

## **MINUTES**

**March 7, 2006**

Vice Chairman Paul Petit called the Planning Commission meeting to order in the Cranston High School East Auditorium at 7:14 p.m. The following Commission members were in attendance:

Paul Petit, Vice Chairman  
Paula McFarland, Councilwoman  
Marco Schiappa, P.E., Public Works Director  
Stephen Devine  
Charles Rossi

Also attending were:

Jared L. Rhodes II, Planning Director  
Jason M. Pezzullo, Principal Planner  
Lynn Furney, Senior Planner  
Constance Daniels, Associate Planner  
Vito Sciolto, Esq., Asst. City Solicitor  
Joanne Resnick, Senior Clerk  
Tracey Shepherd, Stenographer

The following members of the public attended:

Steve Marandola  
Claudia Matzko  
Richard Whitten  
Cara Stifano  
Chris DePalo  
Tim Sprouls  
Kevin Morin  
Frank Montanaro  
John DiBona  
Aram Garabedian

Richard Matzko  
Dennis Laughley  
James Mellors  
Lance Stifano  
Nick DePalo  
Matt Ricci  
Frank Paolino  
Gene Carlino  
Robert Murray

Helen Matzko  
Katie Storry  
Eric Palazzo  
Gloria Cohen  
Karl Rothemich  
Reese Carchillo  
Ed Pimental  
Carmine Albanese  
John Mancini

## **MINUTES**

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the February 7, 2006 meeting.

## **ORDINANCE COMMITTEE ITEMS**

Ordinance #1-06-16 – Prohibiting Cement and Asphalt Plants in all Zones

City Council President Aram Garabedian addressed the Commission and stated that he is sponsoring the proposed ordinance. He cited the limited amount of industrial land available in the City and stated that it is his opinion that any proposed cement/asphalt plant will not best utilize the little industrial land available. Mr. Garabedian briefly mentioned the D'Ambra Construction

Company's recent proposal for a concrete manufacturing and crushing facility on Plainfield Pike, stating that the height variance application has been withdrawn by the applicant. They are now proposing a two-phase project where a dimensional variance is not required. He concluded his comments by asking the Planning Commission to support the proposed ordinance.

No further public testimony was offered.

Planning Director Jared Rhodes presented staff's review of the proposed ordinance, particularly consistency with the Comprehensive Plan and the City of Cranston Zoning Code. He presented the staff's Findings of Fact and Recommendation, dated March 3, 2006, which is attached and made part of these minutes. He stated that the Cranston Comprehensive Plan does not specifically address the issue of whether or not cement and asphalt manufacturing plants should be allowed within the City.

Mr. Rhodes, stated that in reviewing the goals and policies statement, implementation program and all other relevant elements, staff did however identify the following items which touch on peripheral issues:

1. *Land Use Goal 4 – Ensure that sufficient land is properly zoned and provided with adequate infrastructure to provide for the City's Future industrial development needs.*
2. *Economic Development Goal 5 – Add to the City's taxable property base industrial and commercial structures which meet the needs of residents and which are properly sited in keeping with environmental, planning and design considerations.*

Mr. Rhodes stated that in regard to recognition of zoning purposes, the proposed ordinance 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 17.04.010 of the Cranston Zoning Code.

Although the ordinance does not directly conflict with purpose B which requires that the Code provide "for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs" it will specifically prohibit cement and asphalt manufacturing facilities from locating anywhere within the City.

Mr. Schiappa asked if the proposed ordinance would impact existing facilities within the City. Attorney Sciolto responded that existing concrete and/or asphalt processing plants would be "grandfathered". He further stated that this ordinance seeks to amend the Cranston City Zoning Code's existing Schedule of Uses. Mr. Schiappa then asked if expansion of an existing company, i.e., a satellite facility, would be banned based upon this zone change. Mr. Sciolto responded that the ordinance, as written, does not address that circumstance.

#### Findings of Fact

1. The comprehensive plan does not specifically address the content of ordinance 1-06-16 and therefore the ordinance is found to be generally consistent with the comprehensive plan.
2. Ordinance 1-06-16 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 17.04.010 of the Cranston Zoning Code.

#### Recommendation

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Planning Commission unanimously voted to adopt the findings of fact denoted above and forward them to the City Council for consideration along with the following notes:

1. Cement and asphalt plants are currently allowed only in the City's most intense industrial zoning district (M2).
2. Regulations are in place at both the local and state level to ensure that such uses are environmentally compatible and do not become nuisances to surrounding properties.

3. If adopted this ordinance will result in an outright ban on the ability to locate cement or asphalt manufacturing plants within the City thereby limiting the range of uses that are permitted and possibly limiting the ability to meet future needs.
4. The City Solicitors Office is currently undertaking their own review of this ordinance and it is anticipated that they will address any legal concerns that this prohibition of specific uses may present.

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

### **SUBDIVISION AND LAND DEVELOPMENT PLANS**

#### **Milan Gardens Replat 2**

Minor Subdivision-Preliminary Plan  
Mayfield Avenue/Stacey Drive  
AP 15/3, Lots 576 and 1676

Attorney John DiBona, on behalf of the applicants, asked that this application be continued to the April 4, 2006 Planning Commission meeting.

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to *continue* this application to the April 4, 2006 meeting.

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

#### **Briar Hill Drive Extension**

Minor Subdivision-Preliminary Plan  
Briar Hill Drive/Natick Avenue  
AP 22/4, Lot 121

Attorney John DiBona gave a brief explanation for a three-lot minor subdivision of land that will require a dimensional variance for substandard frontage on a city street. A cul-de-sac extension is proposed to subdivide the 10.1 acre parcel into three lots; two new building lots (Parcel A and C), and the existing home. This existing home will remain on the largest parcel (Parcel B), which will continue to have legal nonconforming frontage on a private roadway which connects to Natick Avenue. The two proposed building lots will conform to the area and frontage requirements of the Cranston Zoning Code and be serviced by public water and ISDS. He stated that the private roadway easement which existed before the construction of Briar Hill Drive would remain unchanged. He further stated that the applicant is seeking Preliminary Plan approval and a recommendation of approval to the Zoning Board of Review.

Richard St. Jean, P.E., spoke on behalf of the applicant, stating he prepared drainage plans for the subdivision. He stated that runoff from the abutting subdivision flows onto the subject property without the benefit of a collection system. Mr. St. Jean stated that at the time, the developer of that subdivision did not connect Briar Hill Drive to the private easement leading to Natick Avenue so as to prevent future extension of this right-of-way. He stated that the proposed cul-de-sac extension will provide roadway access to the new homes. A detention pond, needed to intercept the water runoff from the abutting neighborhood, is proposed for Parcel A at the end of the cul-du-sac.

No one from the public offered testimony on this proposal.

Mr. Rhodes then presented the staff's Findings of Fact, dated March 7, 2006, which is attached and made part of these minutes. He stated that proposed Parcels A and C conform to the area of frontage requirements of the Zoning Code. However, Parcel B will not have the required frontage

on a public street which is required by zoning. He explained that when the adjacent neighborhood to the west was platted, the public right-of-way access to the subject parcel was inappropriately located so as to prevent future extension of the public right-of-way along the private roadway easement leading to Natick Avenue. Had this public right-of-way stub been properly located, it could have been possible for the applicant to provide the existing home with legal frontage on a public street. However, this can not be accomplished today due to the topography at the terminus of Briar Hill Drive and due to the fact that a private residentially developed lot now stands between the private roadway easement and Cobblestone Terrace.

Mr. Rhodes further explained that this subdivision was originally intended as a two-lot subdivision which is why the applicant has only sought and received the necessary RIDEM approvals for one of the two lots proposed. As the need for additional drainage facilities and the presence of wetlands on the site became evident, and the applicants design costs escalated, staff agreed to allow the application to move forward without the additional RIDEM approvals for Parcel C so as to provide the applicant with a level of confidence in the approvability of the subdivision by the Planning Commission, prior to his having to endure higher design costs. This decision was made in light of the fact that the regulations do not allow for staff to bring such minor subdivisions to the Planning Commission for consideration as Master Plans and in recognition that the additional RIDEM ISDS approval can be obtained as a condition for Final Plan submission.

Mr. Rhodes reiterated the Public Works/Engineering Departments requirement that the applicant install one additional catch basin in the cul-de-sac and that the cul-de-sac be graded to ensure that all storm water drains to these catch basins. The existing curbing should be extended along the entire length of the proposed cul-de-sac. In view of the fact that the proposed subdivision is located within a substantially built-out neighborhood that does not provide sidewalks, it is reasonable and prudent that sidewalks will not be necessary since there is no existing network to connect.

There being no further discussion, the Planning Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, 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 certified and return/receipt requested mail and the meeting agenda has been properly posted. This Preliminary Subdivision has been properly advertised per Section V.C.2.h of the City of Cranston Subdivision Regulations and appeared in the 2/23/06 edition of the Cranston Herald.
2. The proposed subdivision and its resulting gross density of approximately .29 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property as "Residential" allowing less than one residential unit per acre.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Preliminary Plan, provided that all applicable RIDEM approvals are received. The proposed plan seeks to improve the existing drainage conditions which exist on-site.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
5. The property in question has adequate permanent physical access to Briar Hill Drive and Natick Avenue. Briar Hill Drive and Natick Avenue are improved public roadways located within the City of Cranston. Parcels A and C will have direct access to Briar Hill Drive and

the existing home on Parcel B will continue to have access to Natick Avenue via the existing private roadway.

6. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for improved surface water run-off and for suitable building sites, provided that necessary RIDEM permits are received prior to Final plan approval.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
8. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.
9. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on them according to pertinent regulations and building standards would be impracticable, provided that necessary RIDEM permits are received prior to final subdivision approval.
10. Proposed Parcel's A and C conform to the area and frontage requirements of the City of Cranston Zoning Code.

#### Negative Findings

1. Proposed Parcel B and its existing home will continue to have substandard frontage on an improved public street and therefore does not conform with the requirement of the City of Cranston Zoning Code. In accordance with RIGL 45-24-41 relating to criteria for granting of variances, it is hereby found that this existing nonconformity is consistent with the general character of the surrounding area. Six existing homes currently utilize this private roadway for access to Natick Avenue and all six have nonconforming frontage. Although the existing home does have 50' of frontage on Briar Hill Drive, it is currently inaccessible and all vehicular access flows over the private roadway to Natick Avenue.

#### Conditions of Approval

1. Granting of necessary variance by the Zoning Board of Review prior to Final Plan submittal.
2. Applicant shall provide a Municipal Lien Certificate at Final Plan submittal.
3. Applicant shall provide a verified RIDEM wetlands edge at Final Plan submittal.
4. Applicant shall obtain ISDS approval for Lot C prior to Final Plan submittal. If Lot C is found to be unacceptable by the RIDEM for the installation of an ISDS system, the lot shall be viewed as unbuildable and deleted from the Final Plan. The former acreage of Lot C shall be transferred back to Lot B.
5. Applicant shall install one additional catch basin in the roadway and this cul-du-sac shall be graded to ensure that all stormwater drains to these catch basins.
6. Applicant shall extend the existing curbing from Briar Hill Drive along the entire perimeter of the cul-du-sac.
7. Applicant shall install a fire hydrant along Briar Hill of the road extension to the satisfaction of the Cranston Fire Department.
8. Payment of Western Cranston Capital Facilities Impact Fees of \$2,779.00 (\$1389.50 x 2) at the time of plat recording. If Lot C is not approved by the RIDEM, fee will be 1389.5, paid at the time of Final plat recording.
9. Payment of Western Cranston Water District Impact Fees of \$2,704.00 (1,352.00 X 2) at time of Final plat recording. If Lot C is not approved by the RIDEM, the fee is 1,352.00, paid at the time of Final plat recording.
10. The Final plat shall be subject to a performance bond of \$79,000, with a 2% administrative fee of \$1,580.
11. Water main extension to be shown on Final Plan submittal with correspondence from the Providence Water Supply Board documenting their acceptance of the design.

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

### **Alpine East**

Major Subdivision-Master Plan  
Scituate Avenue  
AP 36/3, Lot 11

Attorney John DiBona gave a brief introduction of the proposal for a seven-lot major subdivision, with two additional detention basin lots. He stated that the applicant is requesting a waiver for the proposed cul-de-sac roadway width of 24 ft.; 30 foot roadway width is required by City Code. He then introduced Mr. Kevin Morin, P.E., of DiPrete Engineering.

Mr. Morin stated that he has met with the Planning staff on several occasions revising this proposal. He stated that the subdivision is located just east of the Alpine Estates neighborhood. The project has received verification from the RIDEM Wetlands Division delineating the forested wetland edge on the property. He stated that the two proposed detention areas are below the proposed roadway elevation. Mr. Morin also stated the applicant is seeking a waiver from the City's sidewalk provision.

No one from the public offered testimony on the proposed application.

Jason Pezzullo, Principal Planner, presented the staff's Findings of Fact, which are attached and made part of these minutes. He stated that the application is for a nine-lot subdivision; seven building lots and two detention basin lots. He acknowledged receipt of the RIDEM wetlands verification and reiterated Mr. William Wilber's comments regarding the need for the applicant to submit a \$500.00 review fee to Veolia Water prior to Preliminary Plan submittal with the City. Mr. Wilber also stated a flow analysis study is needed in order to determine if there is enough sewer capacity in the downstream system. The developer should contact Veolia Water directly to arrange for the conducting of this service by Dufresne-Henry, Incorporated. He explained that sufficient water reserves are available to supply the proposed seven single-family homes. The developer shall be responsible for the cost of extending a new water main from Scituate Avenue into the development under the direction of the PWSB.

Mr. Pezzullo stated that the development will require a RIDEM alteration permit for the roadway wetlands crossing. In addition, the project requires a RIDOT Physical Alteration Permit for the new sidewalk curb cut to Scituate Avenue requested by the Public Works Department.

Mr. Pezzullo further mentioned that the application does not currently conform to the area and frontage requirements of the City of Cranston Zoning Code. Lot #4 does not provide the required 125 ft. frontage. In conversation with Mr. Kevin Morin, DiPrete Engineering, he stated that this condition appears to be the result of a drafting error and will be corrected prior to Preliminary Plan submission.

Mr. Pezzullo then discussed the three requested waivers. The first waiver requested was to decrease the pavement width from 30' to 26'. Staff feels the pavement width for the proposed cul-du-sac is too narrow. In accordance with the Public Works Department's request, the pavement width should be increased to at least 28' to ensure adequate access for service vehicles. The next waiver requested was to build a roadway 807' in length where 400' is required. Staff feels that a waiver for the cul-du-sac length is appropriate given the developed nature of the surrounding property and the resulting inability for future connections to other streets; the relatively small number of homes that will be located on the proposed street; the lack of concern expressed by the Fire Department; and the presence of wetlands on site and the need for a crossing which contributes to the roadways overall length. The applicant also requested a waiver from the sidewalk provision. Staff, deferring to the recommendation of the Public Works Department, feels that sidewalks should

be installed on one side of the roadway, extend along Scituate Avenue and continue into the Alpine Estates neighborhood.

Mr. Rhodes then stated that the reason for the sidewalk requirement for the proposed subdivision is to provide a safe walkway to the new Orchard Farms School located on Scituate Avenue. Councilwoman McFarland then asked about the need for fire hydrants. Mr. Pezzullo responded that in the Fire Department's review of the proposal, they did not request any hydrants. Mr. Kevin Morin stated that he will re-visit this requirement and work with the Fire Department regarding placement of any hydrant they may deem necessary. A determination will be made at the Preliminary Plan stage of review.

There being no further discussion, the Planning Commission moved to a vote. Upon motion made by Mr. Devine and seconded by Mr. Rossi the Commission unanimously voted to adopt the following Findings of Fact and to *approve* this Master Plan subject to the conditions denoted below.

#### Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via certified and return/receipt requested mailing and the meeting agenda has been properly posted. This major subdivision has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations and appeared in the 2/23/06 edition of the *Cranston Herald*.
2. The proposed subdivision and its resulting gross density of approximately .38 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property in question as "Residential" allowing 1-4 residential unit per acre.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the proposed Master Plan, provided that all applicable RIDEM wetlands approvals are received.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
5. 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.
6. The property in question has adequate permanent physical access to Scituate Avenue, an improved public roadway located within the City of Cranston. The resulting lots will also have adequate permanent physical access from the proposed roadway.
7. 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.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. 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.

#### Negative Finding

1. The application does not currently conform to the area and frontage requirements of the City of Cranston Zoning Code. Lot 4 does not provide the required frontage. However, this condition appears to be the result of a drafting error which can be corrected prior to Preliminary Plan submission.

### Conditions of Approval

The following conditions shall apply to this Master Plan approval, in addition to other applicable state and local requirements.

1. All building lots to conform to the area and frontage requirements at Preliminary Plan submittal.
2. Receipt of an alteration permit from the RIDEM Freshwater Wetlands Division for the roadway crossing prior to Preliminary Plan submittal.
3. Receipt of a Physical Alteration Permit from the RIDOT prior to Preliminary Plan submittal.
4. Applicant shall rename the proposed roadway to the satisfaction of the Fire and Police Departments.
5. In conjunction with Veolia Water and the Public Works Department, the applicant shall submit the required \$500 review fee and conduct a flow analysis to determine the downstream sewer capacity prior to Preliminary Plan submission.
6. Applicant shall increase the proposed pavement width from 24' to 28'.
7. Sidewalks shall be installed on one side of the proposed roadway and shall extend from the proposed subdivision to Alpine Estates Drive on the northerly side of Scituate Avenue.
8. Payment of \$9,726.50 (1389.50 x 7 units) in Cranston Capital Facilities Impact fees at time of Final plat recording.
9. Payment of \$9,464 (1,352 x 7 units) in Western Cranston Water District Impact fees prior to Final plat recording.
10. Submittal of a Municipal Lien Certificate indicating that taxes on the subject parcel are up to date.
11. Fire hydrant installation to be shown on Preliminary Plan submittal.

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

### **Greening Lane**

Minor Subdivision-Preliminary Plan  
130 Greening Lane  
AP 11/5, Lot 765

Attorney Robert Murray, representing applicants Ronald R.S. and Jeanne P. Picerne, gave a brief description of the proposal to split the existing 25,972 sq. ft. lot to create one additional 8,830 sq. ft. building lot. Mr. Murray explained that the proposed common lot line does not meet Section XII D.4(a) of the Subdivision and Land Development Regulations which requires property lines to be substantially straight. The applicant has requested to deviate from this requirement so that 80 ft. of frontage can be maintained at the front property line as well at the 25 ft. front yard setback. He explained that the property could not be subdivided while keeping this common lot line straight without the need for a variance from the City's area and side yard setback requirements. Mandating a straight common lot line would leave less than the 10' required side yard setback between the existing home and the proposed house site. He stated that prudent subdivision practice necessitates the jog in the property line in order to avoid the need for any dimensional variances.

Mr. Murray also explained that the proposed configuration results in the need for a utility easement to be placed on the proposed lot to accommodate the existing sewer lateral which services the existing home. He stated the applicant will obtain a curb opening permit from the Public Works Department for the new driveway entrance.

No one from the public offered testimony on this application.

Mr. Rhodes then presented the Planning Department staff's Findings of Fact, which is attached and made part of these minutes. He stated that a waiver has been requested from the sidewalk provision. The proposed subdivision is located within a substantially built-out neighborhood that does not provide sidewalks. Given this, it is reasonable and prudent that sidewalks will not be necessary since there is no existing network with which to connect.

In response to the common lot line issue, the Chairman agreed with Mr. Murray's assertion that the proposed jog in the boundary is needed so as to ensure that proper frontage as well as lot width is provided. The lot cannot otherwise be corrected using a straight boundary without the need for a lot width variance from the Zoning Board of Review.

There being no further discussion, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Planning Commission unanimously voted to adopt the following Findings of Fact and to *approve* your application subject to the following conditions denoted below.

#### Findings of Fact

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 17, 2006 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 3.35 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 unit per acre".
3. The proposal is consistent with the frontage and area requirements of the City of Cranston Zoning Code. Mr. Kerry Anderson, Building Inspector / Zoning Officer, has determined that the proposal is consistent with the City of Cranston Zoning Code and that variances will not be required to accommodate the common lot line.
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 to Greening Lane, 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. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.
2. Coordination with Veolia Water for installation of needed street lateral and payment of applicable fees prior to issuance of certificate of occupancy.
3. Documentation from the Providence Water Supply Board confirming a resolution to the water main extension concern.
4. Provision of draft utility easement language over Parcel A for the benefit of Parcel B at the time of Final Plan submittal.
5. Final utility easement to be recorded at the time of plat recording, and Final approval will be handled administratively.

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

**Western Industrial Complex-Section 3 Phase 2**

Preliminary Reinstatement  
 Re-phasing and Final Approval Section 2H  
 Western Industrial Drive  
 AP 36/1, Lot 96

Attorney John Kupa representing the applicant, Western Industrial Complex, Inc., presented the application. He explained that the subject parcel is a medium size industrial complex located off Comstock Parkway. He stated that during the course of installing infrastructure improvements at the subject parcel, the conditional Preliminary Plan approval of October 7, 2003 lapsed. He stated that his client is now requesting a reinstatement of the October 7, 2003 approval. The applicant is also requesting approval of a re-phasing plan where in Phase 2-1, the applicant will record four lots on Daniel's Way.

No one from the public offered testimony on this application.

Mr. Rhodes then presented the Planning Department's Findings of Fact, which is attached and made part of these minutes. He stated that the applicant is requesting approval for three separate proposals as follows: 1) reinstatement of the October 7, 2003 conditional Preliminary Plan approval, 2) an amendment to the 2003 phasing plan that will allow the resulting lots to be recorded in a series of five phases as opposed to the singular phase originally proposed and, 3) Final approval to Phase 2-1 thereby allowing him to put the accompanying lots on record.

Mr. Schiappa, Public Works Director, requested that the unused water line referenced above be removed.

Mr. Rhodes then informed the Commission of the status of the October 7, 2003, Preliminary Plan Conditions of Approval as follows:

1. 2% Inspection fees of \$19,780 have been paid to the City of Cranston.
2. Sewer design has been approved by Veolia Water
3. Water system design has been approved by the Providence Water Supply Board
4. The Fire Department has approved the location of the Fire Hydrants installed on site.
5. 911 plans have been submitted and approved by the Engineering Division.

Since the original decision, revised plans have been distributed for additional review and comment. Highlights of the feedback received are as follows:

1. Providence Water Supply Board – Mr. Doug Hindley, Construction Manager forwarded correspondence to the City's Public's Works Director dated 02/06/06 confirming the installation and Providence Water's acceptance of an 8" water main extension along Daniels Way. In addition Mr. Hindley states that two new fire hydrants have been installed in Daniels Way at 430' and 840' west of its intersection with Western Industrial Drive.
2. Veolia Water – Mr. William Wilber, Collections Supervisor, forwarded separate correspondence to the City's Public Works Director and the applicant dated 10/04/04 and 02/07/06 respectively confirming Veolia's approval of the final sewer design plans and establishing a "punch list" of items that needed to be resolved prior to Veolia's final acceptance of the improvements which have since been constructed.
3. Public Works – Public Works Director, Marco Schiappa, P.E., responded in writing on March 3, 2006 noting the limited sewer capacity within the area and the subsequent need for language to be added to the individual property deeds advising that "sewer is available for domestic use only."
4. Engineering Division – Walter Skorupski of the Engineering Division responded in writing on March 3, 2006 noting the need for revised performance guarantees in the sum of \$199,000 for phase 2-1 and \$350,000 for Phase 2-3. The reduction in the performance guarantee amounts from the 2003 approval are a result of the fact that the applicant has constructed much of the needed infrastructure improvements since the October 7, 2003 Preliminary Approval. In addition Mr. Skorupski provided separate correspondence approving the 911 plan submittal.
5. Fire Department – Telephone conversation with Lt. T. Hawthorne of the Fire Department on March 7, 2006 confirmed the acceptability of the Fire Hydrant locations as constructed.
- 6.

Mr. Rhodes then referred to a water easement that exists on site, reflective of a previously proposed street layout. This easement is no longer necessary as the roadway has been relocated and the water service installed elsewhere. This previous easement does not need to be abandoned prior to recording of any of the applicable lots, however, so as to ensure that suitable building envelopes can be accommodated on those lots.

There being no further discussion the Planning Commission moved to a series of votes.

### **Preliminary Plan Reinstatement**

On the matter of Preliminary Plan Reinstatement, upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following Findings of Fact and to *reinstate* the Preliminary Plan approval granted by the Planning Commission on October 7, 2003, subject to the conditions denoted below.

#### Findings of Fact

1. The subdivision is consistent with the Comprehensive Plan and with the prior approval including all conditions attached thereto;
2. The Subdivision and Land Development Regulations are substantially the same as they were at the time of original approval;
3. The zoning of the subdivision parcel is substantially the same as it was at the time of the original approval;

4. Physical conditions on the subdivision parcel are substantially the same as they were at the time of the original approval (except for the installation of the planned infrastructure improvements); and
5. Applicable state or federal regulations are substantially the same as they were at the time of the original approval.

#### Conditions of Approval

1. Western Cranston Water District Impact Fees to be paid to the City at the time of building permit for each development parcel at the current rate at that time.
2. Performance Guarantees of \$199,000 for phase 2-1 and \$350,000 for phase 2-3 to be provided to the city prior to the respective phases individual recording.
3. Abandonment of the existing water easement crossing lots 5-8 prior to recording of phases 2-1, 2-2, or 2-3, and removal of the existing piping which is currently in the ground at this location.
4. That a conservation easement in favor of the city be placed over lot 21 at the time of phase 2-5s recording.
5. Land use restriction prohibiting construction of permanent structures be placed over lots 8 & 9 at the time of phase 2-3s recording.
6. Due to downstream sewer capacity limitations, only low-flow water users to be allowed and that the 5,600 GPD be adhered to until such time as these limitations are rectified.
7. That the applicant, his successors and/or assigns seek Land Development Project approval on any parcel that exceeds criteria described in Section 4A of the Subdivision and Land Development Regulations.
8. Language shall be added to individual deeds noting that sewer service is available for domestic use only; sewer service will not be provided for industrial use.

Aye votes: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland.

#### **Revised Phasing Plan**

On the matter of the Revised Phasing Plan, upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously voted to adopt the following Findings of Fact and *approve* the revised phasing plan without condition.

#### Findings of Fact

1. The revised phasing / sub-phasing plan does not alter the overall design or yield of the development.
2. The revision to the phasing plan is to allow the resulting lots to be recorded in a series of 5 sub-phases as opposed to the singular phase originally proposed.
3. This sub-phasing is intended to allow the applicant to develop the parcels at a slower rate than initially anticipated.

Aye votes: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland.

#### **Final Approval**

On the matter of Final Approval of Sub-Phase 2-1, upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to reiterate the findings of fact adopted by the Planning Commission at the Preliminary stage on October 7, 2003 and those adopted above and to approve the Final Plan for Sub-Phase 2-1 subject to the conditions denoted below.

### Conditions for Approval

1. That the Western Cranston Water District Impact Fee be paid to the City at the time of building permit for each development parcel at the current rate at that time.
2. Performance guarantees of \$199,000 to be provided for the Finance Director's approval prior to recording.
3. Abandonment of the existing water easement crossing lots 5-8 prior to recording of phases 2-1, 2-2, or 2-3, and removal of the existing piping which is currently in the ground at this location
4. Due to downstream sewer capacity limitations, only low-flow water users will be allowed and that the 5,600 GPD be adhered to until such time as these limitations are rectified.
5. Language to be added to individual deeds noting that sewer service is available for domestic use only, sewer service will not be provided for industrial use.
6. That the applicant, his successors and/or assigns seek Land Development Project approval on any parcel that exceeds criteria described in Section 4A of the Subdivision and Land Development Regulations.

Aye votes: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland.

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

In performing this month's review of Zoning Board Items, Mr. Rhodes noted that he had been working as directed with Planning Commission members, the City Solicitor's Office and neighboring communities to revise the staff's approach in conducting their review so as to address the concerns raised by the Commission and others over the past several months. In summarizing the outcome, he noted that consensus had been reached to focus staff's efforts on reviewing applications against Criteria (3) of R.I.G.L. 45-24-41 (c), which represents the staff's and the Commission's area of expertise, leaving the remaining criteria, which represents the Zoning Board of Review's area of expertise, to the Zoning Board of Review for their own consideration. Criteria (3) of R.I.G.L. 45-24-41 (c) "Standards for Variance" 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."*

In concluding the discussion, Mr. Rhodes noted that in the future all items addressing zoning variances will be reviewed in this fashion by the staff until instructed otherwise by the Commission.

**GARY LEVEILLEE 38 SEFTON DRIVE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to build a 12'X 34' two-story addition and a 12' X 34' deck to an existing legal non-conforming single family dwelling with restricted front and corner side- yard set back on **38 Sefton Drive**. AP 2/2, lot 2227, area 9387+/- 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 proposed addition is for residential purposes with a resulting density of 4.6 units per acre.
2. The Comprehensive Plan Future land use map allows for residential uses at densities greater than 8 units per acre.
3. The application conforms with the intent and purpose of the Comprehensive Plan.
4. The proposed deck will be 13.08 ft. from the Narragansett Blvd. property line.
5. The proposed front setback from Narragansett Blvd. is 10.12 ft., which is 5 feet less than the street average.
6. Sixteen other structures within 400 ft. of the subject property along Narragansett Blvd., exhibit similar restricted front yard setbacks.
7. The average setback of those structures is 15.5 ft. as measured on the City's GIS maps.
8. The application, if modified in conformance with recommended condition #2 below will not alter the general character of the surrounding area.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Planning 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. Eliminate the small 4.33' x 5.67' addition that is 10.12' from Narragansett Boulevard, and relocate the deck 2' to the east, so as to conform with the street's average front yard setbacks of 15.5 feet.

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

**JIRA REALTY INC 71 WOODLAND DRIVE SOUTH, SOUTH KINGSTOWN RI 02879 (OWN/APP)** has filed an application for permission to reconstruct two pre-existing roof top billboards destroyed by weather at **530 Wellington Avenue**. AP 3, lot 107, area 5.44+/- acres, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 Signs (K) Billboards.

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 Comprehensive Plan's Future Land Use Map, which identifies this area as industrial. The zoning ordinance permits billboards in an industrial zone.
2. The former rooftop billboards, (12' x 45'), installed in 1968, that were knocked down in a 2005 storm, could be replaced by right.
3. The proposed 2 new, larger billboards (14' x 48'), however, require additional approval, since they are 3 feet longer and 2 feet higher than what would be allowed by right.
4. Five other billboards of similar dimension either exist or have been approved on the same street.

5. The proposed billboards rooftop locations are more than 500' from other billboards on Wellington Ave., as required by ordinance.
6. The combined addition of 264 sq.ft. of signage in this industrial zone will not alter the character of the neighborhood.
7. 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.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend *approval* subject to 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.

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

**CHARLES AND JOANN JOHNSON 306 SCITUATE AVENUE CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to convert the attic area of an existing two-family dwelling into an additional dwelling unit with restricted frontage and front yard set back on an undersized lot at **71-73 Garden Street**. AP 6/1, lot 181, area 5825+/- 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 proposal will result in an onsite density of 22 units per acre.
2. The Comprehensive plan's Future Land Use Map allows for densities in excess of 8 units per acre.
3. The application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
4. The average lot size for the 5 existing legal 3 family units within the 400' radius is 6,563 S.F.
5. The proposal will result in a 3 family on a 5,825 S.F. lot, which is 11% smaller than those other legal non-conforming 3-family dwellings within the neighborhood.
6. Of the existing 5 legal non-conforming 3-family structures within the 400' radius, 2 are situated on 5,825 S.F. lots and 1 is situated on a 4,746 S.F. lot.
7. The average density per unit of the existing single, two, and three-family dwelling within the 400' radius is 5,451 sq. ft. per each unit. The proposal will result in a per unit density of 5,396 sq. ft.; a 1% reduction.
8. The application will not alter the general character of the neighborhood.
9. The property has been taxed as a 3-family structure since the 1984 revaluation.
10. The site plan submitted and approved by the City Traffic Engineer was not prepared by a Registered Land Surveyor, and contains apparent inaccuracies which call into question the ability to actually accommodate the required off-street parking spaces depicted on the plan. Upon an actual site visit, the Traffic Engineer has since retracted his previous approval, as the original plan submitted does not reflect the actual dimensions in the field.

Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Planning Commission unanimously voted to recommend *approval*, subject to 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 City Traffic Safety Engineer's review and approval of a site plan signed and stamped by a registered RI Professional Land Surveyor which depicts the necessary six off-street parking spaces.

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

**GLORIA J COHEN 66 CALAMAN ROAD CRANSTON RI 02910 (OWN/APP)** has filed an application for permission to build a 24' x 30' two story addition to an existing legal non-conforming single family dwelling with restricted front and rear and side yard setback at **66 Calaman Road**. AP 9/5, lot 2136, area 5866+/- 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 proposed addition does not change the density of the surrounding area, and will not impair the intent or purpose of the Comprehensive Plan.
2. Although the application states that this is just an addition to an existing single family unit, review of the floor plans indicate that the proposed structure could very easily be converted to a separate stand alone dwelling unit with the addition of kitchen appliances and sink to the unidentified room shown on the plan for the first floor, which already shows a "pantry closet".
3. The two story addition has a separate front entrance, 2 living rooms, 2 bedrooms, and two full bathrooms.
4. An analysis using the City's GIS System, indicates that the average rear yard set back for those properties located on the same block as the subject property is 30'.
5. This proposal will result in a 7' rear yard setback.
6. The application is therefore inconsistent with the general character of the neighborhood.

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend *denial* - In accordance with R.I.G.L. 45-24-14, the recommendation is for denial in that the resulting rear yard setback is inconsistent with the general character of the surrounding area.

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

**CARMINE AND FILOMENA ALBANESE 12 FORTINI STREET CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to leave an existing four unit dwelling with restricted front and side yard setback on a proposed 6400+/- SF undersized lot [parcel A] and build a new single family dwelling on the proposed remaining 6400+/- SF lot [parcel B] at **12 Fortini Street**. AP 12/2, lots 652, 653, 654, 655, area 12,800+/- 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 resulting density of the proposal will be 17 units per acre.
2. The Comprehensive Plan Future Land Use Map calls for a maximum of 8 units per acre.
3. The application therefore, is not consistent with the comprehensive Plan and approval of this application will impair its intent and purpose.
4. If appropriately zoned, the four family structure would require an area of 18,000 S.F.
5. The proposal will reduce the available area for the four unit structure by half, from 12,800 S.F. to 6,400 S.F., or approximately 1/3 of what would otherwise be required.
6. There are no other 4 unit dwellings within the 400 foot radius area.
7. The proposed parking plan was denied by the City's Traffic Engineer, as the necessary minimum driveway width of 12 feet for a multi family structure cannot be accommodated on the small 6,400 S.F. lot. (The site plan shows an 8.62' wide driveway).

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Planning Commission unanimously voted to recommend *denial* - In accordance with R.I.G.L. 45-24-41 the recommendation is for denial in that the proposal will impair the intent and purpose of the Comprehensive Plan.

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

*Note: The above findings and recommendation were based on the application as submitted. However, during the applicant's presentation to the Planning Commission, the attorney representing the owner stated that the 4-unit could be reduced to a 3-unit, thereby maintaining the current overall density of the 12,800 sq. ft. parcel. The Commission identifies however, that the application's request is to separate the parcels into two, 6,400 sq. ft. lots. Though the new single family lot's resulting density of 6.8 units per acre conforms to the Comprehensive Plan Future Land Use Map of less than 8 units per acre, the remaining 6,400 sq. ft. lot containing the proposed 3-unit will have a density of 20.4 units per acre, which does not conform to the Comprehensive Plan, and would therefore, not change the recommendation of denial.*

**WOODHAVEN CONDO ASSOCIATION 501 WOODHAVEN COURT CRANSTON RI 02920 (OWN) AND DAVID CLOXTON 110 LAKEVIEW ROAD CRANSTON RI 02920 (APP)** have filed an application pending minor subdivision, for permission to leave an existing residential condominium complex on a proposed 5.72+/- acres and combine lot 900 [4517+/- SF] with the proposed remaining 22,138+/- SF and build two new single family dwellings on proposed lot 1 [13236+/- SF] and proposed lot 2 [13419+/- SF] at **501 Woodhaven Court and Chase Avenue**. AP 15/1, Lots 668 and 900, area 5.84+/- acres, 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 proposed new lots are consistent with the City of Cranston Comprehensive Plan Future Land Use Map.

2. The resulting density on the two newly created lots fronting on Chase Ave. will be 3.25 residential units per acre which is consistent with the Future Land Use Map designation of "Residential" allowing 4-8 dwellings per acre.
3. The resulting density of the Woodhaven Condominium lots will be 9.4 residential units per acre which is consistent with the Future Land Use Map designation of "Residential" allowing more than 8 units per acre (8.4 units/acre is the current density).
4. The Chase Ave. lots will conform to the requirements of the A-8 zone and be consistent with the general character of the surrounding neighborhood, which was also developed in accordance with the A-8 requirements.
5. The proposal will only reduce the overall area of the Woodhaven parcel by 8.7% and therefore will not alter the character of the surrounding area.
6. On August 11, 2004, a similar application was denied by the Zoning Board, because that application eliminated a 40' buffer that was created by the original 1981 ZBR approval for the condominiums. This application maintains that buffer.
7. The necessary minor subdivision was given Preliminary approval by the Planning Commission on January 10, 2006.

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Planning 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: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

**RICHARD WHITTEN AND LINDA NATALE 87 ARNOLD AVENUE CRANSTON RI 02905 (OWN/APP)** have filed an application for permission to remove an existing 25' X 25' two car garage and build a new 23' X 57' two story structure with a two car garage and artist studio with restricted side and rear yard set back at **87 Arnold Avenue**. AP 2, lot 1741, area 9760+/- SF, zoned B-2. 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 original application, listed above, was heard by the Planning Commission in January 2006, but was continued, to allow the applicant the opportunity to revise his plans. The new plan is for a 25' x 42', 2-story structure with a two car garage. The new building is 20% smaller than the original proposal.
2. The application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
3. The proposed building resembles a carriage house, which does not alter the character of the surrounding area.
4. The proposed new structure will cover the existing garage's footprint but will extend an additional 17 feet towards the street.

5. The required rear yard setback is 20 feet, however, the proposed rear setback of 5 feet is the same as the now existing garage.
6. The revised proposal now meets the required side yard setback of 8 ft.

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

1. That the applicant enter 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: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

*Note: Planning Department staff member, Lynn Furney, thanked Mr. Whitten for his cooperation and willingness to work with the staff to produce a plan that both satisfies the needs of the applicant as well as conform to current Zoning Code regulations.*

**SOLID ROCK CHURCH 42 WEST STREET WEST WARWICK RI 02886 (OWN) AND OMNIPOINT HOLDINGS INC A WHOLLY-OWNED SUBSIDIARY OF T-MOBILE USA INC 50 VISION BOULEVARD E PROVIDENCE RI 02914 (APP)** have filed an application for special permit to build a 90'+/- flagpole style wireless communications tower with related facilities at **1753 Phenix Avenue**. AP 24, lot 4, area 4.07 acres, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.76.010 Telecommunications Facilities, 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 Planning Commission recommended denial at its November 9, 2005, meeting, since the applicant had not demonstrated that existing nearby facilities could not accommodate the service needed.
2. The City Code requires at least 2.5 miles of separation between towers greater than 75' in height; the proposed tower would be within 1.5, 1.75 and 2.3 miles of three previously existing facilities (A.P. 17 Lot 1, A.P. 28 Lot 66 and A.P. 20 Lot 3). However, a subsequent analysis submitted by the applicant states that the three towers listed above already have T-Mobile antennas on them, and cannot fill the gap in coverage in the vicinity of the Solid Rock Church.
3. The alternative site analysis presented by the applicant as required by Section 17.92.020.A.4.a.iii. of the Zoning Code, states that they examined the golf course at the Cranston Country Club, and the Fire Department Museum at the foot of Pippin Orchard Road as possible sites. The report states the reasons why neither site was suitable.
4. The proposed flagpole antennae will be located 90 feet from the abutting side residential property line, whereas a distance of 135' is required by code.
5. Nothing contained in the report's analysis supported the proposed location on the property, as opposed to an alternate, less visible location on the site.
6. Though a monopole style tower is specifically prohibited by the Zoning Code, the proposed antennae which will be concealed within the proposed flagpole, is a more acceptable design rather than the allowed lattice type tower.

7. The Zoning code states that communication towers that are located in a residential district shall have fencing comprised of wood or stone. The site plan shows an 8' high, 15' x 15' stockade fence enclosure, in the Church's front yard, which does not conform to the surrounding rural character.
8. A separate driveway leading to the monopole is proposed from Phenix Avenue, approximately 90 feet away from the existing driveway opening for the Church's parking lot. The same driveway opening to the Church's parking lot could be utilized to access the tower for routine maintenance, rather than a separate driveway and curb cut on Phenix Ave. as shown on the plans.
9. Given that the 90' monopole will be plainly visible from both Phenix Ave. and the residences in the surrounding area, the application will alter the general character of the surrounding rural area.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend *denial* of this application for the following reasons:

1. No documentation was submitted in the analysis report that would rule out an alternate location on the lot that would be less visually obtrusive.
2. the proposal is inconsistent with the general character of the surrounding area.

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

*Note: Mounting of the desired antennas on a purpose build steeple could offer a creative compromise between the carrier's service needs and the code's aesthetic concerns.*

**RICHARD J & HELGA M MATZKO 595 NATICK AVENUE CRANSTON RI 02920 (OWN) AND EASTERN PROPERTIES INC 23 BETTY POND ROAD SCITUATE RI 02831 (APP)** have filed an application, pending minor administrative subdivision, for permission to leave an existing single family dwelling on a proposed 218,116+/- SF lot with restricted frontage [parcel B] and build two new single family dwellings, with access from Briar Hill Drive, on remaining proposed parcels A and C at **595 Natick Avenue**. AP 22/4, lot 121, area 440.471+/- SF, zoned A-80. 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 gross density of approximately .29 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property as "Residential, less than one residential unit per acre."
2. Proposed Parcels A and C conform to the area and frontage requirements of the City of Cranston Zoning Code.
3. Parcel B will have no frontage on a public street, but the existing single family will continue to use a private roadway (a 30' wide access easement) for access to Natick Avenue. That private roadway is also shared by six other existing homes with nonconforming frontages. Parcel B therefore, will not alter the general character of the area, or impair the intent or purpose of the Comprehensive Plan.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend *approval*, subject to 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: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

### **PERFORMANCE GUARANTEES**

#### **Fox Ridge Estates – Extension of Letter of Credit**

Mr. Rhodes presented the content of the staff memorandum, dated February 3, 2006 and made part of these minutes. Fox Ridge Estates Section 2A and 2B is comprised of 29.95 acres, including 12.8 acres of RIDEM verified wetlands, that has been subdivided into 28 single family house lots and one detention pond lot. At the time of recording Citizens Bank Letters of Credit Numbers S900583 in the amount of \$84,500 and S900582 in the amount of \$17,250 were accepted by the City as performance guarantees for the installation of necessary infrastructure improvements.

Mr. Kenneth Ferranti, Fox Ridge Estates, LLC, was informed that these LOCs were set to expire on March 28, 2006 and subsequently provided extensions from Citizens Bank.

There being no further discussion, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the extension of Performance Guarantees for the Fox Ridge Development totaling \$101,750. Revised Letters of Credit from Citizens Bank are as follows: Letter of Credit No. S900583 Amendment No. 004 in the amount of \$84,500 and Letter of Credit No. S900582 Amendment No. 003 in the amount of \$17,250 have been extended to September 28, 2006.

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

#### **Pine Ridge Estates – Pending Letter of Credit Expiration April 4, 2006**

Mr. Rhodes presented the staff's memorandum, dated February 7, 2006 and made part of these minutes. He explained that on February 6, 2006 the Planning Commission reduced the value of the existing LOC#S901459 Amendment No. 002 to \$151,000 and informed the developer, Mr. Robert DiSciullo, of the LOCs pending expiration on April 9, 2006. Mr. DiSciullo subsequently provided the City with an extension of the existing LOC, Amendment No. 003.

There being no further discussion, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the extension of the Performance Guarantee for the Pine Ridge Estates Development Letter of Credit No. S901459 Amendment No. 003 in the amount of \$151,000 which is valid through April 9, 2007.

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

### **EXTENSIONS**

#### **Crestwood Estates - Preliminary Plan**

Mr. Rhodes explained that written correspondence from attorney John S. DiBona, dated February 3, 2006, requesting a one year extension of the Preliminary Plan approval granted to Crestwood Estates by the Planning Commission on April 5, 2005; due to expire on April 5, 2006. Mr. DiBona

noted that the need for the extension is due to an unexpected change in ownership of an abutting parcel, the inability to reach agreement with the new owner on provision of a critical utility easement, and the subsequent need for additional time to identify a feasible alternative.

There being no further discussion, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission, based on Section V (F) (3) (f) of the Cranston Subdivision and Land Development Regulations, found that the request is based on "good cause" and unanimously voted to *approve* a one year extension of time so that a feasible alternative may be reached with the abutting property owner on the provision of a critical utility easement.

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

Councilwoman McFarland left the meeting at 10:23 p.m.

### **CAPITAL BUDGET/IMPROVEMENT PLAN**

Mr. Rhodes began the presentation by summarizing the Final Draft Capital Budget and Improvement Program for 2006-2011, as well as the accompanying staff memo which identifies those departments which appear to be in need of additional bonding authority if the proposed improvements are to be funded (see attached).

No members of the public offered testimony on this issue.

Mr. Schiappa stated that some of the proposed bond referendum amounts will only sustain the Public Works Department for two years. Mr. Rhodes then confirmed Mr. Schiappa's observation noting that the analysis only considered projects proposed for initiation over the coming two years in recognition that there would be opportunity in the 2008 election year to once again consider the need for additional bonding authority through voter referendum.

There being no further discussion, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Planning Commission unanimously voted to *approve* the proposed Fiscal Years '06-'11 Capital Budget and Improvement Plan. The proposal will be sent to the Mayor's Office, as required by Section 13.04 of the City of Cranston Charter, for consideration and submittal to the City Council.

Aye votes: Mr. Petit, Mr. Devine, Mr. Rossi and Mr. Schiappa. There were no nay votes.

### **COMPREHENSIVE PLAN UPDATE**

Mr. Rhodes began this portion of the discussion by noting that the consultant has presented what they are considering the "Final Draft" product and is now requesting a "good faith" payment of one half of the remaining \$11,750 balance (\$80,000 contract - \$68,250 total payments = \$11,750). Mr. Rhodes further noted that his review of the "Final Draft" identified several major concerns with the content of the draft and recommended that additional payments not be made until the commission and the consultant resolve these issues.

At this point the Chairman noted that he shared the Director's concerns and recommended that:

1. Additional payments not be made to the consultant at this time.
2. A special meeting of the Commission be held on March 20, 2006, at the Central Library between the hours of 6 and 8 p.m. to begin discussing the content of the "Final Draft", needed changes and a course of action for working with the consultant to address these issues.

There being no further discussion the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Planning Commission unanimously voted to hold a special meeting on March 20, 2006 to discuss the "Final Draft" and to withhold further payments on the \$11,750 balance owed.

Aye votes: Mr. Petit, Mr. Devine, Mr. Rossi and Mr. Schiappa. There were no nay votes.

### **MISCELLANEOUS**

Mr. Rhodes stated that he welcomes any feedback on the new policy used in reviewing this month's Zoning Board of Review Items.

### **DATE AND TIME OF NEXT MEETINGS**

Special Meeting: Monday, March 20, 2006, 6-8 p.m. at the Central Public Library on Sockanosset Cross Road.

Next regular monthly meeting: Tuesday, April 4, 2006, 7 p.m., at the Cranston High School East Auditorium.

### **ADJOURNMENT**

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to adjourn at 10:37 p.m.

Respectfully submitted,

Jason M. Pezzullo  
Principal Planner/Secretary