

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall 3rd floor Council Chambers by Chairperson Matthew Gendron on **Wednesday March 14, 2018 at 7:40 pm.** Also present were Thomas Barbieri, Paula McFarland, Christopher E. Buonanno, Joy Montanaro, 1st alternate Craig Norcliffe, 2nd alternate Lori Carlino, and 4th alternate Josh Catone. Assistant Solicitor Christopher Orton Esq. was Counsel to the Board. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the City of Cranston. The Board heard the following applications:

OLD BUSINESS

WARD 5

275 ATWOOD LLC(OWN) AND 275 ATWOOD LLC C/O MOSES AFONSO RYAN LTD (APP) Have filed an application to allow additional wall and a freestanding signage to be installed on the property currently under development at **275 Atwood Avenue** A/P 12 lot 2700, 92,603 s.f. area zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (P) Table 17.72.010 (5) Signs. Application filed 11/21/17. Moses Afonso Ryan, Ltd.

This matter was continued to the April 11, 2018 meeting.

APPEAL OF A DECISION BY THE BUILDING OFFICIAL

CROSSROAD CONDOMINIUM ASSOCIATION Has filed an appeal of the Building Official pursuant to Section 17.116.010, and Section 17.116.040 (B) for inactions not taken to correct alleged violations on businesses at **1075 Scituate Avenue** A/P 36 lot 43, 199,790 s.f. zoned A80.

This matter was an appeal by the Crossroads Condominium Association pursuant to 17.116.040 alleging an inaction by the Building Official by failing to enforce the Zoning Ordinance by allowing the sale of “baked pies, cookies, cupcake and nuts” from an ice cream stand allowed at the premises by previously allowed variances.

The appellant and the City presented their arguments to the Zoning Board and there was lengthy question and answer between the Board and the Parties. The Appellant made arguments concerning the sale of products that were alleged to not be allowed at the Ice Cream stand, the status, interpretation and enforcement of the Conservation Easement and also the current operation of the Landscape Nursery at the Premises. The City’s argument centered on the response of the building official to the complaint of the Association, the enforcement of the Zoning Ordinance by the Building Official and legal issues concerning the Conservation Easement held by the City. During the arguments, there was evidence introduced that the Building Official had cited the land owner for a violation of the Zoning Ordinance in December of 2017.

After discussion, on a motion made by Ms. McFarland, and seconded by Ms. Montanaro, The Board unanimously voted **to order** the Building Official send the initial December violation via certified mail to the landowner and to post the initial December violation at the property. The Board further voted **to order** the Building Official to re-inspect the Countryside Creamery facility to verify the status of compliance with the December Notice of Violation and issue a second Notice if the violation cited in the December Notice was active and on-going.

This appeal also contained a specific allegation by the Condominium Association concerning alleged inaction by the Building Official by failing to enforce a Conservation Easement Agreement between Frank Paolino and the City of Cranston dated September 30, 2003 and recorded in Book 2378 Page 212. There was disagreement between the parties as to whether a violation even existed at the property and who had standing to enforce the Easement.

After discussion, on a motion made by Mr. Buonanno, and seconded by Ms. Montanaro, the Board **denied** the appeal of Crossroads Condominium Association that the Building Official acted improperly by failing to enforce the Conservation Easement described above. The Board voted unanimously to approve this motion.

NEW BUSINESS

WARD 3

JOSEPHINE ALIFERAKIS AND KAREN DRAGER (OWN/APP) have filed an application to create a new lot to construct new single family dwelling, and convert an existing single family residence to a legal non-conforming two family dwelling with restricted side yard setback at **15 Bank Street** A/P 11, Lots 2300, 2301, 2302, 2303; 14,958 s.f. area, zoned A6. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity. Application filed 2/14/18. Joseph C. Manera, Jr. Esq.

On a motion made by Mr. Buananno, and seconded by Mr. Barbieri, The Board voted unanimously to **continue the matter to the April 11, 2018 meeting**, requesting floor plans to review before rendering a decision.

PLATTING BOARD**APPEAL OF A DECISION BY THE PLAN COMMISSION**

ROSEMARY GOLINI Has filed an appeal of a decision of the Plan Commission allowing a minor subdivision without a street extension, and no new construction proposed preliminary plan at **1890 Plainfield Pike** A/P 37, Lot 14, 10.95 ac., zoned C4 and C2.

This Matter was heard by the Zoning Board sitting as the Platting Board of Appeal concerning an appeal of an approval by the Plan Commission of a two lot minor subdivision without street extension for Property located at 1890 Plainfield Pike, Cranston, Rhode Island.

The Platting Board of Appeal reviewed the record of the Plan Commission, including the transcript and the finding of fact in their written decision.

The Platting Board heard arguments by attorneys for the Appellant, Rosemary Golini (“Golini”), the City of Cranston and JG Holding Company, LLC (“JG”), the Owner of the property. Memorandum of Law was submitted to the Board by Golini and JG in advance of the hearing.

The arguments centered on notice given to Golini, the procedure of the Planning Department in reviewing the project and the decision of the Plan Commission approving the subdivision. There was ample question and answer between the Board and the Attorneys for all parties. The Board also discussed the standard of review for the Board when reviewing a decision of the Plan Commission of (1) Prejudicial Procedural Error (2) Clear Error and (3) Lack of Support by the weight of the evidence in the record.

After discussion, the Board found that the decision of the Plan Commission was not effected by (1) Prejudicial Procedural Error (2) Clear Error and (3) Lack of Support by the weight of the evidence in the record.

On a motion made by Mr. Buonanno, and seconded by C. Norcliffe., The Board voted unanimously to deny the Appeal of Rosemary Golini. As such, the application for the appeal of the decision by the Plan Commission was **Denied**