

MINUTES

June 4, 2013

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

Michael Smith, Vice Chairman
James Moran
Mark Motte
Gene Nadeau
Robert Strom
Ken Mason, P.E.

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Lynn Furney, Associate Planner
J. Resnick, Sr. 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 7, 2013, Plan Commission meeting.

SUBDIVISIONS AND LAND DEVELOPMENTS

Salo Minor Subdivision – Preliminary Plan

Minor Subdivision without street extension
651 Natick Avenue
AP 18, Lot 1462

Mr. Lapolla stated that this is “a simple three lot subdivision”. The proposal consists of the creation of three new building lots for single-family homes. All of the proposed lots conform to the A-8 zoning designation and will be serviced by public water and private septic systems.

A neighboring property owner stated that the land is full of ledge and asked if blasting would take place. Mr. Lapolla assured him that if blasting were indicated, all of the proper permitting procedures would take place. He further stated that usually a “pre-blast survey” is done of the neighboring homes to ensure that the neighboring homeowners are protected.

Councilman Mario Aceto, 152 Locust Glen Drive, expressed concern with the existing natural gas pipeline, should blasting be done. City Solicitor, Stephen Marsella, assured Mr. Aceto that Dig Safe would be notified prior to any possible blasting.

Rachel Clark, Woodcrest Court, stated that she fears her child will be afraid of blasting. Mr. Moran assured her that regulations would be enforced should blasting need to be done. Mr. Lapolla advised the neighbors to contact the State Fire Marshall as permitting is done through their office.

Mr. Russ Clark, 41 Woodcrest Court, expressed concern with ledge, pointed out the location of ledge outcrops.

Ms. Lorraine Masi, 39 Woodcrest Court, questioned the straight lot lines depicted on the plan, stating that the existing lots are not that straight. She also expressed concern with ledge. Mr. Lapolla responded, stating that the lots have been surveyed and conform with zoning regulations.

There being no further comments, the Commission move to a vote. Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision subject to the following conditions.

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 5/24/13 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 2.83 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 7.26 – 3.64 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 Natick Avenue, 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 (stonewalls) or natural features (outcrops) that contribute to the attractiveness of the community have 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 all required application review fees (Pre-application (\$160), Preliminary (\$405), Final (\$305) in the amount of \$870 at the time of Final Plan application.
2. Submittal of a Municipal Lien Certificate verifying that all taxes are currently up to date at the time of Final Plan application.
3. Payment of Western Cranston Capital Facilities Impact Fees in the amount of \$4,168.50 (\$1,389.50 x 3) at the time of Record Plat recording.
4. Provide a Performance Guarantee in the amount of \$36,819 with a separate 2% administrative fee of \$736.38.
5. The applicant shall notify neighboring property owners within a 100 ft. radius 14 days prior to any blasting that may need to be done and perform a "pre-blast" survey of those properties.
6. Verification of the above requirements shall be submitted to the Planning Department prior to any blasting that may need to be done.

Ayes: Mr. Smith, Mr. Moran, Mr. Strom, Mr. Motte and Mr. Mason. Mr. Nadeau recused. Nay: none

The Estates at Camden Woods – Master Plan - Continued

Major Subdivision with street extension – Residential Planned District (RPD)
Hope Road
AP 24, Lot 12

Mr. Lapolla referenced Mr. Pezzullo's May 31, 2013, memo. He stated that the Commission has been provided with copies of the traffic report. The Planning Department staff has met with the developer regarding roadway width and traffic. He stated that the Planning Department staff will support 26 ft. roadway width and a waiver for

sidewalks. He mentioned that the City of Cranston Subdivision Regulations require that roads connect where practicable. He stated that there is no potential for cut-through traffic.

Attorney Robert Murray, representing the applicant, Hope Road Land Investments LLC, mentioned that the same consultants were present as last month to answer any further questions. He reiterated that the developer has reached a consensus with the Planning Department staff regarding 26 ft. roadway. He stated that Phase 3 of the proposed development (25 lots) will be accessed through Mystery Farm Drive if two cul-de-sacs are approved.

The property owner at 155 Mystery Farm Drive expressed concern with cut-through traffic from Phenix Avenue and stated that Mystery Farm Drive has no outlet; this development will “change the neighborhood”. She asked why sidewalks will be waived when a 26 ft. roadway is proposed. She stated, “we will need them now”.

Mr. Steven Izzo, corner Maple Farm Drive and Phenix Avenue, stated that the traffic study did not take weekend and holiday traffic into consideration. Apparently there is increased traffic on the weekends for the Chaffee Field. Mr. Lapolla responded, stating that “these two subdivisions were designed and permitted to connect through stubs”. Mr. Izzo also stated that Maple Farms Estates has sidewalks.

Mr. Charley Argianis, 21 Kristen Drive, stated that he was “attracted to the area because it was quiet and there was no traffic. This will change the character of Mystery Farm Drive and Kristen Drive”. He further stated that the “roads don’t have to connect; the Commission is choosing to have the road connect”.

Gina Conti, Cardinal Road, expressed concern that no sidewalks are proposed and asked if sidewalks would be provided to existing homes if the Commission requires them. Attorney Murray responded, stating that no sidewalks are proposed and the applicant is seeking a waiver for the provision of sidewalks. He further stated that “the developer is under no obligation to provide sidewalks elsewhere”.

Mr. Christopher Duhamel, P.E., stated that due to the new RIDEM Stormwater Regulations for low-impact development, sidewalks are not proposed as they would contribute to impervious surface. He stated that 26 ft. wide pavement will be “little used and allows for safety”, stating that a curved roadway slows traffic. He stated that Mystery Farm Drive is 30 ft. wide. There will be a gradual decrease in the roadway width when the new road goes in.

The property owner at 75 Mystery Farm Drive expressed concern that the traffic study was not done on a weekend when the Chaffee Complex “has hundreds of people”. He disagreed that a narrow road would slow traffic.

Commissioner Motte commended traffic engineer, Paul Bannon for providing his “rigorous study”.

Mr. Ken Mason, P.E., Public Works Director, stated that he concurs with DiPrete Engineering’s proposed 26 ft. roadway; reiterating that the new stormwater regulations are “ominous”. In regard to the roadway being extended, he stated that engineers always want to see pipes connect. He further stated that he concurs with the Fire Department comments.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan, with provision of a sidewalk on the easterly side of Road E (Phase 3) and with waiver for 26 ft. roadway width, and subject to the following conditions:

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan RPD has been conducted. Property owners within a 100’ radius have been notified via first class mail on 4/23/13 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 4/24/13 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .58 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 less than 1 unit per acre” (A-80) and “Residential” allowing 3.63 to 1 unit per acre” (A-20).
3. The proposed RPD 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 Master 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 to Hope Road, Cardinal Road, Meadow Lark Drive, Mystery Farm Drive and Kristen Drive, 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 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.

Condition of Approval

Applicant shall obtain all necessary written approvals from City and outside agencies (RIDEM, Veolia Water, and Providence Water Supply Board) prior to applying for Preliminary Plan consideration for each and every one of the proposed three phases.

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

ZONING BOARD OF REVIEW RECOMMENDATIONS

CHARLES J YEADON 244 GREENWOOD STREET CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert a single family dwelling back to a two-family dwelling on an undersized lot with restricted frontage at **244 Greenwood Street**. AP 5, lot 181, area 5000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 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 residential use and density of 8.7 units per acre, is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for less than 10.89 units per acre. The proposed 2 family density of 17.42 units per acre is not consistent with the Comprehensive Plan Future Land Use Map's density for this area.
2. There are 71 residential dwellings within the 400' zoning radius.
3. There are 64, 5,000 sq. ft. lots within the 400' radius; 40 of those lots contain single family dwellings, and 18 of those lots contain two-family dwellings. The land uses on the remaining 6 lots are religious, a 3-family dwelling, or vacant.
4. Six out of the seven 5,000 sq. ft. lots on Greenwood St on the same block and same side of the street as the applicant's lot, are 2 family dwellings. The opposite side of the same street contains 7 single family dwellings on 5,000 sq. ft. lots.
5. Ten of the thirteen 5,000 sq. ft. lots (77%) on the applicant's block, contain two family dwellings.
6. The site plan shows a driveway that can accommodate 4 cars, parked end to end. Only 2 spaces are required per the Zoning Code.

Recommendation: The proposed density of the two family dwelling exceeds the maximum density prescribed by the 2010 Comprehensive Plan Future Land Use Map. However, since it is a fact that 77% of the 5,000 sq. ft. lots on the block where the applicants property is located are two-family dwellings, the application will not alter the general character of the surrounding neighborhood. Therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to forward no specific recommendation on this application.

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

EDWIN K SCHOBBER JR 74 OLNEY ARNOLD RD CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a 16' X 24' attached garage addition with restricted side yard setback at **74 Olney Arnold Road**. AP 21/2, lot 302, area 20001 +/- SF, zoned A-20. Applicant seeks relief from Sections; 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 residential use, is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for residential uses.
2. The proposed new garage's side yard setback will be 7.4 ft., where 10 ft. is required per the Zoning Code.
3. The new garage's front yard setback will be 46'.
4. Six out of 31 single family dwellings located within the 400' zoning radius (19.3%) have restricted side yard setbacks.
5. Because of the irregular shape of the lot, the dwelling's left side yard setback just meets the minimum 15' required distance.

Recommendation: The existing use is consistent with the 2010 Comprehensive Plan Future Land Use Map, and a side yard relief for 2.6 ft. would not alter the general character of the surrounding neighborhood. Therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application.

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

CAROL A AND ANTHONY MATARESE JR 66 VILLAGE AVENUE CRANSTON RI 02920 (OWN) AND TRACY L CICCONE PERFORMING ARTS INC 1732 CRANSTON STREET CRANSTON RI 02920 (APP) have filed an application for permission to operate a dance studio from a 2400+/- SF portion of a 4560+/- SF existing legal non-conforming building with restricted off-street parking, frontage and corner side yard setback on an undersized lot at **2 Vallette Street**. AP 11/3, lot 1130, area 13,128 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.64.010 Off-Street Parking, 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 dance studio which falls under the category of commercial/services use, is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for Industrial Use.
2. According to the City's GIS maps, the industrially zoned area located within the 400' Radius contains 9 industrial use buildings, and 1 smaller building used as an office. The remaining surrounding lots contain residential uses.
3. The applicant intends to use the entire upper floor of the 2-story building, (2,400 sq. ft) as a dance studio.
4. The lower level of the building, according to the application, contains a contractor's yard for landscaping and plumbing businesses.
5. The upper parking lot will provide 8 parking spaces, which includes the handicap parking space. Both the City's GIS maps and Bing aerial maps show this proposed parking area currently being used for storage, and parking for 3 vehicles.
6. For the lower level business, the site plan submitted shows 2 parking spaces on the outside of a fence, and 2 parking spaces on the other side of a fenced in area.
7. The elevation plans submitted shows 100 sq. ft. of sign board on the western elevation for the lower level business. No signage proposal for the dance studio was included in the plans received by the Planning Department.

Recommendation: The proposed commercial use as a dance studio is not consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of this area of the City for Industrial, but recognizing that a commercial use is a less intensive use, given the surrounding residential uses, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward no recommendation on this application.

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

ELI AND ANGELA L GHALI 23 PINE RIDGE DRIVE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a new 1824+/- SF single family home with restricted front and rear yard setback on an undersized lot at the corner of **Vermont and Cranston Street**. AP 8, lot 2000, area 3600+/- SF, zoned B-1. Applicant seeks relief from Sections; 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 2010 Comprehensive Plan Future Land Use Map designates this area of Cranston Street as Neighborhood Business, which does permit residential use.
2. The proposed dwelling will have an 8' front yard setback from Vermont Street, and an 8' rear yard, where 25' and 20' are required respectfully.
3. There are 64 residential buildings within the 400' Zoning Radius, 15, or 23% are houses on 3,200 sq. ft. lots.
4. The average lot size for the 43 single family dwellings within the 400' radius is 5,416 sq. ft.;

Recommendation: Based on the findings of fact, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board for the following reasons:

1. The applicant's lot is 1,816 sq. ft. smaller than the average 5,416 sq. ft. single family lots; however, the proposal will not alter the general character of the surrounding neighborhood.

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

PERFORMANCE GUARANTEES

**Replat of City View Estates #1 & Meloccaro Plat - Administrative Subdivision
Vote to exercise Performance Guarantee**

The Plan Commission took the following action on the existing \$2,400 cash bond: upon motion by Mark Motte, seconded by James Moran, the Plan Commission voted unanimously to use the cash bond, in the amount of \$2,400 to have the bounds installed by the City if they have not been installed by June 30, 2013.

Votes: Ayes: Smith, Mason, Nadeau, Moran, Strom, Motte. Nay: none

PLANNING DIRECTOR'S REPORT - Traffic Regulations - Mr. Lapolla suggested that he will be amending the existing regulations shortly. The Commission suggested that rather than amending the regulations we review traffic by a policy to be developed.

ADJOURNMENT: Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 9:20 p.m.

NEXT MEETING: July 9, 2013 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer