

MINUTES

June 7, 2005

Chairman William J. Guglietta called the meeting to order in the City Council Chamber at 7:38 p.m. The Planning Commission meeting was delayed by the Board of Contract and Purchase meeting.

Chairman Guglietta announced that the Sanctuary Estates Preliminary Plat Subdivision would not be heard as there was insufficient notification to property abutters.

The following Commission Members were in attendance:

William J. Guglietta, Chairman
Paul Petit, Vice Chairman
Stephen Devine
Marco Schiappa
Charles Rossi
Jerome Baron
Councilwoman McFarland

Also present were:

Kevin Flynn, Planning Director
Michael DeLuca, Principal Planner
Jared Rhodes, Senior Planner
Joanne Resnick, Sr. Clerk

The following members of the public attended:

Lawrence Wier
Anthony & Diane Medeiros
R.W. Warren
Betsy Fishman
John DiBona

Jeff Saletin
Joseph & Liz Manni
Peter Suorsa
Chris Duhamel
Robert Murray

Bernard Fishman
David Blanding
Eric Prive
Paul Plourde
John Riley

MINUTES

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to approve the minutes of the May 3, 2005, meeting.

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Jenny Estates – Preliminary Plat
Minor Subdivision w/street extension
Echo Lane
AP 27, Lot 88**

Public Hearing

Mr. Michael Zevalia, Carrigan Engineering, representing owner, Mr. Richard Pezzucco, explained the proposal to create three single family lots and one detention pond lot in this A-20 Zoning District. The site is located on Echo Lane, 680 feet east of Comstock Parkway. The plat has been designed to mitigate any runoff by channeling it to an existing 24 inch drain on Echo Lane, which has adequate capacity. The site will be serviced by a Providence Water Supply main on Echo Lane. Underground utilities are proposed. The site received RIDEM Determination of Non-Jurisdiction. It is his opinion that there is nothing to be gained by re-applying to RIDEM.

Mr. DeLuca gave the Planning Department staff's findings, noting that drainage calculations have been amended twice. This project was originally submitted last fall and encountered delays due to drainage design. The applicant shall revise plans to address technical comments of the Public Works Director and City Engineering staff as noted in their memoranda.

No members of the public testified. There being no further testimony, the Planning Commission moved to a vote.

Upon motion made by Mr. Petit, seconded by Mr. Baron, the Commission unanimously voted to accept the Planning Department's staff findings as their own and APPROVE this Preliminary Plan subject to the following:

1. Approval of final water system design by Providence Water Supply Board.
2. Granting of requested sidewalk and roadway length waivers subject to provision of planting of street trees-in conformance with the plan submitted.
3. Applicant shall revise plans to address technical comments of the Public Works Director and City Engineering staff as noted in their memoranda.
4. Performance Guarantee of \$208,000.
5. 2% Administrative fee of \$4,160.00.
6. Capital Facilities Impact Fee of \$4,168.50.
7. Western Cranston Water District Fee of \$4,056.00.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

**Hope Farms – Preliminary Plat
(Major Subdivision)
Hope Road
AP 24, Lot 69**

Public Hearing

Attorney Robert Murray, representing owner Frank Simonelli, explained the project received Master Plan approval in July, 2002, and was re-instated in August, 2004. The proposal is to divide a 7.47 acre parcel into 13 single family house lots on two new cul-de-sacs in an A-20 Zoning District. The development will be serviced by public water and sewer, tied into a sewer force main on Hope Road. Each lot will be in excess of 20,000 square feet. Concrete curbing is proposed along the cul-de-sacs, along with street trees; to be clustered in front of Lot #8 (the end of Stable Drive). Each lot will control runoff individually with a dry-well system, sized for 100 year storm. Roadway runoff will be routed to vortechinics. The project has received RIDEM approval (there will be no alteration of wetlands).

Area resident Lawrence Wier, 541 Hope Road, expressed concern with: 1) safety of the proposed entrance to the development, 2) safety of the proposed driveways for Lots #1 and #2, 3) asked if Lots #1, #2, #3 and #13 will be curbed, 4) asked how disruptive it will be when utilities are brought up Hope Road and how the road will be repaired, 5) asked if he will have the option of connecting to these new city services and would he be assessed any additional fees for the installation of these new services and 6) what will happen to the sewer force main when the electricity goes out.

Mr. Christopher Duhamel, DiPrete Engineering, responded that split-rail fencing and a stone-wall entrance is proposed. It is the developer's intent to maintain the scenic character of Hope Road, and these proposals should slow traffic and are located so as to provide good visibility in both directions on Hope Road. No curbing is proposed along Hope Road. The sewer force main will be equipped with 60 gallon pumps to accommodate in the event of a power outage.

Public Works Director, Marco Schiappa, stated that curbing is required for all new projects by City ordinance. The developer must request a waiver if they do not intend to curb Hope Road. Mr. Murray requested this waiver, for the record.

Attorney Robert Murray explained that installation of public water and sewer will be performed with as minimal disruption as possible, possibly by the use of a police detail on Hope Road, during construction. He stated there will be no additional fees for abutting property owners for installation of these utilities unless they choose to tie in.

Mr. Flynn explained that Hope Road, to Pippin Orchard Road, will be completely repaved when construction is complete.

Mr. DeLuca gave a brief overview of the Planning Department's staff findings (memorandum dated June 7, 2005, which is a part of these minutes). No other members of the public testified on this matter. There being no further testimony, the Commission moved to a vote.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning Department's staff findings as their own and APPROVE this Preliminary Plan subject to the following:

1. Approval of final water system design by Providence Water Supply Board
2. Granting of requested sidewalk, curbing, roadway width and landscape waivers subject to provision of plantings in accordance with the accepted planting plan.
3. Repaving of Hope Road following utility extensions from edge to edge.
4. Submittal of proper and sufficient documentation ensuring that all foundation drains and drywells are to be maintained by the owner, developer and or a legally constituted homeowners association prior to final plat approval.
5. Applicant shall revise plans to address technical comments of the Veolia Water staff as noted in their memoranda prior to final plat approval.
6. Performance Guarantee of \$540,000.
7. 2% Administrative fee of \$10,800.
8. Capital Facilities Impact Fee of \$18,063.50.
9. Western Cranston Water District Fee of \$17,576.00.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

**Sockanosset Cross Road Office Park
(Minor subdivision w/no street extension)
Sockanosset Cross Road
AP 10/4, Lots 42, 1475 and 1492**

Attorney Robert Murray, representing owners CFS Partnership, LP, explained the proposal to construct a new office building on newly created Parcel #1 in an existing office building complex.

Christopher Duhamel, DiPrete Engineering, gave a brief overview of the project. He stated that the project does not require any variances or waivers for a C-3 Zone. The project has received both Pre-Application and Preliminary approvals from the Site Plan Review Committee. The applicant is waiting for Cranston Historic District Commission

and State Historic and Heritage Commission approvals for any alterations within proximity of the Ephraim Martin Burial Lot prior to final plat approval.

Mr. DeLuca gave a brief overview of the Planning Department staff's findings (memorandum dated June 6, 2005, which is a part of these minutes). No members of the public testified on this matter. There being no further testimony, the Commission moved to a vote.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department's staff findings as their own and APPROVE this Minor Subdivision subject to the following:

1. Provide flow analysis to Veolia staff so determination of sufficiency of sewer capacity may be determined.
2. Coordinate location, pipe diameter and design of sewer connection with Veolia Water staff prior to final plat approval.
3. Receipt of Cranston Historic District Commission and Historic Preservation and Heritage Commission approvals for any proposed alterations within proximity of the Ephraim Martin Burial Lot prior to final plat approval. Show 25 foot perimeter buffer area on final plans.
4. Provide text of cross-easements for utilities, parking and access to Administrative Officer for review with final plat submission.
5. Refer detailed analysis of this site to Site Plan Review Committee specifically including resolution of traffic, historic cemetery and sewer design issues.
6. Make minor technical corrections to final plat at direction of the Administrative Officer.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine, and Councilwoman McFarland. There were no nay votes. (Mr. Baron was absent at the time of the vote.)

The Blanding Plat
(Minor subdivision w/no street extension)
Hope Road
AP 30/2, Lot 62

Mr. Peter Suorsa, Coventry Survey, explained that the project has received RIDEM/ISDS approval for a new septic system, dated 12/21/04. A private well is proposed and was approved by RIDEM on 4/15/05. The plat proposal is to divide this 7.4 acre parcel into two separate lots in an A-20 Zoning District. Proposed new lot A will be 3.44 acres and is intended for a new single family house. The existing dwelling will remain on Lot B, on 3.96 acres.

Public Works Director Marco Schiappa mentioned the need for the applicant to submit a request to waive curbing on the development, as curbing is required by City ordinance.

Mr. David Blanding, applicant, stated that he will install some curbing if need be but prefers a full waiver. Mr. Suorsa concurred that a request for a waiver will be submitted in writing for the record.

There was some discussion about the need for curbing in this rural area. Mr. Flynn explained that the intent of the ordinance is to maintain curbing in densely populated areas.

No members of the public offered testimony on this matter, therefore, the Planning Commission moved to a vote, *noting the applicant's request to waive curbing*.

Upon motion made by Mr. Schiappa, seconded by Mr. Rossi, the Commission unanimously voted to accept the Planning Department's staff findings as their own and APPROVE this Preliminary Plat subject to: 1) Capital Facilities Impact Fee of \$1,389.50, 2) Installation of two granite bounds at the direction of the staff and 3) curbing waiver is granted.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

ANTHONY M AND DIANE W MEDEIROS 54 FAIR WEATHER AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application for special use permit for permission to operate a home based pet grooming business from an existing single family home at **54 Fairweather Avenue**. AP 5/4, lot 2086, area 14,000+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.030 Schedule of Uses, 17.24.010 (E) (4) Specific Performance Standards.

Findings of Fact

1. The proposed pet grooming business does not meet the required definition of a professional home office or studio in that it is not related to a working space for a "resident architect, artist, author, attorney, clergyman or engineer (17.24.010 and 17.04.030)."
2. The proposed pet grooming business also does not appear to meet the required definition of a home occupation in that it is not an "activity customarily carried out for gain by a resident, conducted as an accessory use in the residents dwelling" (17.24.010 and 17.04.030).
3. A site plan of the property was not submitted with the application.
4. The application does not specifically address the following performance standards:
 - a. Whether the dwelling within which the occupation is proposed will be the primary residence of the person conducting the business;
 - b. Whether the use will be operated entirely within the building;

- c. Whether anyone residing outside of the dwelling will be employed;
- 5 Submitted floor plans indicate that the proposed use will occupy approximately 45% of the dwellings gross floor area where a maximum of 25 % percent is allowed (17.24.010).
 - 6 Due to the uncustomary nature of the proposed business and its clients, impacts upon surrounding residents could be more intense then those normally associated with a home occupation or professional home office or studio.
 - 7 The applicant provides no grounds for exception or variance as requested in the application.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend DENIAL of this application as there is no hardship; the applicant is making reasonable use of the property with a single family home in a single family zone.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

C&F FAMILY LIMITED PARTNERSHIP 41 PASCO CIRCLE WARWICK RI 02886 (OWN) AND LAMAR OUTDOOR ADVERTISING 360 WARREN AVENUE EAST PROVIDENCE RI 02914 (APP/LESSEE) have filed an application for permission to build a new mono-pole billboard structure with two faces measuring 14' x 48' each with a height of 70 feet at **780 Wellington Avenue**. AP 5/2, lot 2429, area 58,730+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 (K) (2) Billboard Signs.

Findings of Fact

1. There are no other billboards within 500' of the proposed location as required.
2. The proposed location is immediately adjacent to Interstate 95 and is therefore exempted from the prohibition of billboards within 500' of an abutting residential zoning district.
3. The application has received approval from the Rhode Island Department of Transportation (permit # 195E060) who stated that "the site meets all spacing requirements and falls within the Rhode Island Outdoor Advertising Rules and Regulations and the State and Federal Agreement."
4. Five other billboards of varying configurations currently exist within this portion of the Interstate 95 Corridor.
5. Of the existing billboards in this corridor, at least two measure 14' x 48' and have heights of 69 and 72 feet.

6. Although the height and area of the proposed billboard nearly triples the maximum allowed by 17.72.010 (K) (2), it is consistent with what has been allowed in the immediate vicinity.

Upon motion made by Mr. Petit, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend APPROVAL of this application. The granting of the requested dimensional variances will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Ordinance or Comprehensive Plan.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

848 PARK AVENUE ASSOCIATES LLC, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI 02903 (OWN/APP) AND PARK THEATRE, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI (LESSEE) have filed an application for permission to convert an existing movie theatre into a dinner theatre with restaurant, café and motion pictures and build an addition, including a second story with restricted off-street parking, side and rear yard setback at **848 Park Avenue**. AP 9/5, Lot 152 and 160, area 22,000+/- SF, zoned C-3. Applicant seeks relief from Section 17.20.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. This application was originally heard by the Zoning Board of Review on November 12, 2003.
2. At that time proposed seating capacity as noted in the decision's findings of fact included 1130 theatre seats, 125 cafe seats and 220 restaurant seats all of which require 399 parking spaces.
3. In approving the original application the Zoning Board required the applicant to seek an advisory opinion on the exterior facade treatment and design from the Cranston Historic District Commission.
4. Subsequent correspondence from the Cranston Historic District Commission to the Planning Director dated May 24, 2005 (see attached) indicates that in reference to the exterior facade treatment and design the applicant has agreed to:
 - a. Preserve the existing Pontiac and Park Avenue facades (see attached letter dated May 6, 2005 from John L. Riley, Architect for the Applicant, confirming the feasibility of saving the remainder of the facade);
 - b. Refurbish and reuse the original light fixtures, marquee, and "PARK" sign;
 - c. Install and extend limestone veneer to the tops of the windows or to the parapet line not to the seven foot line as shown;
 - d. Duplicate the dimensions and details of those portions of the Park Avenue facade which have already been demolished;

- e. Use white aluminum windows and doors with central glazing custom made to fit into the existing openings; and
 - f. Incorporate horizontal bands into the five story concrete block stage addition to break up the elevation.
5. The May 24, 2005 correspondence of the Cranston Historic District Commission notes that the drawings that they reviewed showed a proposed theatre seating capacity of 1,060 whereas the plans submitted to the Planning Commission, dated May 4, 2005, show a theatre seating capacity of 1130.
 6. Currently there is 204 S.F. of signage associated with the building. This includes the 75 S.F. "PARK" Building Marker, the 105 S.F. Marquee and the 24 S.F. glass play bill display.
 7. To this the applicant proposes adding 3x20 and 3x16 wall signs along Park Avenue and four additional 4x6 glass play bill displays along Pontiac Avenue for a total addition of 204 S.F (see attached letter of John L. Riley dated June 2, 2005).
 8. The maximum amount of signage allowed in a C-3 zone is 200 square feet.
 9. The requested height variance is necessitated by the customary fly tower which is an integral part of theatre design and needed for the handling of stage equipment.
 10. Parking will be accommodated in the municipal parking lot located behind City Hall (371 spaces total).
 11. The City Traffic Safety Engineer in correspondence issued on June 6, 2005 finds that the revised traffic study documentation and supplemental responses are "satisfactory and in keeping with all discussions to date" and that in his opinion "the project should move forward as currently proposed" (see attached).

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application; subject to a limitation on theatre, restaurant and cafe seating capacity as originally approved by the Zoning Board of Review on November 12, 2003 and subject to the conditions of 4, a.-f. above.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

RICHARD D'IORIO 54 KNOWLES WAY NARRAGANSETT RI 02882

(OWN/APP) has filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted front and side-yard setback on a proposed 4800+/- SF lot [parcel 1] and build a 28' x 42' raised ranch style single-family dwelling on the proposed remaining 4800+/-SF lot [parcel 2] at **17 Flynn Avenue**. AP 15/3, lot 766, area 9600+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. The proposed division of A.P. 15/3 Lot 766 into two separate 4,800 S.F. parcels constitutes a subdivision in accordance with RIGL 45-23-32.
2. Section G of the City of Cranston Subdivision Regulations requires that the applicant receive a conditional subdivision approval from the Planning Commission prior to action (granting of dimensional relief in this instance) by the Zoning Board of Review.
3. Although the applicant has applied to the Planning Commission, a conditional approval has not been granted as of this date.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to CONTINUE this application pending conditional subdivision approval from the City Planning Commission.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

RITA AND ALBERT E ANNIS 25 STACEY DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 14' x 17' one story family room addition with restricted corner side-yard setback at **25 Stacey Drive**. AP 15/3, lot 1678, area 6663+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.090 (D) Specific Requirements.

Findings of Fact

1. The subject parcel is a corner lot and is therefore required to meet front yard setbacks on both its southern and eastern property boundaries.
2. The proposed addition will have an 11' setback to the southern property boundary whereas 20' is required.
3. Setback distances from the proposed addition to the edge of pavement along the southern boundary will be approximately 21'.
4. The proposed addition conforms with the corner visibility requirements of Section 17.20.100.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL of this application. The proposed addition into the secondary front yard will not impact corner visibility.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Western Cranston Industrial Park-East – Status of Bond Recall

Mr. DeLuca informed the Commission that this bond was extended prior to expiration. No action is necessary at this time. No vote was taken.

Glenham Park Sections 1, 2 & 3 – Status of Bond Recall

Mr. DeLuca stated that he recently found out this bond was automatically extended by Key Bank prior to expiration. No action is necessary, and no vote was taken.

EXTENSIONS OF TIME

Gold Meadow Estates-Master Plan

Mr. DeLuca stated that the Master Plan approval was reinstated in August, 2004. The developer requires additional time for Preliminary Plan submittal.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to *extend, for a period of 12 months, from August 4, 2005 to August 4, 2006*, the applicant's request for an extension of time.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi, Mr. Baron and Councilwoman McFarland. There were no nay votes.

MISCELLANEOUS ITEMS

Comprehensive Plan Update

Mr. Flynn stated that there was lively discussion at last months Comprehensive Plan Update Meeting. Upon receipt of the Comprehensive Plan final draft, one more public meeting will be held.

Chairman Guglietta suggested the Planning Commission set a special working meeting for review of the draft Comprehensive Plan when ready.

Mr. Flynn announced that Lynn Furney is back to work following a five month recuperation. Chairman Guglietta praised the staff for their diligence in keeping the Planning Department running smoothly in Lynn's absence.

DATE AND TIME OF NEXT MEETING

Tuesday, July 12, 2005 at 7 p.m. (*NOTE SPECIAL DAY/DATE*)

ADJOURNMENT

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to adjourn at 10:25 p.m.

Respectfully submitted,

Michael J. DeLuca
Secretary

