

## **MINUTES**

June 3, 2014

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

Michael Smith, Chairman  
Frederick Vincent  
Gene Nadeau  
James Moran  
Ken Mason  
Mark Motte

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. Moran, the Commission unanimously voted to approve the minutes of the May 6, 2014, Plan Commission meeting.

### **SUBDIVISION AND LAND DEVELOPMENT PROJECTS**

#### **Stoneham Street Plat – Continued from May 6, 2014**

Preliminary Plan  
Minor subdivision without street extension  
Stoneham Street  
AP 18/4, Lot 707

Mr. Pezzullo stated that the Commission members have been presented with additional slides regarding the drainage issues in question on the parcel.

Attorney Joseph Shekarchi introduced Mr. Scott Moorehead, P.E. Mr. Moorehead presented elevations on the south side of the parcel and also depicted the flood zone. He reiterated that the proposed construction of two homes will not impact the flood zone.

Mr. Bob Russillo stated that he does not abut the property in question but he is across the street. He is concerned "if flooding backs up to his property".

Jason Greene, 27 Warren Avenue, asked how far back the fill would be. He also again asked about the provision of sidewalks. He further stated that the drainage pipe contains sand.

Mr. Moorehead responded, depicting on the screen where the fill would be, which is within RIDEM requirements (about 40 sq. ft.). He stated that the developer will be excavating behind the house.

Public Works Director, Ken Mason, asked about the area to the rear of the lot, which contains "a lot of debris". Attorney Shekarchi stated that the developer will clean up the debris. He reiterated that the project conforms to zoning and subdivision regulations. He further stated that his client is a seasoned developer and will build a quality project.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* the above referenced subdivision subject to the following conditions and with waiver from the sidewalk requirement as there is no network with which to connect and with a partial waiver of the curbing, consistent with the recommendation of the Public Works / Engineering Division. Curbing along the entire frontage of Lot 2 would likely result in potential flooding as a result of such installation.

## **Findings of Fact**

### 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 4/18/14 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 4.5 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" 7.26 – 3.64 residential units per acre".
3. The proposal is consistent with the frontage and area requirements of the City of Cranston. 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 Stoneham Street, an improved public roadway 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 streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

### **Conditions of approval**

1. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.
2. Applicant shall have approval from the Cranston DPW for a new lateral tie-in connection at the time of Final Plan application with the Planning Department.
3. The applicant will clear the existing debris in the easement area consistent with RIDEM Insignificant Alteration Permit regulations.

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

## **Equestrian Estates**

Preliminary Plan

Major Subdivision/Residential Planned District (RPD)

Laten Knight Road

AP 28, Lot 11

Attorney John DiBona gave a brief overview of the proposal, which received Master Plan approval for an RPD in 2008. The proposal is for an eight lot subdivision; one detention basin lot, one open space lot and 6 new lots for future development. The subdivision will be serviced by a low pressure sewer system and private wells for each lot. There will be 4.6 acres of open space. The proposal meets all of the requirements for an

RPD and provides a wetlands buffer to the Ridgewood Subdivision. Lot 5 is the largest and contains the existing farmhouse and horse farm, which will all remain. The existing horse farm does not receive funds for boarding of horses and does not charge a fee for riding lessons. An open space easement will be provided to the City. Open space will be available to all future homeowners. Waivers for a 28 ft. roadway width and extended cul-de-sac length were approved at Master Plan.

Mr. DiBona went on to mention that the public notice that was mailed out erroneously stated that the subdivision would be serviced by public water.

Civil Engineer, Peter Alviti, Hudson Place Associates, stated that "this is the last remaining open space of Ridgewood, which was originally the Lawton Farm". He stated that the soil has a low percolation rate-high water table. All wetlands have been verified by RIDEM. He stated that a traditional subdivision was explored but it would not provide much open space and would have a very long cul-de-sac. This proposal is in keeping with conservation subdivision; with smaller lot footprints. He stated that there will be no increase in stormwater runoff. The property owner has installed a low pressure sewer system that connects to the sewer that runs to Johnston at Laten Knight and Pippin Orchard Roads. It is not economically feasible for the property owner to provide public water. Regarding traffic, Mr. Alviti stated that there will be approximately 67 vehicle trips per day once the subdivision is fully developed.

Chairman Smith mentioned the Fire Department Master Plan requirement that a cistern be provided by the applicant, if required.

Attorney Bob D'Amico, representing one of the property abutters, quoted Mr. Pezzullo's Master Plan memorandum (5/1/07) that stated the subdivision has to be serviced by public water. He further quoted Mr. Pezzullo's and Mr. Skorupskis' comments "the subdivision is contingent upon public water and sewer" that are contained in that memorandum. He asked that the economic feasibility not be compromised and that a conventional subdivision be required. Mr. D'Amico also noted that the property owners' proposal was that he have ten acres for the keeping of horses. He asked that the developer provide a new Zoning Certificate reflecting the change in the ten acre requirement.

Mr. Alviti stated that the difference now from the time of Master Plan approval is that test wells have been done that confirm adequate water. Mr. Pezzullo also attempted to clarify, stating that "there were five versions of his 5/1/07 memorandum" as the proposal kept changing. The final version is that the sanitary sewer has been conceptually approved for connection to the RISE Line. Final plans must be submitted to the Department of Public Works and Veolia Water, in accordance with Annex "A".

Attorney John Di Bona stated that his client is not raising horses, and since the Master Plan submittal the ten acre ordinance requirement has been modified.

Mr. Frank Zaino, 225 Laten Knight Road, stated that initially the sewer system was incorrectly installed and then corrected, however, there is "no manhole and he cannot connect. He further stated that he was of the understanding that the area west of Pippin Orchard Road was to remain rural. He stated that Mr. Brock Bierman had the property taken off the historic register and then sold the property. He asked, "is there anything put in front of this board that does not get approved". He feels that this is wrong for the area, noting the existing farms, and expressed concern with traffic given the narrow roadway width.

Sam Parente, 15 Lauren Ct., expressed concern with the loss of the farm. He thought that the lots were required to be 12 acres. He asked if the large farm parcel will be sold and animals brought back in.

Laura VanHoldt, Lauren Ct., asked if there would be clearing of the land that abuts her property, stating that she bought her home because of the farm behind her. Mr. Pezzullo pointed out that the existing trees are actually on her property.

Ms. Katie King, 1389 Hope Rd., asked if the buffer zone could be extended so that the development would not be seen.

Mr. Richard ??, 201 Laten Knight Rd., stated that he has two wells, he does not water the lawn and reiterated Mr. Zaino's concern with adequate water with six new wells in the area.

Mr. Frank Cook, 160 Laten Knight Rd., stated that there are “too many housing developments, it is a shame”.

The resident residing at 135 Laten Knight Rd. stated that the wells do not produce the water they used to. He further mentioned cars speeding and increased traffic.

Mr. Lapolla stated that the lots are not undersized and conform to the zoning code and subdivision regulations. It is the developer’s prerogative to develop as a conventional development vs. and RPD. He further stated that the regulations do not require buffering in a residential development. There is no requirement for the Commission to stop residential development.

Mr. Pezzullo stated that “this is intimately better for us to keep this land as is”. The property owners have a right to develop their property. A conventional subdivision would complete “obliterate” any remains of the horse farm. The RPD preserved the farm. He further stated that the only way to keep this open space is for the City to buy it. He noted that this proposal was vested at Master Plan.

Chairman Smith stated that the Commission does not always go along with the staff recommendations. The scope of the Commission is to ensure that proposals uphold the Comprehensive Plan and conform to all regulations. In closing, he stated that “we all love open space”. He mentioned that the property behind him is owned by someone else and may very well be developed some day, which is that property owner’s right.

Attorney D’Amico asked about maintenance of the sewer line. Mr. Mason, Public Works Director, stated that it has been taken over by the City and will be maintained by Veolia Water. Mr. Zaino asked if neighbors are able to tie into the sewer line since there are no manholes. Mr. Alviti responded, stating that “there is adequate capacity for this subdivision. It is a public utility.”

There being no further comments, the Commission moved to a vote. Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, subject to the following conditions and with waivers for: 1) pavement width of 28 ft. (30 ft. is the required standard); 2) cul-de-sac length of 700 ft. +/- (where 400 ft. is the specified maximum) and 3) provision of sidewalks.

## **Findings of Fact**

### 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 requested 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 5/21/14 edition of the *Cranston Herald*.
2. 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.
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 when developed as an RPD.
4. 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.
5. 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 Lend A Hand Way.
6. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site.

7. 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.
8. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Master Plan.
9. 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.
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 of Approval**

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

1. Final plans must be submitted to the Department of Public Works and Veolia Water in accordance with Annex "A" Design of Sewers and must include a check in the amount of \$500 for the review fee. The final plans must include submittals indicating all proposed materials to be used and testing proposed. An impact fee of \$3,000 per single family residence will be due as a part of the route slip/building permit process.
2. Submission of approved sewer As-Built drawing for the sewer main completed by the Developer for work performed in Laten Knight Road. Final approval of said Plat is recommended only after this condition has been met.
3. Performance bond in the amount of \$345,000 with a 2% administrative fee of \$7,080.
4. Depict the building envelopes consistent with the A-80 RPD requirements on the Record Plan.
5. Notation of the field marker installation to allow easy identification of RIDEM's wetland jurisdictional limit on the Final Plan submission.
6. Coordinate with the Fire Department for an emergency water cistern for fire suppression prior to Final Plan submission.
7. Applicant shall submit draft legal documentation regarding the creation of the Homeowners Association and the permitted uses of the shared open space. Documents shall ensure that all future homeowners have an equal right to access and the use of the proposed open space. Homeowners Association documents shall be reviewed and approved by the City Plan Commission at the Final Plan stage of review.
8. Payment of \$8,337 (1389.50 x 6 units) in Cranston Capital Facilities Impact fees at the time of Final plat recording.
9. Payment of \$8,112 (1,352 x 6 units) in Western Cranston Water District Impact fees at the time of Final plat recording.
10. Lot 5 shall not be further subdivided.
11. Street trees shall be installed consistent with subdivision regulations.
12. Underground utilities shall be installed consistent with subdivision regulations.
13. An updated (new) Zoning Certificate shall be provided.
14. The proposed detention basin shall be owned and maintained by the home owners association.
15. All lots shall have RIDEM well approval prior to the Final Plan recording.
16. Corrals and stables shall be solely used by the Moses and property owners. There shall be no commercial boarding of horses.
17. The Final Plan shall be approved by the Plan Commission.

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

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

**SARITH PICH AND SREYCHOU HAV 26 JUNE AVENUE CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build a 235+/- SF two story addition with restricted front, rear and side yard set back at **26 June Avenue**. AP 7, lots 3570 & 3571, area 6400+/-SF, zoned B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity. This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

#### **Findings of Fact:**

1. The existing single family use is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Single/two Family Residential less than 10.89 units per acre, for this area of the City.
2. The existing 21'-8" x 12'-7 1/2" single story addition on the rear of the house will be replaced by a 21'-8" x 26'-7 1/2" two story addition.
3. The existing addition on the rear of the house has an 8'-1" rear yard setback. The proposed addition will have the same setback.
4. The existing dwelling's left side yard setback is 7', the addition will continue that setback for 21'-8" into the rear yard.

**Recommendation:** Given the Findings of Fact, and that the proposed addition will maintain the existing rear yard setback of 8'-1", and continue the 7' side yard setback, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan 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 surrounding area or impair the intent or purpose of the Zoning Ordinance, or the Comprehensive Plan upon which the ordinance is based.

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

**FRANCESCA AND MATTHEW MARKHAM 2307 CHANDLER CT, SHERMAN TX 75092 (OWN/APP)** have filed an application for permission to build a 2528+/- SF two story addition with restricted side yard set back at **52 Fort Avenue**. AP 1, lot 107, area 24,272+/-SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity. This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

#### **Findings of Fact:**

1. The application lists the property as being located in an A-6 zone, but the property is actually in an A-12 zone.
2. The addition will require CRMC and RI Historic Preservation and Heritage Commission approval.
3. The house is located in the Pawtuxet Village National Register Historic District.
4. The existing residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Single Family Residential 3.63 to 1 unit per acre, for this area of the City.
5. The proposed 2 story addition on the left side of the house, will convert the area that contained the former one car garage to living space, and continue the existing 5'-6" left side yard setback towards the rear yard for 24.58' ft. A 10 ft. side yard setback is required in an A-12 zone.

6. The 8' single story rear addition on the right side of the house will have a side yard setback of 12.25'. The first floor of the house will be extended 8' out to the rear for the entire length of the house.
7. The proposed 26' x 24' two car detached garage will have an 8.14' side yard setback, where 8' minimum is required per the Zoning Ordinance.

**Recommendation:** Based on the Findings of Fact, upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation to the Zoning Board, as the application will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan upon which the Ordinance is based.

Note: The application will need CRMC and RI Historic Preservation and Heritage Commission approval prior to receiving a building permit.

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

**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.

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 overintensive 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.

**P & S MANAGEMENT LLC 1280 PARK AVENUE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 1500+/- SF storage building at **1280 Park Avenue**. AP 11/1, lot 136, area 61,679+/-SF, zoned C-1 & A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses. Joseph C Manera Jr. ESQ. filed 5/6/14.

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 entire property is designated as Neighborhood Commercial on the 2010 Comprehensive Plan Future Land Use Map. The medical office building located on the front of the lot is consistent with the Comp Plan.
2. The portion of the lot where the proposed storage building is shown on the site plan, is located entirely within a 100 year floodplain.
3. The plan submitted shows that the 60' x 25' building is separated into 2 separate storage units, each with a separate door and a 12' x 12' overhead garage door on each unit.
4. This area of the lot currently contains a long building with a flat roof that is located in the middle of an area that is used for storage of cars, flatbed trailers, construction equipment, and dump trucks. This building will be removed.
5. Access to the rear area of the lot is not from the medical office located on the portion of the lot that fronts on Park area, but is through an unnamed right of way that runs along the westerly lot line from Park Avenue.
6. At the Plan Commission meeting, the applicant's attorney told the Plan Commission that all of the construction equipment currently stored on this rear area of the site will be removed, and the proposed storage building will be used as an accessory building to house the applicant's antique cars as well as snow removal equipment used for snow removal on his nearby commercial properties.
7. At the meeting, the applicant's surveyor told the Commission that he is preparing a certificate of elevation and is applying to FEMA for a LOMA (Letter of Map Amendment), to remove the property from the flood plain.

Recommendation: The proposed building to be used for a garage/storage is an accessory use for the medical building, and therefore, is consistent with the 2010 Comp Plan Future Land Use Map that designates this area of Park Avenue as Neighborhood Commercial. Upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition that neither storage unit is rented out in the future.

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

**ESTATE OF FILOMENA RICCI 31 YEOMAN AVENUE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission, pending administrative subdivision, to leave an existing single family dwelling on a proposed 4863+/- SF undersized [parcel A] with restricted front and rear yard set back at **31 Yeoman Avenue**. AP 12/2, lots 1870 & 1868, area 4863+/-SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

Findings of Fact:

1. The existing residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Single Family Residential.
2. The original area for lots 1870 and 1868 was 4,630 sq. ft.
3. The rear portion of the existing house, as well as a portion of the applicant's patio is located on the neighboring property to the rear (which fronts on Marlow Street).
4. These two lots, as well as the abutting two lots to the rear, were in joint ownership until 1990, when the rear lots were sold for a new single family on 6,890 sq. ft.
5. The administrative subdivision moves the lot lines between the properties so that the applicant's house and patio is contained within it's own new lot, which increase in area to 4,863 sq. ft.
6. The existing house which had an encroachment on the rear lot, will now have a rear yard setback of 8 feet.
7. The existing front yard setback of 5.9' will not change.

Recommendation:

The new lot lines proposed on the pending Administrative Subdivision will eliminate the encroachment of the applicant's house and patio on the abutting property. Based on the Findings of Fact, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan 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 surrounding neighborhood, and will not hinder the intent or purpose of the Zoning Ordinance of the Comprehensive Plan upon which the ordinance is based.

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

**ROBERT BERTONE & JOANN ROSE BERTONE 24 MARLOW STREET CRANSTON RI 02920**

**(OWN/APP)** have filed an application for permission, pending administrative subdivision, to leave an existing single family dwelling on a proposed 6657+/- SF undersized [parcel B] with restricted front and side yard set back at **24 Marlow Street**. AP 12/2, lots 1869 & 1889, area 6657+/-SF, zoned A-8.

Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

Findings of Fact:

1. The existing residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Single Family Residential.
2. The original area for lots 1869 and 1889 was 6,890 sq. ft.
3. The rear portion of the applicant's existing lots, contains an encroachment of the abutter's house, as well as a portion of the abutter's patio.
4. These two lots, as well as the abutting two lots to the rear, were in joint ownership until 1990, when the applicant's lots were purchased for a new single family on 6,890 sq. ft.
5. The administrative subdivision moves the lot lines between the properties so that the abutter's house and patio is contained within it's own new lot, which decreases the applicant's area to 6,657 sq. ft.
6. The Applicant's existing front yard setback of 24.6', and side yard setback of 9.4' will not change.
7. The new rear yard setback of 26.4' exceeds the required 25' minimum rear yard setback.

Recommendation: The new lot lines proposed on the pending Administrative Subdivision will eliminate the encroachment of the neighbor's house and patio on the applicant's property. Based on the Findings of Fact, upon motion made by Mr. Moran and seconded by Mr. Vincent, the Plan 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 surrounding neighborhood, and will not hinder the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the ordinance is based.

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

**J & K REALTY LLC 7 PHILLIPS COURT CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to build a new 1700+/- SF Subway® restaurant with restricted frontage, rear yard setback and additional signage than that allowed by ordinance at **2214 Plainfield Pike**. AP 36/1, lot 94, area 15,466+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.28.010 Drive in Uses, 17.84 Development Plan Review, 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 proposed restaurant with drive-thru is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this lot as Highway Commercial.

2. This lot and the abutting lot #66, are the only commercially zoned lots in this area of the City that is Zoned Industrial.
3. The application received a preliminary approval from the Development Plan Review Committee on April 16, 2014, with the condition that prior to the issuance of a Final Plan Approval, the applicant shall obtain all zoning relief, as needed, from the Zoning Board of Review.
4. The applicant's lot is 24,534 sq. ft. short of the 40,000 sq. ft. minimum area required per the Zoning Code for a restaurant with drive-thru.
5. The minimum frontage required for a restaurant with drive-thru is 200 feet; the applicant's lot has 117.89 feet of frontage.
6. Per the ordinance, no driveway opening shall be located closer than 20 feet to a side lot line; the site plan shows the driveway opening approximately 4 feet from the side lot line.
7. Per the ordinance, no driveway opening shall be located within 40 feet of another driveway opening, the proposed driveway is located within 4 feet from the abutter's driveway opening.
8. The proposed rear yard setback is 19.4' where a minimum of 20' is required.
9. The proposed driveway opening requires a State D.O.T. physical alteration permit.
10. The applicant has an easement to locate the dumpster on the abutting property.
11. The application meets the remaining performance standards for drive-thru restaurants regarding stacking spaces and parking, driveway width, and landscaping.
12. Per the sign ordinance, the total signage permitted is the lesser of 300 sq.ft. or 20% of the total street-facing wall area, which in this case is 114 sq. ft. The proposed total signage for the site is 143 sq. ft.
13. Per the sign ordinance, the maximum freestanding sign area permitted is 50 sq. ft., The application is for a two-sided 2' x 8' pylon that equals 32 sq. ft., with a height of 15'.
14. Two proposed 2-1/2' x 12' wall signs equal 60 sq. ft.

Recommendation: Though the application does not meet the minimum specific requirements for a restaurant with Drive-thru in regard to area, frontage, and driveway locations, the site does meet the requirements for parking spaces, landscaping and stacking spaces, and the proposed use is consistent with the 2010 Comp Plan Future Land Use Map designation of Highway Commercial. Upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

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

#### **PLANNING DIRECTOR'S REPORT**

Mr. Lapolla reported that the City Council Ordinance Committee took the comments into consideration regarding Plan Commission appointees and stated that the council would like to be able to appoint one member from the east side and one member from the west side of the city to the Plan Commission.

**ADJOURNMENT** Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to adjourn at 10:05 p.m.

**NEXT MEETING** July 8, 2014, City Council Chamber, 7 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer

