

## **MINUTES**

**March 2, 2010**

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

Charles Rossi, Chairman  
James Moran, Vice Chairman  
Robert Strom, Finance Director  
Michael Smith  
Gene Nadeau  
Mark Motte

Also present were:

Peter Lapolla, Planning Director  
Jason M. Pezzullo, Principal Planner  
Lynn Furney, Senior Planner  
J. Resnick, Clerk  
Stephen Marsella, Esq., Assistant City Solicitor

The following members of the public were in attendance: Mr. and Mrs. Frank Santucci, Derek Pettinato and Frank Pettinato.

## **MINUTES**

Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to *approve* the minutes of the February 2, 2010, Planning Commission Meeting.

## **SUBDIVISION AND LAND DEVELOPMENT PROPOSALS**

### **Chapel View MPD**

Modification to Final Plan – Chapel Grille Restaurant  
Sockanosset Crossroad

Mr. Lapolla explained the applicant's proposal to increase the restaurant space and the mezzanine above the bar. The applicant's attorney, John Bolton, Hinckley Allen Snyder LLP, further stated that the applicant is seeking a minor modification to the existing MPD as follows: 1) the right to use the lower level space for dining and a service area and, 2) a mezzanine on the upper level of the restaurant.

Mr. Kelly Coates, Senior Vice President, Carpionato Corporation, stated that all requests have been approved by the RIHPC and the Cranston Historic District Commission. He detailed that a 10'x14' vestibule has been proposed to comply with ADA requirements, therefore, technically this would be a slight increase in overall square footage. The total increase in square footage proposed for the first floor is 4,632. The square footage proposed for the second floor is 3,475 and the mezzanine is another 835 square feet for a total overall square footage increase of 8,942. The mezzanine proposed is a bar level. This additional proposed square footage will not change

the building footprint. Mr. Coates also explained that the loading area in the rear of the building is also considered a minor modification. He reiterated that the proposed changes have been approved by the Cranston Historic District Commission except for the outdoor seating area in front.

Chairman Rossi questioned how a plan of such detail can be off on their square footage calculations. He stated that in the future the applicant must submit their application in a timely manner to ensure that the Planning Department staff has a sufficient amount of time to complete their review.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to *approve* the Carpionato Corporation's request for a minor modification to their MPD.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. There were no nay votes.

Following the vote, Mr. Lapolla asked the Commission to consider a policy where no changes/amendments to previously submitted applications be made no later than the Friday prior to the Planning Commission Meeting.

#### **Chapel View MPD**

Modification to Final Plan – Signage  
Sockanosset Crossroad

Mr. Lapolla reviewed his memorandum regarding the July, 2009, amendment of the existing MPD regarding signage of the Chapel View project. He stated currently a 20'x 20' video/animated sign is proposed on Route 2 (Sign #2). He stated that this type of sign is not authorized in the zoning ordinance and expressed his opinion that this latest sign proposal is not a minor modification.

John Bolton, attorney for the applicant, Carpionato Corporation, stated that the proposed sign is approved by the existing MPD. He stated that the applicant is seeking to replace an existing sign with a "static message" that would change scene every so many seconds. He stated that currently there are limited free-standing signs on the roads. He further stated that the developer is seeking "high quality tenants" and there is not enough signage space. He argued that the "static message" sign will not be animated and the request is, in fact, a minor modification to the previously approved MPD.

Mr. Lapolla countered, stating that this type of size is "not authorized anywhere in the zoning ordinance". He stated that the Planning Commission's decision amending the MPD signage requirements last summer (July, 2009) may have been different if the "video technology" sign were proposed.

Commissioner Motte asked if other signs of this type have been allowed. Mr. Lapolla responded, stating that this type of signage is allowed only by variance.

Mr. Bolton pointed out that "when you have an MPD you never go to the ZBR". He stated that normally minor changes go through the Planning Commission and major changes go through the City Council".

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to *deny* the applicant's request for a minor alteration of the MPD, noting that a request of this nature is considered a major alteration.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. There were no nay votes.

**Power Road Subdivision – Preliminary Plan**

Minor Subdivision with street extension  
Sockanosset Crossroad  
AP 14, Lot 15

Mr. Lapolla stated that the applicant is the State of Rhode Island. The proposal would create frontage for a two lot subdivision on Power Road, however, portions of the proposal include City property. This proposal has not been cleared with the City.

Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to *continue* this matter to the April 6, 2010, Planning Commission Meeting.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. There were no nay votes.

**Reed/Kezirian Subdivision – Preliminary Plan**

Minor Subdivision without street extension  
Narragansett Boulevard and Grand Avenue  
AP 2, Lots 737, 738 & 4006

Attorney Nicole LaBonte, representing the applicants, Robert F. Reed & Deborah A. Pierce and Wayne Kezirian & Elizabeth A. Paroli, explained the proposal to subdivide the subject parcels and create two new conforming lots for development. Lot A will have 6,000 square feet of land and front on Grand Avenue; Lot B will have 6,008 square feet of land and front on Grand Avenue and Narragansett Boulevard. The proposed lots will be serviced by public water and sewer and will conform to the dimensional requirements of the Cranston Zoning Code.

Attorney LaBonte also asked that Final Plan approval be handled administratively.

Mr. Pezzullo, Principal Planner, noted the odd location of the existing driveway, which will remain. Despite the driveway, the proposed driveway on Parcel B does comply with zoning requirements. He noted that a better case scenario would be an easement granted from the neighboring lot should be granted to Parcel A for preservation of the existing garage.

No public comment was offered on this matter.

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

**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 February 19, 2010 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 7.26 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 8 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 Grand 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 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. Final Record Plan shall depict the entire perimeter of AP 2, Lot 737.
2. Provide correspondence from the Providence Water Supply Board certifying that the water supply is adequate to service to two proposed dwellings with the Final Plan application submittal.
3. Provide correspondence from Veolia Water certifying that there is adequate sewer capacity to service the two proposed dwelling with the Final Plan application submittal.
4. Provide *draft* easement documentation for the driveway crossing of Parcel A and B for review by the City Solicitor. Final accepted easement documents shall be recorded with the Final Record Plan.
5. Final Record Plan shall denote a 25' setback from Narragansett Boulevard rather than the 8' shown in the Preliminary Plan.
6. Payment of Eastern Cranston Capital Facilities Impact Fees of \$1,186.92 (\$593.46 x 2) at the time of Final plat recording.
7. Provide a performance guarantee in the amount of \$10,000 with a separate 2% administrative fee of \$200 at the time of Final Plan recording.
8. Provide an easement from the neighboring lot to Parcel A for the preservation of the existing garage.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom, Mr. Nadeau and Mr. Motte. No nays.

**Alpine East**

Administrative Subdivision

*Administrative Officer request for authorization to subdivide an RPD cluster subdivision lot*

Scituate Avenue

AP 36, Lots 22 & 164

Ms. Lynn Furney, Senior Planner, explained the request to move a lot line that will transfer 7,571 sq. ft. from assessor's lot 164 to lot 22. Both lots will conform to Zoning as a result of the land transfer.

Assessor's Plat 36, lot 164 is record lot #6 on the Alpine East Plat, recorded on October 29, 2008 on Plat Card 782. Record lot 6 is an "L" shaped lot with frontage on Scituate Avenue and East Pine Road.

The original subdivision was approved by the Planning Commission on May 30, 2008, as an RPD with 7 residential lots and over 15 acres of open space.

As a condition of final approval for the subdivision, the Plan Commission required that "Final Homeowner's Association documents denoting the ownership and maintenance of the open space shall be recorded at the time of Final Plat recording." That document was recorded giving each building lot in the subdivision a 1/7 interest in the open space areas.

The proposed land transfer will not change the open space area of the subdivision, and will transfer the 40' wide "Leg" of lot 6 to the abutter on Scituate Avenue, thereby making record lot #6 a conforming lot with regard to the City's Subdivision Regulations.

The attorney for the Administrative Subdivision requested that the Plan Commission give the authority to its Administrative Officer to sign off on an agreement that would not entitle the new owner of the 7,571 sq. ft. parcel to membership in the Alpine East Homeowners Association, Inc., nor any obligation for maintenance of the open space in Alpine East.

No public comment was offered on this matter.

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to authorize the administrative officer to proceed with the Administrative Subdivision.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom, Mr. Nadeau and Mr. Motte. No nays.

### **ZONING BOARD OF REVIEW ITEMS**

**PETER B WILBUR TRUSTEE OF WILBUR REVOCABLE DECLARATION OF TRUST PO BOX 648 EXETER RI 02882 (OWN) AND GREENWICH BAY HOMES LLC 2420 DIVISION ROAD EAST GREENWICH RI 02818 (APP)** have filed an application for permission to leave an existing single family dwelling with restricted front, rear and corner side yard setback on an undersized lot and build a new 28' X 30' two-story single family home on the abutting undersized lot [3186] at **46 Bryant Road**. AP 9/1, lots 3185 & 3186, area 11,842+/- SF, zoned A-6. 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 current and proposed residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, more than 8 units per acre.
2. There are 96 single family dwellings located within the 400' zoning notification radius. Forty-one (41) of those single families (43%) are on lots that are the same size or smaller than the 5,634 sq. ft. lot proposed for the new single family dwelling.
3. Within the 400' radius, 49.5% of the developed single family lots are less than the 6,000 sq. ft. required in this zone.
4. The proposed house meets all the required building yard setbacks.
5. The existing house on the corner will remain on a 5,908 sq. ft. lot, with existing restricted front yard setbacks of 20' off each street, and rear yard of 9'-6".

6. Construction of a single family on the 5,634 sq. ft. lot will not alter the general character of the neighborhood nor will it impair the intent or purpose of the Cranston Zoning Code or the Comprehensive Plan, upon which the Code is based.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Planning Commission unanimously voted to send a positive recommendation on this application to the Zoning Board, with the 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 Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. There were no nay votes.

**JOSEPH LAPOLLA 1591 CRANSTON STREET CRANSTON RI 02020 (OWN) AND JOHN VOLPE 1672 CRANSTON STREET CRANSTON RI 02920 (APP)** have filed an application for permission to convert an existing building, a former auto dealership, into professional offices at **1591 Cranston Street**. AP 8, lot's 277, 308, 309, 310, 311 & 312, area 36,150+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 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 existing Comprehensive Plan Future Land Use Map calls for residential use for this area of Cranston Street. However, recognizing that this area has been used commercially for several years, upon a request of the City Council, this area of Cranston Street is being designated as Commercial and Services on the new Future Land Use Map, currently under public review.
2. The proposal has been submitted to the Site Plan Review Committee, and is currently in the Preliminary review stage.
3. The project under review involves remodeling a 3,325 sq. ft. portion of an existing 7,171 sq. ft., one story building with restricted front and rear yard setbacks, located on a 32,304 sq.ft. parcel of land at the site of the former LaPolla Motors Building.
4. The proposed use is medical offices, with 8 exam rooms, requiring 14 parking spaces; the site provides 24 on site, and 11 spaces across Urbana Street.
5. There are 11 commercial uses and 12 purely residential properties on Cranston Street that are located within the boundaries of the 400' zoning notification radius.
6. The former car dealership on the applicant's property (a use allowed in a highway commercial zone), was a more intensive use than the proposed medical office that is allowed in a C-2 neighborhood business zone. Therefore, the proposed medical office use 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.

Recommendation: Based on the findings of fact, upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to send a positive recommendation on this application to the Zoning Board, with the 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 Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. There were no nay votes.

**RANDALL REALTY CORPORATION 46 WOODMONT DRIVE CRANSTON RI 02020**

**(OWN/APP)** has filed an application for permission to operate a fitness and exercise business with retail on an undersized lot with restricted frontage at **453 Atwood Ave.** AP 12/4, lot 3119, area 15,000+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.88.010 Sub-standard lots of record, 17.20.120 Schedule of Intensity, 17.36.010 Industrial 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 proposed fitness and exercise club use is in conformance with the existing Comprehensive Plan's Future Land Use Map that designates all of Atwood Avenue, north of Phenix Avenue as Commercial and Services.
2. The floor plan submitted shows 5 tread mills, 5 ellipticals, 2 exercise bikes, over twenty separate exercise machines, and several weight stations.
3. The off-street parking site plan submitted shows 9 parking spaces and 2 handicap spaces. Based on the parking formula for commercial service establishments, ( 5,760 sq. ft. divided by 200 sf ), 29 spaces are required per the Zoning Ordinance, therefore, the application is 18 spaces short of the requirement for the proposed use.
4. The application did not indicate whether a shared parking agreement was agreed to from either of the abutting businesses (Ruggeiri's Market is abutting the applicant's property to the south.)
5. There is no other location on the lot that could accommodate patron parking. The northerly side of the building is located directly on the property line and the southerly side of the building is located 3' from the side lot line. The rear of the building has a 20' setback from Libera Street, however, aerial photos show that the area contains the dumpster and 2 loading docks separated by concrete walls, leaving no area for parking.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Motte, the Planning Commission unanimously voted to continue this matter to the April 6, 2010, Planning Commission meeting to allow sufficient time for the applicant to resolve the following matters:

1. An exercise/fitness club is a use that generates a high parking need, and 11 on site parking spaces for over 30 exercise machines is insufficient, especially when considering that several parking spaces will be needed for staff/personal trainers.
2. Over-intensive use of the property.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. There were no nay votes.

**SANDRA J CUDDY 114 FORT AVENUE CRANSTON RI 02905 AND JEAN ANN SHERRY 47 SEAVIEW AVENUE CRANSTON RI 02905 (OWN) AND SANDRA J CUDDY AND JEAN ANN SHERRY 47 SEAVIEW AVENUE CRANSTON RI 02905 (APP)**

have filed an application for permission to build a 186+/- SF 2<sup>nd</sup> floor addition to an existing two story freestanding garage and convert same into a carriage house dwelling unit with restricted frontage and side yard setback at **37 Seaview Avenue.** AP 1, lots 150, 151 & 274, area 11,127+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.070 More than one dwelling structure on any lot prohibited, 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 current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential.
2. The total square footage of the three lots is 20,577 sq. ft., and not the 11,127 sq. ft. as noted in the application.
3. The property is located within the Pawtuxet Village National Register Historic District.
4. The existing single family house (built in 1904) on the lot has a legal non conforming restricted side yard setback of 2' where a minimum of 8' is required by the Zoning Code.
5. The existing three bay carriage house/garage located behind the single family house on lot #150, has an 8-1/2 **inch** side yard setback. This setback does not presently conform with a permitted 3' side yard setback for a garage in an A-6 zone on a lot with less than 60' frontage, and will not conform to the required 8' side yard setback for residential structures.
6. There is a 12 inch separation between the applicant's existing garage and the neighbor's garage on the abutting lot to the north.
7. The existing, entire 2-story, carriage house/garage structure will be converted to residential use containing 1,282 sq. ft. of living space, with a new 10' x 20'-7-1/2" deck.
8. The 3 overhead garage doors will be removed, and replaced with a residential front door and 5 windows on the first floor. The proposed renovations removes all former resemblance to a carriage house, and instead, creates a new, two story, residential dwelling.
9. The existing garage is located within the 500 year floodplain and 89' from the Pawtuxet Cove coastline, putting the addition under Coastal Resource Management Council's (CRMC) and RI Historic Preservation and Heritage Commission's jurisdiction.
10. As of November 24, neither the CRMC nor the RI Historic Preservation and Heritage Commission had received any application or plans.
11. There are 35 single family houses within the 400' zoning notification radius. Thirteen of those properties have detached carriage house/garages. The granting of the applicant's request would set a dangerous precedent for the residential conversion of the other carriage houses in the neighborhood, all of which have restricted yard setbacks.
12. With the exception of the primary residence of one of the applicants (Cuddy), who lives within the 400' radius in a two-family condominium conversion, there are no other 2 family properties in the radius.
13. Lot # 151 is a vacant lot that could accommodate a new residential dwelling, without adding an additional unit on lot #150.
14. The applicant's proposal to convert a carriage house into an additional single family dwelling on a property that already contains a single family house, will alter the general character of the neighborhood, and impair the intent and purpose of the Zoning code, and the Comprehensive Plan upon which the code is based.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Moran, the Planning Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. There were no nay votes.

**JEFFERY AND JENNIFER CURTIS 210 HOLLAND STREET CRANSTON RI 02920**

**(OWN/APP)** have filed an application for permission to build a second story addition to an existing legal non-conforming single family dwelling with restricted frontage, front and side yard setback on an undersized lot at **210 Holland Street**. AP 12/3, lot 2934, area 7031+/- SF, zoned A-8. 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 dwelling conforms with the Comprehensive Plan Future Land Use Map, that designates this area as residential.
2. The pre-existing non-conforming lot has 60' of frontage where 80' is required, and is 969 sq. ft. smaller than the 8,000 sq. ft. required lot size.
3. The existing restricted front yard setback is 2-1/2 **inches** short of the required 25' setback.
4. The garage, located on the right side of the existing single family dwelling, has a side yard setback of 7'-9", where a setback of 5' is permitted for a garage in this zone.
5. The proposed addition will square off the footprint of the existing house, and continue for 8' the existing side yard setback of the garage.
6. Because the addition will add living space over the garage, in addition to space behind the garage, the required side yard setback that is now required is 10'.
7. Out of the 42 residential structures located within the 400' zoning radius, there are 28 dwellings (67%) with side yard setbacks less than 10'. Therefore, 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.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Strom and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the 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 Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. There were no nay votes.

**SAMUAL S AND JAQUELINE MILLER 1414 PARK AVENUE CRANSTON RI 02920**

**(OWN/APP)** have filed an application for permission to operate a palm and tarot card reading business from a portion of an existing single family home with restricted side yard setback at **126 Phenix Avenue**. AP 12/5, lot 150, area 8135+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.72.010 (1) Signs, 17.64.010 Off Street Parking.

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 residential use conforms with the Comprehensive Plan Future Land Use Map which designates this area of Phenix Avenue as residential.
2. Within the 400' zoning notification radius along the residentially zoned area of Phenix Avenue, there are 4 commercial uses, 2 mixed commercial/residential uses, and 11

residential uses. Three of the four commercial uses are within 140' of the applicant's lot. The proposal therefore, 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.

3. The City's GIS shows that the 2 other mixed commercial/residential structures within the 400' radius have off-street parking areas that conform to zoning regulations.
4. The applicant's lot has a driveway that is 21' - 6" wide and 42'-2" long, that is acceptable for a residential use, but not a commercial use, as vehicles would have to back out onto Phenix Avenue.
5. The proposed office area is 10' x 12', (120 sq. ft.) requiring one, off-street parking space, where the vehicle can exit the parking area in a forward motion. Installing a hammerhead from the driveway could solve the egress requirement.
6. The proposed two sided, 4' high monument sign is 2' x 3', totaling 12 square feet, which is 100% larger than the permitted 6 square feet of signage allowed by Ordinance in a B-1 Zone. However, considering the location of the property on Phenix Avenue, the request for 12 square feet of signage will not alter the general character of the surrounding area.

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

1. That the applicant redesign the off-street parking area to accommodate a parking space that would permit a vehicle to exit the parking area in a forward motion.
2. That the City's Traffic Engineer approve the revised parking plan.
3. 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 Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau Mr. Strom and Mr. Motte. No nays.

**TILCON MINERALS INC 998 RESERVOIR ROAD LUNENBERG MA 01462 (OWN) AND T-MOBILE NORTHEAST LLC D/B/A CENTERLINE COMMUNICATIONS LLC 960 TURNPIKE STREET CANTON MA 02021 (APP) AND T-MOBILE NORTHEAST LLC 15 COMMERCE WAY NORTON MA 02766 (LESSEE)** have filed an application for special permit to build a 100 foot uni-pole telecommunication tower with a 40' X 40' compound to house associated equipment cabinets on **AP 26/1 lot 7 Rowe Drive**. AP 26/1, lot 7, area 70.7+/- acres, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.20.030 Schedule of Uses, 17.76.010 Telecommunications Facilities, 17.20.120 Schedule of Intensity, 17.92.010 Variance.

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 uni-pole communication tower will remedy a coverage gap in T-Mobile's service area.
2. The base of the tower will be at elevation 234', located 150' from the end of the Rowe Drive R.O.W.
3. Because of the pole's location, a setback of 150' is required from the abutting residentially zoned property line to the south. The application is requesting a 5' variance, as the proposed setback is 145'.
4. A setback of 100' is required from the property line of the parcel to the north that is zoned S-1, owned by the Providence Water Supply Board. The base of the tower is located 70' from that property line; therefore a 30' setback relief is required.

5. A tower that is 70' high that would meet the set back requirements, would not be high enough to meet the coverage gap in the area. (Radio Frequency Engineer Affidavit) A 100' high tower is needed for line of sight.
6. Though the parcel is 70 + acres, a 10' wide stream (approximately 250' northeast of the tower's proposed location), crosses the south west portion of the property, limiting the area where the tower can be placed.
7. The uni-pole telecommunication tower will be located in a densely wooded area, limiting visibility from surrounding properties, so, therefore, 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.
8. The antennae are located within the pole structure, and are not mounted on the outside of the uni-pole.
9. The pole's design will permit the co-location of one additional carriers's communication antenna, limiting the need for an additional tower in the area.
10. The proposed antennae cannot be co-located on other cell towers in the vicinity, because all of those neighboring towers are already at capacity.

Recommendation: Though the applicant requested that the application be tabled until the March 2, 2010 Planning Commission Meeting to allow the applicant the opportunity to research other locations on the site that were suggested during a meeting between several members of the surrounding neighborhood and the applicant, no new information was submitted as of February 25, 2010, therefore staff recommends that the application be tabled until the April 6, 2010 meeting.

### **PERFORMANCE GUARANTEE**

#### **Western Industrial Complex**

Expiration / Extension of Existing Letter of Credit

Mr. Pezzullo explained that existing \$199,000 First Pioneer Letter of Credit #2006-01 is set to expire on March 14, 2010.

In accordance with the Engineering Division's recommendation, upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to:

1. Allow extension of Irrevocable Standby Letter of Credit (LOC) number 2006-001 to 3/14/12 if received prior to 3/15/10; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by 3/15/10.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. No nays.

### **APPOINTMENT TO THE PARKS AND RECREATION COMMISSION**

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to elect Mr. Richard Bernardo, Public Works Director, to the Parks and Recreation Commission.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. No nays.

### **FINAL 2010-2015 CAPITAL BUDGET PRESENTATION**

Mr. Pezzullo presented the 2010-2015 Capital Budget proposal, noting that the Knightsville Fire Station proposal has been moved back one year. As a matter of reference, he noted that this is

the smallest Capital Budget amount (roughly 4 ½ million dollars) he has worked with. Normally the average is between 10-15 million dollars. He stated that this year the mayor's focus is to complete the Natick Avenue paving, and this budget represents the 'green light' to bond. He also mentioned that the Public Works Department requests will be submitted as is to administration for their review.

He further noted that the Fire Department SCBA was previously approved but never went for bonding, however, the price has gone up. Finance Director, Mr. Strom, stated that the Administration made it clear that only mandated or emergency requests would be considered. It is their intention to incorporate all requests into one bond.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to submit the 2010-2015 Capital Budget to the administration.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. No nays.

### **COMPREHENSIVE PLAN 5-YEAR UPDATE**

Mr. Lapolla reminded the Commission that a public meeting has been scheduled for March 23, 2010, at 7 p.m. at the Senior Center, 1070 Cranston Street. Mr. Pezzullo pointed out that an advertisement that will run six times, as required by City Charter, has been submitted to the Providence Journal.

Chairman Rossi stated that to date, he has not had any negative feed-back from the City Council.

Mr. Lapolla also mentioned that the NRCS Ox-Bow projects presentations will be held next Tuesday and Wednesday at 6:30. Tuesday's meeting will be held in the Council Chamber and Wednesday's meeting will be held at the Senior Center.

### **ADJOURNMENT**

Upon motion made by Mr. Strom and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 9:15 p.m.

### **NEXT REGULAR MEETING**

Tuesday, April 6, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary

