which is 114% more sign area than what is allowed by code. This information conflicts with the signage plans submitted, which lists 75.18 sq. ft. of wall sign facing Reservoir Ave., 77.21 sq. ft. facing Handy Ave., and 77.21 sq. ft. facing Leyden Ave. This totals 229.60 sq. ft., which is 155 % larger than the total wall signage allowed by ordinance.
5. Total signage for the site (including 10 directional signs) as illustrated on the sign plans is 495.08 sq. ft., which is 65% larger than the 300 sq. ft. allowed by zoning code.
6. Within the 400' zoning radius is another drugstore (Walgreens) that was opened in 1996 without a sign variance.
7. The business to the south of the new CVS, (RI Rehabilitation Services) did not receive a sign variance, and has signs that conform to the Zoning Code requirements.
8. The applicant has created his own hardship by locating the new building to the rear of the property, further away from Reservoir Ave., thereby requiring larger building (wall) signage to be seen from the street. (Photographs taken on 6/3/08 show the wall signs have already been installed)
9. The application received Site Plan Review approval for the project on June 20, 2007. No deviation from the zoning requirements for signage was proposed. In fact, the proposed signage was 295.1 sq. ft., which is less than the zoning code's maximum allowed total signage area of 300 sq. ft. The signage plan submitted and approved illustrated a 15 ft. high, 2-sided, freestanding sign with 22.27 sq. ft. of signage for each side. No electronic message board was shown on that sign.

Recommendation:

Upon motion made by Mr. Moran and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend Denial; based on the findings of fact, and for the following reasons:

1. The freestanding sign that is 270% larger and 60% higher than what is permitted in this zone will alter the general character of the surrounding area, and impair the intent and purpose of the Zoning Code.
2. The application for increased signage does not conform with the Site Plan Review's Approval of June 20, 2007. Any change in signage should have been submitted to the Site Plan Review Committee as an amendment to the final approved plan.

Note: The signs for the new CVS on Oaklawn Avenue conform to the sign ordinance. The total signage for that CVS was 228 sq. ft., as approved by the Site Plan Review

Committee. Oaklawn Avenue was a new location for that CVS, unlike this CVS on Reservoir Avenue, which because of 30 years at this same location, does not need increased signage to identify the location of the store.

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

BRUCE D AND MINDY B LANE PO BOX 8782 CRANSTON RI 02920 (OWN) AND TOMMYS PIZZA II INC 870 OAKLAWN AVE CRANSTON RI 02920 (APP) have filed an application for permission to operate a restaurant serving alcoholic beverages at **870 Oaklawn Avenue**. AP 15/2, Lot 350 & 358, area 31,310 +/- SF, zoned C-2. 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 application is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as Commercial and Services.
2. There are 7 other commercial properties on Oaklawn Avenue within the 400' zoning radius from the applicant's property.
3. The proposed new business, a pizza restaurant with alcoholic beverage license, will occupy 2,450 sq. ft. of an existing 6,988 sq. ft. building.
4. The pre-existing non-conforming building does not meet minimum front, side and rear yard setback requirements.
5. The proposed plan shows 48 seats which would require 16 off-street parking spaces. The parking lot shows 28 parking spaces to be shared with the abutting real estate office in the same building.
6. Restaurants serving alcohol are not permitted in a C-2 zone.
7. Within 500 feet of the applicant's property is a restaurant serving alcohol, also in a C-2 zone, therefore, the application will not alter the general character of the area, and will not impair the intent or purpose of the Zoning Code or the Comprehensive Plan.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *approval* with the following 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: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Cicerone, Mr. Sylvia, Mr. Moran and Mr. Rossi. There were no nay votes.

CARMEN BORCIA 1 COLDBROOK COURT CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a new 28' X 42' two story two family home on an undersized lot on **Mayfield Avenue**. AP 15/3, Lot 1753, area 6000 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 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 application's proposed density of 14.5 units per acre is not consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as residential, 4-8 units per acre.
2. There are 40 single family houses, 2, two-family dwellings, and one pre-existing non conforming industrial building located within the 400' zoning notification radius. (95% of the 42 dwellings are single family homes). Therefore, the construction of a two family structure will alter the general character of the A-6 zoned, single family neighborhood.
3. One of the existing two families was a grandfathered use when the current zoning went into effect, and the remaining two family (the dwelling is a ranch house) is an illegal conversion that the assessor's office discovered in 1996.
4. 36 of the 40 single family dwellings (90%) within the 400' radius that are on lots that are larger than the applicant's 6,000 sq. ft. lot.

Recommendation: Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to recommend *denial*; based on the findings of fact, and for the following reason: The application to construct a two family will alter the general character of the surrounding single family area and impair the intent or purpose of the zoning ordinance and the comprehensive plan upon which the ordinance is based.

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

MATHEW KEENAN 105 WESTFIELD DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for special use permit to build a 544+/- SF family accessory apartment on an existing single family dwelling at **105 Westfield Drive**. AP 37, Lot 191, area 14,934 +/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit.

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 lot density of 2.9 residential units per acre is less dense than the City of Cranston Comprehensive Plan's Future Land Use Map's designation of 4-8 units per acre for this area.
2. The 544 square feet of the proposed family accessory apartment is less than the maximum 600 sq. ft. area permitted by the Zoning Ordinance.
3. The proposed accessory apartment will encompass 20% of the total living space of the primary dwelling, once all the additions are constructed. This also conforms to the maximum area permitted in the Zoning Ordinance.
4. The proposed 10' x 10' room at the rear of the house will contain an interior door that connects the main house to the accessory apartment, as required by the Zoning Code.
5. It is not known from the rough floor plans submitted, whether an exterior door facing the street is proposed for the accessory family apartment addition. The zoning code states that no additional external entrances shall be installed that faces a street. This is to maintain the appearance of a single family dwelling. (Sec. 17.24.010.F.5.)

Recommendation: Upon motion made by Councilwoman McFarland and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *approval* providing the addition will not have a new exterior door from the accessory apartment that faces the street.

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

MICHAEL D TESTA 58 MURRAY STREET NORTH KINGSTON RI 02852 (OWN/APP) has filed an application for permission to legalize a second floor dwelling unit in an existing legal non-conforming single family dwelling with restricted frontage, front and side yard setback on an undersized lot at **1454 Plainfield Street**. AP 12/2, Lot 1709 & 1727, area 7913 +/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of uses, 17.20.020 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 11 units per acre is not consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map, which designates the subject parcel as residential 4-8 units per acre.
2. There are 34 residential structures within the 400’ zoning notification radius. Of those, 11 (32%) are two family structures.
3. Five of those eleven two families are on lots that are smaller than the applicant’s parcel.
4. 62% of the developed residential lots within the radius are larger than the applicant’s parcel. There are several undeveloped parcels that are larger than the applicant’s parcel.
5. There is a retaining wall across the entire 40’ frontage along Plainfield Street because of the vast difference in elevation; therefore, the parking area is not accessible from Plainfield Street. The site plan submitted shows 4 off-street parking spaces provided on the rear lot (the parcel is 197.83 feet deep) with access from the Beverly Street frontage.
6. The Cranston Tax Assessor’s office has assessed the property as a two family for 25 years, since the Dec.31, 1983 revaluation; therefore maintaining the structure as a two family will not alter the character of the surrounding area or impair the intent or purpose of the zoning ordinance.

Recommendation: Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to recommend approval. Although the analysis would not lead to a favorable recommendation if this were an application for a new conversion, the fact is, that the property has been taxed as a two-family for twenty five years with no apparent detriment to the neighborhood.

Note: A site visit and aerial photographs illustrate that Beverly Street is not paved for the full frontage of rear lot 1729, therefore the four parking spaces indicated on the site plan are not accessible.

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

MISCELLANEOUS

Comprehensive Plan

Mr. Lapolla stated that several more public meetings will be scheduled, and the revised draft sections: *Introduction –Accepted Changes, Historic Preservation Element, Housing Element,*

Natural Resources Element, Open Space Element and Services/Facilities Element, will be posted on the City website tomorrow.

Phenix Terrace Comprehensive Permit

Mr. Lapolla briefly explained the status of the proposal to date and asked the Commission to consider a special meeting, at the end of June, for the Master Plan Public Informational Hearing for the above referenced application. The Commission unanimously decided on Tuesday, June 24, 2008, at 7 p.m., for the Master Plan Public Informational Hearing.

NEXT MEETING

Tuesday, June 24, 2008, at 7 p.m., in the City Council Chamber for the Phenix Terrace Comprehensive Permit Master Plan Informational Meeting.

Regular Meeting: Tuesday, July 8, 2008, at 7 p.m. in the City Council Chamber.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adjourn at 11:50 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary