

## **MINUTES**

**March 3, 2009**

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

Charles Rossi, Vice Chairman  
Anthony Sylvia, P.E., Public Works Director  
Robert Strom, Finance Director  
Michael Smith  
James Moran

Also present were: Peter Lapolla, Planning Director  
Stephen Marsella, Esq., Assistant City Solicitor  
J. Resnick, Senior Clerk

Those members of the public in attendance were: Attorney John DiBona, Diana Gordon, Bill Farrell and Peter Casale.

## **MINUTES**

Upon motion made by Mr. Moran and seconded by Mr. Strom, the Commission unanimously voted to *approve* the minutes of the February 3, 2009, Planning Commission Meeting.

## **ORDINANCES**

***Ordinance #1-09-2*** Ordinance in amendment of Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" as amended (Niles Westcott House Local Historic District)

Mr. Lapolla stated that Ordinance #1-09-2 proposes to add a new Local Historic District property (Niles Westcott House), to Section 17.12.010 entitled *Historic Districts* located in the City of Cranston's Zoning Ordinance. The boundary of the proposed overlay district is identified as lot 825, on Zoning Plat 16/1.

### **Background:**

The owner of the property, John W. Baxter, approached the Historic District Commission, with the request that his property be designated as a Local Historic District in the City of Cranston.

This home was built in 1840, and belonged to the Westcott family. The land, which once encompassed 50 acres and was bounded approximately by Route 37, Oaklawn Ave., Reservoir Ave., and Garden City Drive, was a grant from Roger Williams to Stukely Westcott. Only the current house lot at 101 Mountain Laurel Drive, remains.

The property belonged to his parents, William and Alice Baxter, now deceased.

The property was listed in the National Register of Historic Places in 1988.

The house was also listed in the State of RI Historical Preservation Report P-C-1, September 1980. The report states the properties listed are important structures, and should be recognized that they represent those properties most essential to Cranston's Historical and architectural identity.

**Findings:**

1. The proposed ordinance has been fully supported by the Cranston Historic District Commission, and the RI Historic Preservation and Heritage Commission.
2. The Proposed Ordinance is consistent with the following goals and policies of the Historic Preservation Element of the City of Cranston 1992 Comprehensive Plan:

**GOAL HP-1** Protect and preserve properties of historic and architectural significance, as well as known and suspected archaeological sites, cemeteries, engineering structures and city-owned properties.

**Policy HP-3.2** Encourage the establishment and participation of citizen and neighborhood groups interested in promoting historic preservation.

**Action HP-4** Continue to establish local historic zoning overlay districts for areas and begin designation of individual structures.

**Page 139.** "The identification and designation of potential local area and single-property districts is recommended as a basic component of future preservation activities in Cranston."

**Page 137. Local Historic Districts.** "...historic districts are the most powerful tool available to a community to help preserve the distinct character and sense of place of an historic area and ensure that it will not be undermined by unsympathetic changes."

3. The proposed ordinance is also consistent with all of the applicable purposes of zoning as presented in Section of 45-24-30 of the Rhode Island General Laws and Section 17.040.010 E. General Purposes, of the Cranston Zoning Code, which states the code "provides for the preservation and promotion of the natural, historic, cultural and scenic character of the city."

**Recommendation:**

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Planning Commission unanimously voted to adopt the above referenced Findings of Fact and recommend **approval** of Ordinance #1-09-2 as the designation of a new local Historic District Property satisfies several of the goals and policies in the City's Comprehensive Plan and the Zoning Ordinance, Sec. 17.12.010 A., which states "the regulations in this section (historic districts) have been adopted to preserve districts and specific buildings of the city which reflect elements of its cultural, social, economic, political and architectural history."

Aye votes: Vice Chairman Charles Rossi, Mr. Moran, Mr. Strom, Mr. Sylvia and Mr. Smith. There were no nay votes.

**ZONING BOARD OF REVIEW ITEMS**

**CAROLE ANN SARACCO 52 SEAVIEW AVENUE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to build a 9' X 28' addition to the south side of an existing legal non-conforming single family dwelling with restricted frontage and side yard set back on an

undersized lot at **52 Seaview Avenue**. AP 1, lot 173, area 6730+/- sq ft, zoned A-12. 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 property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 4-8 units per acre.
2. The applicant's lot is a non-conforming, pre-existing lot of record, with 50' frontage.
3. Of the 26 residential dwellings located within the 400' Zoning notification radius, 8 have the same or smaller lot area as the applicant's 6,730 sq. ft. lot.
4. The existing side yard setback for the house is 6' (10' is required by the Zoning Code). The proposed setback for the new 2<sup>nd</sup> floor addition with porch and 2<sup>nd</sup> floor deck, supported with columns on brick piers is 4' from the side lot line. The City's GIS shows that the house on the lot abutting this property line (lot 172) has a setback smaller than 4'.
5. An addition that would decrease an already restricted side yard setback would alter the general character of the neighborhood, and exacerbate the crowding issue already existing with the dwellings in this area. It would also create a dangerous precedent for additions on the other dwellings on the street with similar restricted side yard setbacks on lots that are crowded with oversized houses on lots that are also only 50' wide.
6. The site plan states the existing lot coverage is 29.5 %, where 30% is permitted by zoning. The proposed addition will increase the lot coverage to 31.6%.
7. The property is located within Coastal Resource Management Council's 200' coastline jurisdiction, as the property has frontage on Narragansett Bay, and the lot is 136.8 feet deep. As of February 27, 2009 neither the CRMC nor the RI Historic Preservation and Heritage Commission had received any application or plans.
8. The house, a Colonial Revival built in 1902, is a contributing structure located within the Pawtuxet Village National Register Historic District.
9. Section 17.040.010 E. General Purposes, of the Cranston Zoning Code, states the code "provides for the preservation and promotion of the natural, historic, cultural and scenic character of the city."
10. The proposed addition to be constructed on the second level on the right side of the Colonial Revival, does not comply with **Comp Plan GOAL HP-1**, whose purpose is to "Protect and preserve properties of historic and architectural significance, as well as known and suspected archaeological sites, cemeteries, engineering structures and city-owned properties," because the proposed six sided 2<sup>nd</sup> story addition with turret (turrlicated roofline) is not a characteristic architectural feature of a gambrel roofed Colonial Revival House.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *denial* of this application for the following reasons:

1. A 4 foot side yard setback for the addition is insufficient, especially when the side yard setback for the building on the abutting property is approximately the same dimension.
2. Severe over crowding. The staff does not want to set a precedent that would allow the exacerbation of existing restricted setbacks in the neighborhood, thereby altering the character of the area, and impairing the intent or purpose of the zoning ordinance and the comprehensive plan upon which the ordinance is based."

3. The application has not received neither CRMC nor the State's Historic Preservation and Heritage Commission's approval.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**WILLIAM A AND DIANE M FARRELL 11 SEFTON DRIVE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to demolish an existing legal non-conforming 25' X 30' +/- detached two car garage with restricted side and rear yard setback and build a new 25' X 30' +/- detached two car garage with loft and 8' X 14' covered porch in the same location at **11 Sefton Drive**. AP 2/2, lot 2173, area 22,483+/- sq ft, zoned A-12. 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 property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 4-8 units per acre.
2. The proposed 3'6" side yard setback (minimum 8' required), and 2' rear yard setback (minimum 10' required) will remain the same as the existing garage.
3. The proposed attached porch will have a 10' rear yard setback.
4. The City GIS shows the single story garage on the lot directly north of the applicant's rear yard has a 0' yard setback, therefore, there is only 2' separating the existing garages. The single story garage abutting the westerly boundary of the applicant's lot has a conforming side yard setback.
5. There is ample area on the applicant's lot to construct the new garage with a conforming 10' yard setback, and 8' side yard setback.
6. The property fronts on Narragansett Bay, and therefore is under Coastal Resource Management Council's jurisdiction.
7. The proposed 2 story garage does not conform with the 24 other single story garages on the lots that are within the 400' Zoning notification radius, and therefore the application would alter the character of the area.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend this application be *tabled*. The staff notes that the opportunity has arisen to correct one of the serious insufficient building setback issues in this crowded neighborhood, and requests that the applicant work with the Planning Department to relocate the proposed garage to another location on the lot (possibly by turning the garage 90 degrees) to provide for sufficient yard setbacks on this 22,483 sq. ft. lot.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**RONALD J AND WILLIAM G ROGER 6 STEPHANIE DRIVE SCITUATE RI 02857 (OWN/APP)** have filed an application for permission to leave an existing dwelling on a proposed 6,309+/- SF [lot 3] at **1 Hodsell Street** and build two new dwellings on the abutting proposed 9,940+/- SF [lot 2] and abutting proposed 8,012+/- SF [lot 1] with restricted frontage and access from **Arthur Street**. AP 5/1, lot 20 and 1831, area 24,261+/- sq ft, 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 proposed subdivision, and its resulting density of approximately 9.7 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".
2. On January 6, 2009, the Planning Commission gave Master Plan approval of the subdivision with the condition that all necessary dimensional relief is obtained from the Zoning Board of review prior to Preliminary Plan submittal.
3. The property contains three, pre-existing nonconforming, industrial use structures that will be removed.
4. The proposed subdivision is inconsistent with the Cranston Zoning Code requirement of 60' frontage requirement (proposed 25.18') and irregular common lot line configuration. However, the use of the property for two new duplex structures in this modified configuration will not alter the general character of the surrounding area or impair the intent and purpose of the Cranston Zoning Code.
5. The placement of the proposed duplexes meets all the required yard setbacks.

In approving the Master Plan the Planning Commission issued the following conditions:

1. Preliminary Plan submission shall depict 6" concrete curbing and sidewalks along the frontages of all subject lots.
2. Payment of Eastern Cranston Capital Facilities Impact Fees of \$2,373.84 (\$593.46 x 4) at the time of Final plat recording.
3. As the property has been used commercial/industrial business the applicant shall conduct a soil evaluation and submit a report to the Planning Department as part of the Preliminary Plan submission that the soil is safe and suitable for the conversion to residential use.
4. Demolition of the existing structures shall be consistent will all established City and State standards for the demolition of commercial buildings. Demolition Permit issued from the Building and Zoning Department shall be submitted as part of the subdivision file.
5. The applicant shall obtain all necessary dimensional relief from the Zoning Board of review prior to Preliminary Plan submittal.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *approval with conditions* as the proposed configuration represents the best geometric layout for this irregular shaped lot, while leaving the lots with the most amount of usable land for residential development that does not alter the general character of the neighborhood or impair the intent and purpose of the Zoning Code.

Conditions:

1. 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: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**CIAOMAC REALTY LLC 10 RANGELY ROAD CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted frontage, front and side yard setback on an undersized [lot 684] and build a new 30' X

26' two story single family dwelling on the abutting undersized [lot 685] with restricted frontage at **90 Mauran Street**. AP 6, lot 684 and 685, area 10,000+/- sq ft, 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 proposed density of 8.7 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".
2. According to the City Tax Assessor's 1954 field card, and current appraisal data, the dwelling at 90 Mauran Street has been taxed as a two family since 1954. The application lists the dwelling as an existing single family.
3. The proposed new single family dwelling on lot #685, meets all required minimum yard setbacks.
4. There are 96 single family dwellings located within the 400' zoning notification radius. The average lot size for those 96 houses is 5,435 sq. ft. However, 68 (71%) of those 96 single family properties are on 5,000 sq. ft. or smaller lots.
5. Only 10 (10.4 %) of the 96 single family lots within the 400 ft. radius has the required minimum 60 ft. of street frontage.
6. Therefore, the application to construct a single family on a 5,000 sq. ft. lot with 50 ft. frontage, 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."

Recommendation: Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact listed above and unanimously voted to recommend *approval* with the following conditions:

1. 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.
2. As the recommendation is based on the presumption that the dwelling on lot #684 is a single family as listed in the application, if a second kitchen is existing, the applicant is to remove the kitchen of the existing two family dwelling on lot #684, thereby truly converting the building to a single family dwelling as listed in the application.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**PICERNE INVESTMENT CORP 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN) AND METRO PCS MASSACHUSETTS LLC 285 BILLERICA ROAD CHELMSFORD MA 01824 (APP)** have filed an application for special permit to install three antenna masts with two panel arrays on each mast with a maximum height of ten feet above the existing roof and electronic equipment at ground level for telecommunications at **1145 Reservoir Avenue**. AP 11/6, lot 779, area 1.8+/- acres, zoned C-1. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.030 Schedule of Uses, 17.76.010 1. ( i ), ( ii ), ( iii ) Communications Antennas, 17.20.030 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 three proposed 10' high antennae will be installed on the roof of an existing 3 story office building whose roof elevation is 34' above ground level. Proposed locations are on the front northeasterly, front southwesterly, and rear southwesterly corners of the building. All are set back 5' from the roof's edge.
2. The proposed antennae are no higher than the existing HVAC unit on the roof that is also 10' high.
3. The exterior appearance of the building will not change; therefore, the application will not alter the character of the surrounding neighborhood or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Zoning ordinance is based.
4. Section 17.76.010 C.I. of the Cranston Zoning Code states:  
*Communication antennas not attached to a communication tower shall be permitted as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:*
  - i. The antennas are not higher than twenty-five (25) feet above the highest point of the structure;*
  - ii. The antennas comply with applicable FCC and FAA regulations; and*
  - iii. The antennas comply with all applicable zoning requirements and building codes, with the exception of the restriction pertaining to height limitations.*
5. As the antennae are not attached to a communication tower, and are located on the roof of an existing office building, the application could be considered a permitted accessory use.
6. The application will not have a negative impact on the natural, historic, cultural or scenic character of the City, so therefore, it is in conformance with the Comprehensive Plan.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *approval* as the application complies with the Zoning Code, which encourages the co-location and use of existing infrastructures for telecommunication facilities as opposed to the construction of new tower structures.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**CRAIG CRAWFORD AND JAMES RYZEK 33 TAYLOR STREET CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build an 11' X 15' kitchen addition with restricted rear yard setback at **33 Taylor Street**. AP 17/3, lot 1251, area 6400+/- sq ft, 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 property's residential use is consistent with the Comprehensive Plan's Future Land Use Map.
2. There is an existing 8' x 11' three season room on the rear of the house with a preexisting restricted rear yard setback of 9.97'. (The Zoning Code requires a minimum 20' rear yard setback.)

3. The three season room will be removed and the proposed 11' x 15' kitchen addition will be constructed in the general location with a new 6.97' restricted rear yard setback.
4. There are 35 single family houses within the 400' zoning notification radius. The City's GIS data shows 8 of those houses have restricted rear yard setbacks, but only 1 of those 8 has a setback similar to the applicant's request. (That house is on Taylor Street).
5. GIS shows that 4 of the 7 houses on the applicant's side of Taylor Street, have restricted rear yard setbacks.
6. GIS shows that the dwelling on the lot that abuts the applicant's rear lot line has approximately a 28' rear yard setback, so the distance between the applicant's addition and the rear neighbor's house will be approximately 35'.
7. Therefore, the proposed kitchen addition will not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Code is based.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *approval* 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: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**MGMD REALTY GROUP LLC 1615 PONTIAC AVENUE CRANSTON RI 02920 (OWN/APP)**

has filed an application for permission to construct 16 condominium units in the town of West Warwick accessed from a private right-of-way on a portion of the property located in the city of Cranston at **1027 Providence Street / New London Avenue**. Area 11,238+/- sq ft, zoned A-8. 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:

1. The resulting density of approximately 7.3 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 4-8 residential units per acre."
2. Within the 400' zoning notification radius in Cranston, there is interstate 295, the bike path, and 18 single family houses in Cranston, on lots that average 17,694 sq. ft. Though the proposed condominium density is consistent with Cranston's Comprehensive Plan, the developed single family neighborhood in Cranston actually averages 2.5 units per acre; therefore, the proposal does not conform with the general character of the surrounding neighborhood.
3. The southerly lot line of the subject lot (lot 1192), is also the municipal boundary line between Cranston and West Warwick.
4. The abutting 2.45 acre lot in West Warwick is zoned R-10, (single family on 10,000 sq. ft. lots), but allows multi-family by special permit only from the Zoning Board. The application has not yet received West Warwick Zoning approval.
5. The building that contains units 1-4 of the proposed town house condominium will be located 5' from the property line in West Warwick. (Their zoning code requires a minimum yard distance of 30'). The proposal is to use the land located on the Cranston lot to satisfy West Warwick's 30' setback regulation. The proposed 2 buildings that will run parallel to this lot line are both 96' x 44' each.

6. The property abutting the northerly line of the condominium project is a single family house in Cranston.
7. The building containing Units 1-4 will be located where an existing single family in West Warwick is now located.
8. The proposed sewer line for the 16 units is proposed to be installed in the Cranston property, behind the proposed condo buildings.
9. The only access to the development will be over a 26 ft. wide private right-of-way entrance located along the Cranston property frontage on Providence Street.
10. The development, Royal Woods Condominiums, has received a Master Plan approval from the Cranston Plan Commission, with the condition that the applicant receive the required use variance from the Zoning Board of Review prior to Preliminary Plan submission to the Planning Department. Other conditions of approval include the submittal of a landscape buffer plan prepared by a Registered Landscape Architect to adequately screen the abutting single family properties in Cranston from the multi-family Condo development. The landscape plan is to be part of Preliminary Plan submittal.
11. The location of the proposed sewer line within lot 1192 will not permit the installation of an adequate landscaped buffer screen, because of the infiltration of roots from the new trees above the sewer line.
12. Two physical alteration permits (P.A.P.) are needed, as the property abuts a state road and the state bike path.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Strom, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *approval* but given the character of the surrounding neighborhood, the following conditions are required:

1. In order to screen the development from the surrounding single family residences, install a staggered, 3 row, densely planted evergreen buffer, a minimum of 7-8' high at planting, within the lot located in Cranston. The planting is to begin a minimum of 30 feet from the property line on Providence Street and continue in an easterly direction, ending a minimum of 10 feet beyond the end of unit 8.
2. Relocate the sewer lines servicing units 1-4 further south, from the Cranston property to the applicant's property in West Warwick, to accommodate the landscaping that will be installed behind units 1-8. This may require the building 1-4's location to be shifted to the south. Sewer line access to the sewer main in Providence Street will still be within Cranston lot 1192.
3. An approved P.A.P. for both Providence Street and the State Bike Path.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

**FV LLC 41 COMSTOCK PARKWAY CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to maintain an existing monument sign with restricted setback at **41 Comstock Parkway**. AP 36, lot 62, area 105,415+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (7) 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. Per the Sign Ordinance in the Zoning Code, monument signs cannot exceed 50 sq. ft. total, can be no higher than 4 feet, and must have a minimum setback of 2 ft. from any property line.

2. Section 17.20.100 of the Zoning Code, titled *Corner Visibility*, states: "On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines thirty (30) feet from the point of the intersection." The sign is located within that 30' area.
3. No plans were submitted that shows the height or dimensions of the monument sign. The original UNITA PACKING CO. sign permit for the monument sign was received in November 2000, with a lettering total of 31.2 sq. ft. The permit stated that the monument sign must meet all setback visibility codes.
4. The point of the L-shaped sign has a .34 ft. (4 inch) setback from the front property line. The sign's setback from Stamp Farm Road is 10.4 feet.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact listed above and recommend *approval* with the following conditions:

1. 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.
2. The applicant provide sufficient evidence demonstrating that there is a sufficient sight line at the intersection of Comstock Parkway and Stamp Farm Road.

Aye votes: Vice-Chairman Charles Rossi, Mr. Smith, Mr. Sylvia, Mr. Strom and Mr. Moran.  
There were no nay votes.

#### **2009-2014 CAPITAL BUDGET AND IMPROVEMENT PROGRAM – FINAL DRAFT**

Mr. Lapolla explained that the Planning Department staff met with the various department chairs and pared down the Capital Budget requests to only those items required by law or by mandate. The requests were pared down from 26 million dollars to 14 million dollars. A copy of the revised request was forwarded to the Mayor's office. From the revised budget proposal the Mayor's office requested a change to the Public Works requests, making 1.5 million dollars available in 2009-2010 to complete the Natick Avenue restoration.

Mr. Strom asked if CDBG funds could be used for this purpose. Mr. Lapolla responded, stating that proposals of this type are handled through bonding. He further explained that at this time \$75,000 of impact fees are slated to be used for design of the Natick Bridge.

In response to the administration's request, Mr. Sylvia asked that one million dollars be taken from proposed City-Wide Infrastructure Improvements, another one million from City-Wide Drainage Improvements and the remaining 3 out years for the Natick Bridge project be zeroed out.

Mr. Smith asked if the proposed purchase of dump trucks can be staggered. Mr. Rossi responded, stating that the City has an aging fleet that is in need of updating as we are "behind the curve".

There being no further discussion of the Capital Budget proposal, the Commission moved to a vote. Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to *adopt* the proposed 2009-2014 Capital Budget with the revisions requested by Mr. Sylvia.

## **COMPREHENSIVE PLAN - UPDATE**

In reviewing the Comprehensive Plan Future Land Use Map, Mr. Lapolla explained that the Planning Department staff has been going through the city, parcel by parcel, to establish the proposed Future Land Use Map that was presented; stating that the Department has completed about 95% of their review. He reminded the Commission that current zoning is supposed to reflect the Comprehensive Plan's land use. He stated that all industrial areas have been maintained. Commercial and Services uses have been broken into two categories; Neighborhood Business and Commercial and Services. The Wellington Corridor, the Cranston Print Works, Rhodes On the Pawtuxet and all golf courses have been designated as Special Project Areas. Municipal and State properties have been identified as governmental. He pointed out that the four existing marinas are currently zoned residential. Split lots are being designed as what their current use is.

Two areas of concern for the Department are the Knightsville (Park Avenue) area and the large swath of land in western Cranston currently zoned A-20. Discussion ensued regarding this matter. Mr. Lapolla pointed out that if the Commission is concerned with preserving the rural character in western Cranston, we should be considering zoning this large swath of A-20 zoned land to A-80. He stated that this would come at a great cost to the city, however. Mr. Rossi expressed concern with future litigation if such a proposal were to be undertaken.

Mr. Sylvia expressed concern with the Open Space designation of parcels along the Pawtuxet River. Mr. Lapolla responded, stating that he will seek the Administrations counsel/opinion on this matter.

## **CITY PLAN COMMISSION POLICY**

Mr. Lapolla suggested a change in the Planning Commission's practice of voting on the various proposals before them. He suggested two votes be taken on each proposal; one to adopt the Findings of Fact and the second to render a decision. He explained that, from time to time, the decision does not always reflect the content of the Findings of Fact.

Mr. Rossi responded, stating that in some cases, even though the Findings of Fact lead to a certain recommendation or decision, there are extenuating circumstances that the Commission needs to consider. He then asked Assistant City Solicitor, Steve Marsella, for his opinion.

Mr. Marsella responded, stating that if the Commission votes contrary to what the findings suggest, it is advantageous to vote on the findings separately. He stated that he will research the matter.

Mr. Lapolla also suggested that the Department would like to establish criteria that would allow the combining of the Master Plan and Preliminary Plan stages on some proposals, stating that the proposal must comply with zoning to be considered for such consideration. There will be further discussion on this matter.

## **APPOINTMENT TO THE CRANSTON PARKS AND RECREATION COMMITTEE**

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to appoint Public Works Director Anthony Sylvia, as the Planning Commission's designee to the Parks and Recreation Committee.

## **NEXT REGULAR MEETING**

April 7, 2009, at 7 p.m. in the Cranston High School East Auditorium.

**ADJOURNMENT**

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

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary