

March 6, 2007

MINUTES

Chairman Paul Petit called the Planning Commission meeting to order at 7:15 p.m. in the City Council Chamber. The following Commission members were in attendance:

Paul M. Petit, Chairman
Councilwoman Paula McFarland, Vice Chair
Corsino Delgado, Finance Director
Stephen Devine
Charles Rossi

Also in attendance were: Lynn Furney, Acting Planning Director
Jason Pezzullo, Principal Planner
Vito Sciolto, City Solicitor
Ron Ronzio, Stenographer
J. Resnick, Senior Clerk

The following members of the public attended:

Nick Langella	Brian Thalmann	John McGuirl
Marie Sweet	Stephen Levesque	Tom Enright
Toni Enright	Melissa Johnson	Teresa Georgio
John Johnson	William Volpi	Matthew Volpi
Timothy Gaskin	Richard Bzdyra	Eric Costantino
Michele Trotter	Dennis Thibert	John & Dot Shewchuk

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the February 6, 2007 and February 21, 2007 Planning Commission meetings.

ORDINANCES

2-07-1 Ordinance amending Chapter 17.108 of the Code of the City of Cranston, 2005, entitled "Zoning Board of Review" (Additional Alternate Members)

Acting Planning Director, Lynn Furney, explained that the City Council has proposed increasing the number of alternate members of the Zoning Board of Review from two to four members. This would enable the Zoning Board to act on items when any of the regular members must recuse from voting on applications due to conflicts of interest. The proposed ordinance seeks to amend the City Zoning Code accordingly.

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to adopt the Findings of Fact denoted below and recommend *approval* of Ordinance 2-07-1 to the City Council Ordinance Committee.

Findings of Fact

1. Ordinance 2-07-01 is generally consistent with the goals and policies statement, implementation program and all other applicable elements of the Cranston Comprehensive Plan in that the plan does not specifically address the makeup of the Zoning Board of Review.
2. Ordinance 2-07-01 is consistent with all of the applicable purposes of zoning as presented in Section 45-24-30 of the Rhode Island General Laws and Section 17.04.010N. of the Cranston Zoning Code. That section specifically states that one of the general purposes of zoning is to provide for the efficient review of development proposals in order to clarify and expedite the zoning approval process.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Apple House Estates Section 6 – Preliminary Plan

Major Subdivision with street extension
Terminus of Rome Court
AP 26, Lot 4

Mr. Richard Bzdyra, Registered Land Surveyor, Ocean State Planners, explained the proposal to subdivide this 15.56 acre parcel into nine total lots, seven building lots and two drainage/utility lots. He explained that Rome Court will be extended approximately 743 feet and end in a cul-de-sac. He stated that this proposal has been before the Planning Commission several times in the past, receiving Master Plan approval on August 1, 2006. At that time there was concern with the proposed drainage, which required the approval of Public Works Director, Marco Schiappa, P.E.

Mr. Schiappa, in correspondence dated 8/24/06, detailed the City's meeting with Mr. Martin Wenczik, RIDEM, and the applicant, which essentially fully explained the proposed public infrastructure that would be required to service this development. At that time Mr. Schiappa agreed that the City would accept ownership of Parcel A, including all of the associated drainage structures. In turn, the applicant agreed that the ownership and maintenance of Parcel B; including all drainage structures (i.e. detention basin and the two 48 inch culverts), would be the sole responsibility of the homeowners association. Said maintenance agreement would be clearly denoted on the Final Record Plan.

In January, 2007, a meeting was held with Mr. Schiappa, Mr. Skorupski, Mr. Pezzullo; Robin Emin, Ocean State Planners, and Brian Thalmann, P.E. in which all parties agreed that the vortechincs will be owned by the City and all other drainage structures, (i.e. detention basin and the two 48 inch culverts), would be the sole responsibility of the homeowners association.

Mr. Bzdyra reiterated that waivers for pavement width (26 ft.), cul-de-sac length (743 ft.) and the provision of sidewalks were previously granted at the Master Plan stage of review. However, waiver is requested for the provision of granite curbs. The applicant is proposing cement curbing, in keeping with the existing development. Mr. Bzdyra further proposed the use of 4" x 4' pressure treated post delineating the limits of development.

Area resident John Shewchuk, 135 Rome Drive, stated that this is the third meeting he has attended on this matter, and he has expressed the same concerns since the initial meeting in August, 2001. He stated that no one from the City has contacted him despite his repeated request for a meeting on site. He reiterated his concern that altering the wetland or any re-grading that will be done will increase flooding in the area. He presented photographs, taken on January 2, 2007, of an existing small stream. He claimed that water was 2 ft. deep last year. He

presented a letter from RIDEM; dated September 17, 2004, which he claimed only two people received (one of them being property owner, Mr. DiLanna); which documented RIDEM's "area of concern". He stated that the project will disturb 740 ft. of wetlands, stating that the area "never dries out". He then asked Mr. Pezzullo to clarify what the RIDEM's "area of concern" means.

Mr. Pezzullo reviewed the record and responded that the Providence Water Supply Board has since cleared out the culvert. Mr. Pezzullo read from Mr. Schiappa's correspondence of 8/24/06, in which Mr. Schiappa stated that the wetland had not been properly flagged.

Mr. Shewchuk then asked the Commission go no further in approving this development. Chairman Petit responded that the Planning Commission does not have "final say" in approving this proposal. He reminded Mr. Shewchuk that the RIDEM has jurisdiction over wetland area/development. Commissioner Stephen Devine reiterated that the Providence Water Supply Board cleaned the culvert after the last meeting, however, Mr. Shewchuk responded that he would not have known this as he did not notice a difference.

Mr. Shewchuk continued, stating that he has had problems since 1987 and expects the City to protect his property, asking "who is responsible once problems start". He requested that "someone from the City meet him at the property". He also asked if a maintenance easement would be established.

In response, Mr. Bzdyra stated that, in his professional career, he has not before seen the RIDEM's designation of an "area of concern". He stated that Mr. Wenczik (RIDEM) has stated that the area near Mr. Shewchuk's property would not be developed. He stated that the area of "no disturbance" is lower than Mr. Shewchuk's property.

Mr. Anthony Lupino, 15 Blackwell Court, stated that he is "not anti-development". He presented two questions: 1) Will the proposed plan be signed by an engineer and; 2) The homeowners association will maintain the proposed drainage infrastructure but who, specifically, is responsible?

Brian Thalmann, P.E., 600 Putnam Pike, Greenville, responded that he has signed the plan, and the project has received the approval of the RIDEM. He stated that the as-built plans will be accepted by the City once inspected. He went on to explain that the homeowners association will provide quarterly maintenance reports.

Commissioner Rossi then asked who, specifically, would be responsible for problems resulting from this development. Mr. Thalmann responded that it would be a litigious process.

Marie Sweet, Cranston Conservation Commission, then came forward; stating that she was contacted by Mr. Shewchuk several months ago. She expressed concern with the proposal, stating that there have been many problems throughout the City with "ill-designed" drainage systems. She further stated that Conservation Commission member, Gil Parrillo, has visited the site and has informed her that "there is water there". She expressed concern with the elaborate contingency drainage system proposed. She ended by stating that the plan is not a "smart growth" development.

Area resident, Dennis Hebert, Rome Drive, stated that there is a City-owned lot next to his property that is always "wet and full of trash" (trash that blows in on windy days). He stated that there is a "major drainage problem that will only get worse with development". Mr. Bzdyra responded to Mr. Hebert's concern, stating that the City-owned lot has been deemed a RIDEM wetland.

This discussion then prompted Councilwoman McFarland to question how many detention ponds are presently owned by the City and how many have been maintained. She also questioned why

the City would take any responsibility for the system and/or the bridge. Mr. Pezzullo responded that maintenance of detention ponds is under the purview of the Public Works Department, however, the proposed roadway is public. He stated that the City would take responsibility for Parcel A as these are typical drainage proposals. Ms. Furney stated that the Hillside Farms development is an example of where the City has taken ownership of the bridge that access the plat. In response Councilwoman McFarland stated that, in her opinion; in view of the drainage system proposed, the area should remain Open Space.

Commissioner Devine echoed Councilwoman McFarland's concern with proper maintenance, stating that in some areas of the state more complicated Vortek systems are maintained by the developer. Mr. Thalmann responded that the Vortek is for stormwater runoff and requires maintenance only once a year. Mr. Devine then asked if anything can be done to channel runoff to the north; although he expressed concern with that particular drainage proposal as well. Mr. Thalmann stated that at one time the City cleared some land to provide utilities and created the current condition. Any further proposals would require RIDEM approval. He stated that the present proposal channels the water as far away from the residences as possible.

Mr. Pezzullo then presented the staff memorandum, dated March 2, 2007, which is attached and made part of these minutes. He explained that the first Master Plan proposal was originally submitted five years ago, and since then the developer has obtained an Insignificant Alteration Permit; which requires the highest level of scrutiny from the RIDEM. He went on to explain that the two 48" overflow aqueducts are proposed to ensure proper drainage flow.

In closing, Chairman Petit stated that, clearly, there is concern with the proposal. He suggested two additional Conditions of Approval as follows: 1) That representatives of the Planning Commission, the RIDEM, Public Works Department and the developer meet with Mr. Shewchuk on site and; 2) That the Final Plan be approved by the Planning Commission.

Upon motion made by Mr. Devine and seconded by Councilwoman McFarland, the Commission unanimously voted to *table* this Preliminary Plan in order that the Commission may respond to the concerns raised by the area residents.

In response, Mr. Bzdyra expressed concern that the RIDEM has done their due diligence and would not review this proposal any further, however, he stated that he would try to set up a meeting with the RIDEM and Mr. Shechuk on site.

Upon motion made by Mr. Devine and seconded by Councilwoman McFarland, the Commission unanimously voted to meet on site.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

John Prescott Farms – Final Plan

Major Subdivision with street extension
Burlingame Road
AP 23, Lots 5 and 55

Peter Alviti, P.E., Hudson Place Associates, explained that a condition of Preliminary Plan approval was that the applicant provide a report from a licensed hydro-geologist assessing the quality of the groundwater resource on this land, affirming the use of the site for residential development in the proposed density. He stated that the developer chose to drill wells, and these yields have been approved by the Health Department in lieu of a hydro-geologists report.

There being no public testimony, the Commission moved to the staff's Findings of Fact and Recommendation, dated March 2, 2007, which is attached and made part of these minutes. He

reiterated Mr. Alviti's comments, further stating that Mr. Capezza, City Engineering Division, noted that the wells provide more than adequate yields. However, lawn irrigation systems are prohibited without a public source of drinking water or a site specific well analysis by a licensed hydro-geologist indicating sufficient reserves exist on site to serve non-drinking water needs.

In regard to public improvements, all public improvements have been completed, no bonding is necessary; however, the 2% administrative fee is required.

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Final Plan subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this major subdivision has been conducted. Abutter notification and newspaper advertisement are not requirements of the Final Plan review stage.
2. The proposed development is consistent with the Comprehensive Plan's Future Land Use Map which designates this area as "Residential" allowing less than 1 unit per acre.
3. Staff finds that all lots in the proposed subdivision will comply with the requirements of the City of Cranston Zoning Ordinance.
4. There will no be significant negative environmental impacts from the proposed development as shown on the final plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
6. The subdivision as proposed would not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Burlingame Road, 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 suitable building sites.
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 improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Recommendation

1. That lawn irrigation systems be prohibited without a public source of drinking water or a site specific well analysis by a licensed hydro-geologist indicating sufficient reserves exist onsite to serve non-drinking water needs.
2. Payment of Western Cranston Capital Facilities Impact Fees of \$9,726.50 (\$1,389.50 x 7) at the time of plat recording.
3. Payment of Western Cranston Water District fees of \$9,464 (\$1,352 x 7) at the time of plat recording.
4. Payment of the 2% performance guarantee administrative fee of \$6,100.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado, Mr. Rossi and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

TOMMASSO AND MARIA MARZILLI 22 EVERLY STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a new 2 family dwelling on a 6182+/- SF undersized [lot 2378] at **22 Everly Street**. AP 7/1, Lot 2378, area 6182 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact:

The subject lot is one of two lots in a Minor Subdivision entitled *Replat of Laurel Hill Plat No. 1*. The Preliminary Plan was heard and approved by the Planning Commission on December 5, 2006. However, the applicant has not yet submitted a Final Plan to the Administrative Officer of the Planning Commission, and therefore, the Final subdivision creating the subject lot has not been approved and recorded in the Land Evidence Records in the City Clerk's Office. Subsequently, the Planning Commission cannot make a recommendation on a lot that legally does not yet exist.

Recommendation:

Table until the Minor Subdivision has been given Final Approval by the Administrative Officer of the Planning Commission and has been recorded in the Land Evidence Records of the City Clerk's Office.

SALVATORE J SEPE 22 STAYTON AVENUE CRANSTON RI 02920 (OWN) AND JOSEPH P PARENT 509 RED HOUSE DRIVE WAKEFIELD RI 02879 (APP) have filed an application for permission to leave an existing legal non-conforming 2 family dwelling with restricted front and side yard setback on an undersized 6500 +/- SF [lot 3114] and build a new 2 family dwelling on the abutting 6500+/- SF [lot3115] at **22 Stayton Avenue**. AP 7/1, Lot 3114 and 3115, area 13,000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows:

"That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of Fact:

1. The application's proposed density of 13.4 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. The total number of units within the 400' radius, including the single, two and multi-family dwellings, is 116 (42 single-family, 25 two-family, and 8 three-family). The average density of these units is one per 4,723 square feet. The applicant's proposal is considerably denser (1 unit per 3250 sq. ft.) than the existing residential development in the surrounding neighborhood.
3. The average lot size of two-family dwellings within the 400' ZBR notification radius is 8,375 sq. ft. whereas the size of the subject parcel is only 6,500 sq. ft.
4. The average per unit density for the area's 2 family dwellings is 4,188 sq. ft. The applicant's proposal is denser (1 unit per 3,250 sq. ft.) than the existing 2 family development in the surrounding neighborhood.

5. Therefore, the proposal to construct a 2-family on an undersized lot will alter the general character of the surrounding area and impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to recommend *denial*; in accordance with R.I.G.L. 45-24-41, in that the proposal alters the general character of the neighborhood and will impair the intent and purpose of the Zoning Ordinance.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Devine and Councilwoman McFarland. There were no nay votes.

JOHN AND YOLANDA MCGUIRL 195 CONCORD AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application for permission to re-configure the interior of the first floor [no footprint increase] of an existing legal non conforming two-family dwelling for a family accessory apartment with restricted front yard set back at **195 Concord Avenue**. AP 9, Lot 1472, area 9570 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.020 Special Use, 17.20.120 Schedule of Intensity, 17.88.020 Continuance, 17.20.030 Schedule of Uses, 17.24.010 F Accessory Family Apartments.

This application was reviewed for conformance with Chapter 17.24.010 F. of the Cranston Zoning Code, entitled, *Specific performance standards, Accessory Family Apartments*, which establishes criteria for the issuance of Special Use permits for Accessory Family Apartments.

Findings of Fact:

1. The application's proposed density of 13.7 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. The house was constructed in 1962 as a duplex. A second floor addition was built in 1972, containing a family room, bedroom, and bathroom.
3. The Tax Assessor's field cards for the property notes the 1983 revaluation revealed the existence of a separate third unit in the basement. The property has been taxed as a three family since 1983. The additional 3rd unit was installed without the benefit of an approved Zoning Variance.
4. The applicants currently reside on the entire first floor.
5. RIGL 45-24-31 defines Accessory Dwelling Unit as a dwelling unit "rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence...no more than one accessory dwelling unit may be an accessory to a single-family dwelling". The applicant's request for an accessory apartment in a three (3) family dwelling, therefore, does not conform to Rhode Island General Laws.
6. The Cranston Zoning Code states that the owner of the principal single family dwelling unit shall sign an affidavit stating that the occupant of the accessory family apartment is either a parent(s) or grandparent. The application does not comply with the requirement of the zoning ordinance, as the requested accessory apartment is for the owner's daughter, son-in-law and two children, who currently occupy one of two existing units on the second floor.
7. The remaining unit on the second floor is currently rented to a third party.
8. Photographs taken on 3/5/07 show 4 mailboxes. Therefore, the application should not be requesting a special use permit for an accessory family apartment in a two family, but instead, resubmitted, to request the legalization of a third (or fourth) existing residential unit.
9. The Assessor's field card states there are 7 bedrooms total in the house (1-3BR unit, 1-2BR unit and 2-1BR units).
10. There is only one other three family dwelling within the 400' zoning notification radius.

11. Section 17.24.010 F. of the Cranston Zoning Code, and RIGL 45-24-31 specifically limit the location of an Accessory Family Apartment to a single family dwelling only, therefore, the application impairs the intent and purpose of the Zoning Ordinance and does not comply with Rhode Island General Laws.

Recommendation:

Upon motion made by Mr. Devine and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *denial* for the accessory family apartment as submitted, as the application does not meet any of the Zoning Code's specific requirements listed in Section 17.24.010 F. entitled *Accessory Family Apartments*, and therefore impairs the intent and purpose of the Zoning Code.

NOTE : The Staff would be amenable to a revised variance request to legalize the existence of a third residential unit only, as the property has been taxed as a three unit for 14 years, with no obvious detriment to the character of the neighborhood. The 4th unit should be removed.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

ANAHIT REALTY INC 108 PHENIX AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 13' X 16' sun room addition on an existing legal non-conforming office building with restricted front and side yard setback and off-street parking on an undersized lot at **108 Phenix Avenue**. AP 12/5, Lot 604, area 7972 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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 Comprehensive Plan's Future Land Use Map designates this area as residential, more than 8 units per acre (for the area between 74 and 156 Phenix Avenue.) The subject property is located within this area, and therefore does not conform to the Comprehensive Plan's residential designation. This property received a zoning variance for conversion to office in January 2001. Prior to that, this property conformed to the residential use designation in the Comprehensive Plan.
2. The 2001 zoning variance permitted approximately 1,460 sq. ft. of office space on the first and second floors only. The third floor residential unit was to remain. The current floor plans submitted for this application, labels the third floor as unused office area, (638 sq. ft.) which would require 3 additional parking spaces.
3. The application states the proposed 12.5' x 16' "sunroom" will add 200 sq. ft. of office space to the existing building, requiring an additional parking space.
4. Ten parking spaces total are required for the existing and proposed office areas. The site plan submitted shows parking for 9 cars.
5. Zoning variances received for other office conversions at 141 and 145 Phenix Avenue are in areas that call for Commercial and Services on the Comp Plan's Future Land Use Map, and therefore conform.
6. Within the 400' zoning notification area along Phenix Avenue, 10% of the buildings (2 out of 20) are commercial office uses that do not conform with the Comprehensive Plan's Future Land Use Map, but were granted by the Zoning Board.

7. The proposed rear addition will have a 7.43' side yard setback, where 8' is required, and leave the existing handicap ramp with a 1.40' side yard setback.

Recommendation:

Upon motion made by Mr. Devine and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *denial* as submitted for the following reasons:

1. The expansion of the non-conforming use of this building does not conform to the intent or purpose of the Comprehensive Plan's Future Land Use Map.
2. No additional parking spaces are provided for the increased office area.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

MICHELLE TROTTER 36 WAIN STREET CRANSTON RI 02910 (OWN /APP) has filed an application for permission to build a 14' X 30' two story addition to an existing single family dwelling with restricted lot coverage at **36 Wain Street**. AP 17, lot 993, area 6000+/- 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 application conforms to 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. The current house and shed covers 1469 sq. ft. (24.5%) of the lot, which is within the 30% maximum lot coverage for the zone in which it is located.
3. The proposed 14' x 30' addition will add 420 sq. ft. to the house's footprint, resulting in 31.5 % lot coverage.
4. An increase of 1.5% lot coverage will not change the character of the surrounding area or impair the intent and purpose of the Zoning Code.
5. The addition will be located at the rear of the house, and will continue the required 8' right side yard setback.

Recommendation:

Upon motion made by Mr. Delgado and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *approval* with the following condition:

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.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

NICHOLAS AND CATHERINE LANGELLA 9 WICKHAM COURT CRANSTON RI 02921 (OWN/APP) have filed an application for permission to leave an existing above ground swimming

pool with restricted side yard set back in the present location at **9 Wickham Court**. AP 22/2, Lot 313, area 20,886 +/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows:

"That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of Fact:

1. The application conforms to the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential".
2. The pool is located 4'4" from the side lot line, where a 10' side yard setback is required, and 35' from the rear lot line, where 10' is required.
3. As the subdivision where the subject property is located was built after the City's GIS aerial photographs were taken, an analysis of setbacks for the surrounding properties within that subdivision could not be conducted.
4. However, the aerial does show the older, abutting subdivision contains 6 properties within the 400' zoning notification radius that contain pools. Of those, only one pool appears to have a restricted side yard setback.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Commission unanimously voted to recommend *approval* of this application with the following condition:

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.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

SANTA FE REALTY LLC 410 TRIMTOWN ROAD SCITUATE RI 02857 (OWN/APP) has filed an application for permission to have additional signage than allowed by ordinance at **1458 Park Avenue**. AP 11/2, Lot 2971, area 1.41 +/- acres, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows:

"That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of fact:

1. The application was tabled at the February 6, 2007 Planning Commission meeting, to allow the applicant the opportunity to meet with the Planning Department in order to modify the proposed total square footage of signage
2. The newly constructed plaza conforms to the City of Cranston Comprehensive Plan Future Land Use Map which calls for commercial and services for this area of the City.

3. The project received Final Site Plan Review Approval on May 17, 2006.
4. The Final Plans submitted by the applicant and approved by the Site Plan Review Committee, illustrated the location of all proposed signs, and specified in a chart on the Overall Plan, that all signage proposed conformed to the Zoning Code's signage requirements for location and area (100 s.f. maximum).
5. The total sign area permitted by code in a C-2 zone is 100 square feet. However, for multiple businesses in one building, a square foot bonus of 25% is allowed beyond the C-2 zone's permitted 100 sq. ft. maximum, allowing 125 sq. ft. total of signage. (Chapter 17.72.010 E). The lot therefore, qualifies for an increase of 25 sq. ft. of signage
6. The revised proposal for the double sided monument sign is 6' x 6', (72 sq. ft.) on a 1'-6" high pedestal. This is a 45% reduction from the February proposal of 133.33 sq. ft. The revised monument height is 3 feet shorter than the 10'-6" height in the February proposal.
7. The individual 2'-6" x 8' building signs, equal 20 sq. ft. each, for a total of 180 sq. ft.(9 signs). (This is a 20% reduction in square footage for the individual signs.)
8. The new, total proposed signage for the site is 252 sq. ft., which is 2 times larger than the 125 sq. ft. that is allowed by the City's Sign Ordinance for a C-2 zone, but less than the 300 sq. ft. allowed in a C-5 zone, which abuts the property's easterly and southerly lot lines.
9. This application therefore, will not alter the character of the surrounding neighborhood, or impair the intent and purpose of the Zoning Code.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to recommend *approval* with the following condition:

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.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Devine and Councilwoman McFarland. There were no nay votes.

LUSINE KHACHATRYAN 1058 RESERVOIR AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert the first floor of an existing single family dwelling into a café and the second floor into a professional office with restricted frontage and front yard setback on an undersized lot at **1058 Reservoir Avenue**. AP 9/2, lot 2621, area 4500+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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. On October 3, 2006, the Planning Commission unanimously voted to recommend *denial as submitted*, until such time that the applicant revises the proposal to include:
 - a. Relocation of the handicap ramp to either the side or rear of the building.

- b. A City Traffic Engineer Approved Parking Plan that accommodates 5 off-street parking spaces.
 - c. Plans which depict a minimum driveway width of 11', installation of new curbing along that portion of the existing driveway that is proposed for abandonment and appropriate landscaping improvement.
 - d. An approved Physical Alteration Permit from the Rhode Island Department of Transportation.
2. The site plan has been modified to satisfy items a. through c. above.
 3. The Cranston Comprehensive Plan Future Land Use map calls for "Commercial and Service" uses to be made of the property and therefore the proposed use does not impair its intent or purpose.
 4. The proposed office use is allowed by right within the property's C-1 zoning designation.
 5. The subject property is situated on a block that contains three other office uses that front on Reservoir Avenue. All of those offices were former residential buildings situated on 4,500 S.F parcels; therefore, the application will not alter the general character of the surrounding area.
 6. The proposed installation of a side door staircase and ADA Handicap lift will result in a restricted 2.78' side yard setback. Analysis using Cranston's GIS shows 6 out of 15 commercial properties on Reservoir Avenue within the 400' radius notification area also have restricted side yard setbacks of 4' or less. Therefore, the proposed side yard setback will not alter the general character of the surrounding area along Reservoir Ave.
 7. The existing front yard setbacks will not change.
 8. The proposed 1304 sq. ft. of office use requires the provision of 5 off-street parking spaces, which are provided. The parking plan has been approved by the City's Traffic Engineer. The existing garage on the property will be removed.
 9. The new proposed curb cut and curb closing on Reservoir Avenue require a Physical Alteration Permit from RIDOT.
 10. The revised plans note that the existing driveway and asphalt along the northerly lot line are to be removed, and replaced with loam, seed and shrubs.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Commission 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. Receipt of a Physical Alteration Permit from the D.O.T.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Devine and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Pine Ridge Estates

Pending Bond Expiration

Planning staff has informed the applicant, Mr. Robert DiSciullo, that existing Letter of Credit (LOC) No. S901459, Amendment No. 003 in the amount of \$151,000, is set to expire on April 9,

2007. Communication with the Engineering Division confirms that the planned public improvements have not been completed as of this date.

Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to *extend* the above referenced LOC for one additional year and to *authorize* the withdrawal of these funds by the City Finance Department should an extension not be received by March 23, 2007.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

Jefferson at Independence Way

Request for Bond Reduction

On January 16, 2007 written correspondence was received from Mr. John O'Connor, Regional Project Manager of The Dolben Company, Inc., requesting a reduction of existing Bond No. 929327252 with Western Surety Company, which currently stands at \$753,000.

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to *reduce* the above referenced bond by \$601,000, leaving a balance of \$152,000; in accordance with the Engineering Division's recommendation.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

EXTENSION OF TIME

Briar Hill Drive Extension – Preliminary Plan

Minor Subdivision with street extension

Briar Hill Drive/Natick Avenue

AP 22/4, Lot 121

Correspondence was received by the Planning Department from attorney John S. DiBona, dated February 22, 2007 requesting a three (3) month extension of the Preliminary Plan approval granted by the Planning Commission on March 7, 2006.

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to *extend* the Preliminary Plan approval referenced above for one year, until March 6, 2008.

Voting Aye: Chairman Petit, Mr. Delgado, Mr. Devine and Councilwoman McFarland. There were no nay votes.

Western Industrial Complex

Major Subdivision with street extension

Section 3, Phase 2

AP 36/1, Lot 96

Correspondence was received by the Planning Department from attorney John J. Kupa, Jr., dated February 19, 2007, requesting an extension of the Preliminary Plan approval originally granted by the Planning Commission on October 7, 2003 and reinstated on March 7, 2006.

Your request was reviewed for conformance with Section V (F) (3) (f) of the Cranston Subdivision and Land Development Regulations and the decision is based on "good cause".

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to *extend* the Preliminary Plan approval for one year; to expire on March 6, 2008.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

Crestwood Estates – Preliminary Plan

AP 28, Lot 1023

Correspondence was received from attorney John S. DiBona, dated February 22, 2007, requesting an extension of the Preliminary Plan approval originally granted by the Planning Commission on April 5, 2005.

Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to *extend* the Preliminary Plan approval for one year; to expire on April 5, 2008.

Voting Aye: Chairman Petit, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

FINAL CAPITAL BUDGET PRESENTATION/RECOMMENDATION

2007/2012 Final Draft Capital Budget

Mr. Jason Pezzullo presented the Final Draft of the proposed Capital Budget, stating that it is his feeling that the budget presented is a responsible budget. He stated that no borrowing had been done in the past several years and emphasized that the money requested is for projects that certainly need to be done.

Mr. Delgado asked if most of the projects would require bonding. Mr. Pezzullo responded that all of the 2007-08 requests have been previously authorized by the voters. Mr. Delgado stated that, as of January, 2007, there is \$17.5 million available from the sale of bonds last year. He further stated that he is not sure the administration is in a position to issue bonds.

There being insufficient Commissioners in attendance to act on the proposed Capital Budget, the meeting will reconvene on March 15, 2007 at 4 p.m.

MISCELLANEOUS

Director Appointment

Chairman Petit welcomed new Planning Director, Peter Lapolla, who was in attendance. Mr. Lapolla stated that his start date is set for March 19, 2007.

Subdivision Review/Application Fees

Mr. Pezzullo stated that in comparison to many cities and towns in the State, the various Planning Department application fees are inadequate. He stated that in the coming months the department will poll various similar communities.

NEXT MEETING

Tuesday, April 3, 2007 at 7 p.m. in the City Council Chamber

ADJOURNMENT

In order to render a decision on the proposed Capital Budget, the Commission unanimously agreed to reconvene on March 15, 2007 at 4 p.m. The meeting ended at 10:35 p.m.

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary