

MINUTES

May 1, 2007

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

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

Also present were:

Peter S. Lapolla, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Vito Sciolto, City Solicitor
J. Resnick, Sr. Clerk

The following members of the public attended:

S. Torregrossa	Anthony Lupino	E. Vechemini
M. Vechemini	Franklyn Cooke	Harold Lawton
Gail Roy	John Belanger	Stephen Polselli
Joseph Lonardo	Alan Micale	Margoe Gearing
George Gearing	Dorothy Greene	Thomas Benst
Richie Zacharian	Frank Zaino	Robert Murray
Gary Pearce	Connie Daniels	John DiBona

MINUTES

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to *approve* the minutes of the April 3, 2007 and April 10, 2007 Planning Commission meetings.

ZONING BOARD OF REVIEW ITEMS

JOHN AND YOLANDA MCGUIRL 195 CONCORD AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application for permission to re-configure the interior [no footprint increase] of an existing legal non conforming two-family dwelling for a third 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; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.020 Continuance, 17.20.030 Schedule of Uses.

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. In March 2007, the Planning Commission recommended denial on the applicant's Zoning Board application for an accessory family apartment. The Planning Commission suggested that the applicant resubmit the application, and instead, request a variance for an additional unit (or units).
3. The house was constructed in 1962 as a duplex. A second floor addition was built in 1972, containing a family room, bedroom, and bathroom.
4. There are 15 two family houses (28%) out of 54 dwellings within the 400 ft. zoning notification radius.
5. The one other three family dwelling within the radius area is located across the street from the applicant's property.
6. 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 in the basement was installed without the benefit of an approved Zoning Variance.
7. The applicants currently reside on the entire first floor.
8. Assessor's records shows there are two existing units on the second floor.
9. Photographs taken on 3/5/07 show 4 mailboxes, suggesting 4 existing units, and not the two as listed in the application.
10. The Assessor's field card states there are 7 bedrooms total in the house (one-3BR unit on the first floor, one 2 BR unit, and one, 1 BR unit on the second floor, and one-1BR unit in the basement).
11. The survey shows the applicant's fence encroaches 6 ft. into the City's right-of-way for Lexington Ave.

Recommendation

The property has been taxed as a three unit since 1983 with no obvious detriment to the character of the neighborhood. Upon motion made by Mr. Devine and seconded by Mr. Delgado, 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. Remove the kitchen facilities in the basement's 4th unit.
3. Remove the fence located within the Lexington Ave. right-of-way and relocate it to the property line.

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

JANET AND FRANK SPINELLI 110 ALLEN AVENUE CRANSTON, RI 02910 (OWN/APP)
have filed an application for permission to convert an existing single-family dwelling into a 2-family dwelling with restricted front and corner side yard setback at **110 Allen Avenue**. AP 5/3

Lot 902, area 8544 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

Due to the fact that the application was filled out with the wrong assessor's lot number; it is the City Solicitor's opinion that the application should be corrected and re-advertised and rescheduled for the June hearing.

JOHN JACKSON 3 WYOMING DRIVE CUMBERLAND RI 02864 AVENUE (OWN/APP) has filed an application for permission to leave an existing 2 family dwelling with restricted frontage and front yard setback on an undersized [lot 838] and build a new single-family dwelling on the abutting undersized [lot 843] with restricted frontage at **90 Speck Avenue**. AP 6/4 Lot 838 & 843, area 9000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact:

1. The application's proposed density of 14.5 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 existing garage straddling the common lot line will be removed.
3. The total number of dwelling units within the 400' radius, including the single, two and multi-family dwellings, is 129 (58 single-family, 28 two-family, 1 three-family and 3 four family). The average density of these units is one per 4,380 square feet of lot area.. The applicant's entire proposal is considerably denser (1 unit per 3000 sq. ft.) than the existing residential development in the surrounding neighborhood.
4. The average lot area for the 28 two-family dwellings within the 400' ZBR notification radius is 5,787 square feet; whereas the applicant's 2 family will be left on a 4,500 sq. ft. lot, which is 1,287 sq. ft. smaller than the 2-family average lot area in the neighborhood.
5. Of the 28 two family dwellings within the radius, only 9 (32%) are on lots that are the same size or smaller than the applicant's proposal.
6. The average per unit density for the area's 2 family dwellings is 2,893 sq. ft. The applicant's proposal is denser (1 unit per 2,250 sq. ft.) than the existing 2 family development in the surrounding neighborhood.
7. The proposed 10.6 ft .driveway width for the existing 2 family dwelling does not meet the requirements of the zoning code, where a minimum 12 ft. driveway width for a two-family is required.
8. Section 17.64.010 F.1. of the Cranston Zoning Code states that driveways, aisles and spaces in all multi-family developments shall be so arranged that vehicles will leave and enter the street with a forward motion. The only parking area proposed for the two family is a 20' long driveway, which does not meet the Zoning Code.
9. Therefore, the first part of the zoning request, to leave the existing 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.
10. The average lot area for the 58 one-family dwellings within the 400' ZBR notification radius is 5,988 square feet; whereas the applicant's one family will be left on a 4,500 sq. ft. lot, which is 1,488 sq. ft. smaller than the average lot area for single-family dwellings in the neighborhood.
11. Therefore, the proposal to construct a single 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 Councilwoman McFarland and seconded by Mr. Delgado, 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.

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

SUBDIVISION AND LAND DEVELOPMENT PLANS

Equestrian Estates “Formerly Moses Plat” – Master Plan

Major Residential Planned Development with street extension
Laten Knight Road
AP 28, Lot 11

Peter Alviti, P.E., stated that a revised plan has been submitted addressing the four concerns from last month’s meeting: 1) the barn (arena) has been depicted on the revised plan, 2) a copy of the building permit has been submitted, 3) the 6-7 horses kept on the property is in accordance with current zoning law and, 4) historic aerial photos submitted indicate that the property has been used as a farm since 1939.

Mr. Alviti went on to state that the open space has been reconfigured to provide for 25% of the total land area; documentation of a 30 ft. easement (right-of-way) has been provided; waivers for street width and sidewalk provision are requested; and the applicant has applied for a Zoning Certificate.

Councilwoman McFarland asked about the location of the Tennessee Gas Line. Mr. Alviti informed her that it is not part of this proposal and will not be disturbed by this development.

Mr. Lapolla, Planning Director, asked for detail of the detention pond, and Mr. Alviti stated that the plan has been revised to provide for several smaller detention areas that are designed to keep the current, pre-development, storm flow. He further explained that the developer will extend public water from Pippin Orchard Road to this development. He reiterated last month’s concern in regard to the Western Cranston Water District (WCWD) and the need for this district to be extended. He stated that if the (WCWD) ordinance is not approved, the developer will provide individual wells for this development.

Mr. Alviti explained that the property is being developed under the Residential Planned Development (RPD) design in an effort to preserve open space on the property. He stated that the developer can subdivide into eight lots in the A-80 zone that would conform to the area and frontage requirements of the Cranston Zoning Code. The same number of lots are proposed on 30,000 sq. ft. lots.

Mr. Anthony Lupino expressed concern with the extension of the sewer and water lines, stating that “he hasn’t gotten answers from the City how this is being accomplished” and asked “what happens to the abutters”. Mr. Alviti responded that the developer will, at his expense and in accordance with City requirements, extend the lines. Once the City accepts the line it is owned by the City. He stated that area residents can apply to the Department of Public Works for connection. Mr. Lupino stated that Veolia Water has no responsibility for the sewer line and expressed his opinion that an agreement is needed as to who maintains the sewer line.

Area resident Sam Parente, 50 Lauren Ct., stated that he is opposed to “cluster zoning” and that the City should not consider cluster development. He cited the Comprehensive Plans’ desire to maintain the rural character of the western part of the City. He stated that “taxpayers pay higher taxes for two acre parcels to maintain peace and quiet”. He stated that the sewer line is needed to prevent well contamination, further stating that “at two acres, which would use 12 acres, leaving insufficient acreage for the livestock”. He expressed concern with ownership of common open space, stating that only two homes could be allowed.

Mr. Mike Vicedomini, 1040 Phenix Avenue, asked how close to the water the developer can build. Mr. Alviti responded that at the next phase (Preliminary Plan submittal) an Insignificant Alteration Permit will be required.

Mr. Frank Zaino stated that it was his understanding that the property is part of the local historic district and asked why area residents were not notified that the property was removed from the Historic Farm Route. He stated that the aesthetics of western Cranston are being disregarded. It is his opinion that public sewer and water should be extended to the Ridgewood subdivision. He further stated that Laten Knight Road is a ‘service road’, and the property does cross the Tennessee Gas Line.

Area residents Franklyn Cooke, Richard Therien and Harold Lawton also expressed their opposition to the proposal.

As no further public testimony was offered, Mr. Jason Pezzullo, Principal Planner, presented the Planning Department staff’s Findings of Fact. He stated that Mr. Alviti has addressed the concerns raised at last month’s meeting. He stated that there are four acres of commonly owned open space proposed, and the Public Works Department has no concern with the proposed detention channels. He stated that the RISE Line is not suitable for residential use, however, future tie-ins should be considered on a case-by-case basis. He further stated that there is potential for this property to be developed as a conventional subdivision if sewer and water cannot be extended on Laten Knight Road.

Councilwoman McFarland commented that the building official has not provided comment on this proposal and questioned whether the ordinance for extension of the WCWD has been written. She stated that there are “several areas of concern” on this proposal and asked that additional information be provided. Mr. Rossi and Mr. Devine expressed concern with the proposed sewer capacity and proposed extension. Mr. Devine questioned the 6-12 month WCWD study and how this “factors in to the evaluation”.

Mr. Pezzullo responded, stating that the Building Inspections Department will review this proposal for Building Permits. He further explained that the plan presented is a conceptual Master Plan and that more detailed water and sewer design will be required at the time of Preliminary Plan submittal. He stated that, conceptually, the plan presented conforms to the Cluster Development criteria.

At this time Mr. Lapolla stated that the previous property owner never went forward with making the property part of the Cranston Historic Farm Route. Apparently the application was withdrawn. He stated that the purpose of Cluster Development is to preserve open space by ‘clustering’ the same number of homes on smaller lots rather than larger lots; thus preserving open space.

Area resident, Sam Parente rebutted; stating that “the six future property owners are not present to decide how the open space will be used”. Mr. Pezzullo explained that whoever buys into the development will be doing so by choice.

Mr. Alviti stated that the subdivision association documents will “spell out” the fact that the open space will be used for the keeping of horses. He stated that 20,000 sq. ft. per animal can be leased for the purpose of raising animals.

In regard to the status of the property's Historic Farm Route designation, Ms. Lynn Furney, Senior Planner, stated that the previous property owner, Mr. Bierman, petitioned the City Council to have the property removed from the Local Historic Register because too many renovations had been made to the existing home, making the property ineligible for the National Register.

In closing, Mr. Alviti stated that the RISE Line was designed to provide public sewer to this area of western Cranston. He expressed frustration with the fact that many of the issues raised are not part of a Master Plan proposal but rather requirements of Preliminary Plan submittal. He further stated that Master Plan approval is required for RIDEM well approval. Mr. Alviti asked that if the Commission would rather see the property developed as a conventional subdivision to please make it known.

There being no further testimony, the Commission moved to a vote. Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *table* this proposal to the June 5, 2007 Planning Commission Meeting.

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

150 Unit Apartments-Natick and Phenix - Master Plan

Major Subdivision with street extension
Natick/Phenix Avenue
AP 19/1, Lot 3

Attorney John DiBona, representing the applicant, Anthony Delbonis, presented a rendering and explained the proposal to amend the zoning of this parcel from A-12 to C-2 in order to facilitate the construction of three multi-family structures, each with fifty apartments. He stated that ordinances have been submitted for a Comprehensive Plan amendment and change of zone. He stated that retail and commercial use on this property have been unsuccessfully proposed in the past. The property is buffered on three sides with wetlands. The proposal should have no impact on the schools as it is targeted to empty nesters as apartment units. Mr. DiBona went on to explain that one septic system is proposed, however, this is being "re-studied"; the City Engineering Division has suggested possibly one septic system per building. In closing, Mr. DiBona stated that a traffic signal is proposed at the Natick and Phenix Avenue intersection. He stated that retail and commercial use would only serve to increase traffic in the area. He stated that he is unsure at this time what will happen to the existing office building presently on site.

The applicant's traffic engineer, Sal Desmond, performed traffic counts at the Phenix/Natick/Route 37 ramp and also at the Wayland/Phenix Avenue intersection. He explained that he did a radar speed study, and traffic counts were expanded to the maximum anticipated. The results of the analysis indicate a Level of Service (LOS) F. He reiterated Mr. DiBona's statement that a traffic signal is proposed that would provide an acceptable Level of Service. He stated that the Route 37 LOS is poor, however, the existing traffic signal would be re-timed. He closed by stating that the number of parking spaces exceeds the requirement and that "traffic in the area will remain unchanged".

Councilwoman McFarland stated that the rendering presented did not reflect the rural character of western Cranston. She expressed concern with the 45 MPH assessment done, stating that most traffic exceeds that speed.

Joseph Lombardo, the applicant's planner, referred to the Comprehensive Plan, stating that the proposed density can be met in either a C-2 or B-2 zone. He stated that has "compacted" the housing to provide for more open space. In regard to site suitability, he stated that there is a mixed use there now, and it is his opinion that the proposal provides a transition. He stated that a village concept exists with the neighboring animal shelter and ice rink. He stated that the

proposal would provide balanced income level housing and is “in keeping with the Comprehensive Plan”.

Councilwoman McFarland rebutted on several points: 1) empty-nesters usually want one level living with a garage, 2) she asked if any units are affordable and, 3) she asked if this is a suitable site for this type of density and development, stating that the roadways need reconfiguring. She stated that the existing traffic light at the end of Route 37 was placed there “to right a wrong”.

Mr. Delgado questioned the capacity of the proposed septic system. Mr. Cataldo, P.E., responded, stating that the septic system proposal requires the approval of RIDEM.

Area resident, Mike Vicedomini, stated that he owns ten acres of adjacent hayfield and has animals across the street. He stated that he has had four automobiles “end up on his property”. He is concerned with existing wetlands on the property. Mrs. Vicedomini stated that her land is “right beside” the proposed development. She is concerned with the proposed density and resulting increased traffic, stating that “150 apartments will produce 300 cars”. She also expressed concern with sewer and water service to the development.

Mr. Lupino stated that most residents in western Cranston purchase a home and is concerned that the rental property will not be sustained. He asked if the developer would consider condominiums and possibly less density. He expressed concern with utilities, specifically, the gas line; the effect on water pressure; installation of sewers, the scale of the proposed driveway, and replacement of the traffic light. He would like to see less density and possibly condominium ownership.

Mr. Pezzullo stated that the Comprehensive Plan calls for 1-4 units per acre and that the applicant used calculations in the zoning code to produce the proposed density, however, no verified wetland edge has been submitted, therefore, we cannot calculate density. Development of this type is not called for by either the Comprehensive Plan nor is it allowed by zoning. Development in an A-12 Zone would produce a maximum of 47 single family house lots. He requested that the developer provide documentation as to why the property cannot be developed according to the Cranston Comprehensive Plan and the Cranston Zoning Code.

Mr. Lapolla asked if the proposed building that fronts on Phenix Avenue can be commercial. Mr. Lombardo stated that this type of development can be considered. Mr. Lapolla then stated that the site is “maxed out” by development. Mr. Lombardo stated that their will be “green space” but not necessarily usable space.

Mr. DiBona stated that flagged wetland delineation has been provided, along with a 350 parking space plan. Mr. Lapolla asked that the applicant reconsider the number of units as well as type of use for the property.

As no further public testimony was offered, Mr. Jason Pezzullo, Principal Planner, presented the Planning Department staff’s Findings of Fact and a review of the agency comments as follows:

1. Public Works / Engineering Division – Mr. Walter Skorupski reviewed the proposal with planning staff on 4/25/07 and stated that in his experience, the proposed septic design is impractical and has serious doubts that the proposed system could gain any approvals from State officials. He also stated that the proposed septic system abuts septic system associated with the abutting City Dog Pound located on AP 17/1, Lot 1.
2. Traffic Engineer – David Ferguson reviewed the proposal with planning staff on 4/25/07 and stated that access into the site will need to be located at the intersection with Natick Avenue at the proposed traffic light. He also stated that this project will necessitate the need to reprogram this traffic light for the anticipated traffic
3. Fire Department – Existing hydrants need to be shown on Natick Avenue.

Findings of Fact

This Master Plan application is in conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations.

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. The abutters within 100' have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for the public hearing was published in the April 25, 2007 edition of the Cranston Herald.
2. The proposed development will have permanent physical access to Phenix Avenue, an improved public street within the City of Cranston.

Premature Findings

3. The proposed land development will not result in the creation of an individual lot with such physical constraints to development that building on this lot according to pertinent regulations and building standards would be impracticable.
4. 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.
5. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.

Negative Findings

6. The proposed development and the resulting density of 10.08 residential units per acre is inconsistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential, allowing 1-4 units per acre".
7. The proposed multi-family development of 150 apartments does not comply with the standards and provisions of the A-12 single-family zoning designation as part of the City of Cranston Zoning Code.
8. It is unknown if significant negative environmental impacts will result from the proposed development as shown on the Master Plan since the applicant has not yet provided a RIDEM verified wetlands edge.
9. Natural wetlands have been identified on site but have not been verified by the RIDEM at this time. Significant cultural or historic features contributing to the attractiveness of the community have not yet been identified on site.
10. It is unknown if the proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *continue* the review of this Master Plan to the June 5, 2007 Planning Commission Meeting.

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

Town Homes of Niantic – Master Plan

Major Subdivision without street extension
411 Niantic Avenue
AP 6/4, Lot 1284

Attorney Robert Murray gave a brief overview of the project, stating that the subject site is the former Bowling Green Tavern. He explained that the project has had two review meetings with the Site Plan Review Committee. However, the project will also require a Comprehensive Plan amendment and zone change as it is currently zoned M-2. The plan presented will meet the density of either a B-2 or C-2 Zone; and the developer has proposed multi-family, residential use. He further stated that the project will require a Physical Alteration Permit from RIDOT.

Several area residents expressed their opinion on the project. Joseph Natale, 487 Niantic Avenue, stated that he is opposed to the proposed zone change. Ms. Deb Micali, 18 E. Spectacle Street, stated that she is concerned with condominium owners sub-leasing units, lack of green area and dumpster location as there is currently a rodent problem in the area. Chris Dole stated that he, too, is concerned with the dumpster and large trucks that have been allowed to park on the site as of late. He is opposed to the proposed condominium project.

Mr. Murray responded to these concerns, stating that as per Site Plan Review criteria, the proposed dumpster will be appropriately screened and fenced; and regularly scheduled dumpster pick-ups should mitigate the rodent problem. He stated that the developer is seeking only to re-zone his parcel, not the entire area.

Councilwoman McFarland asked that the condominium documents state that there will be no sub-leasing of the 12 proposed condominium units.

There being no further public testimony, Mr. Pezzullo presented the Planning Department staff's Findings of Fact. The proposed multi-family housing complex is not an allowed use in the neighborhood according to the Comprehensive Plan, Future Land Use and the City of Cranston Zoning Code. The Comp Plan designates this area as *Industrial* while the parcel has been zoned M-2 (Heavy Industrial) which prohibits housing of any density. He explained that analysis of the neighborhood reveals that the subject area is not truly industrial but rather a mix of commercial and residential. In addition, analysis of the Providence side of the neighborhood reveals a high-density residentially zoned neighborhood. Staff has come to a consensus that the zoning designation of Heavy Industrial does not properly serve the business or residential uses in the area. Since this area is already a mix of residential and commercial, staff feels that a down zoning to a C-2 designation; allowing single and multi-family residential by right, as well as commercial businesses, is appropriate. This action would make the existing commercial and residential uses found in this area conforming as well as enable the development of the multi-family condominium units.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Master Plan proposal (with a recommendation of approval for the proposed ordinance when it is submitted) subject to the conditions denoted below.

Findings of Fact

This Master Plan application is in conformance with required standards set forth in RIGL Section 45-23-60 as well as the City of Cranston's Subdivision and Land Development Regulations. At this time, however, staff can only make limited positive Findings of Fact due to the less stringent submittal requirements of the Master Plan stage. The remaining Findings of Fact (Premature) will be addressed by staff at the Preliminary Plan stage where the submittal requirements, including the recommended conditions of this approval, are more stringent.

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 first class mail on April 23, 2007 and the meeting agenda has been properly posted. Advertisement for this stage of review appeared in the April 25, 2007 edition of the Cranston Herald.
2. There are no significant cultural, historic or natural features that contribute to the attractiveness of the community on site.
3. Significant negative environmental impacts are not anticipated to result from the proposed development as it is residential in nature and will be serviced by public water and sewer.

4. The property in question provides adequate permanent physical access to Niantic Avenue, an improved public street which shares a boarder with the City of Providence.
5. The proposed major land development will not result in the creation of a lot with such physical constraints to development that building on this lot according to pertinent regulations and building standards would be impracticable.

Premature Finding

6. The design and location of roadways, building locations, utilities, surface water run-off and other improvements conform to local regulations for mitigation of flooding and soil erosion.
7. The proposed major land development provides for safe and adequate local circulation of pedestrian and vehicular through traffic, and for a suitable building sites.
8. The proposed major land development promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood, and will reflect its general characteristics.

Negative Findings

9. This proposed Major Land Development is inconsistent with the City of Cranston Comprehensive Plan's Future Land Use Map which calls for "Industrial" uses to be made of the property. However, staff is of the consensus that the current Comprehensive Plan designation of "Industrial" does not adequately reflect the mixed-use residential/commercial character of the neighborhood nor the exclusively residential character of the Providence side of Niantic Avenue.
10. The proposal is inconsistent with the requirements of the City of Cranston Zoning Code which designates this proposal as M-2 (Heavy Industrial). However, staff feels that this M-2 designation does not benefit the City in this area as almost all of the uses in the area are considered nonconforming to the Zoning Code. Staff feels that a down zoning of the property to C-2 would make the existing residential units conform to the Zoning Code while maintaining commercial business opportunities in the neighborhood.

Conditions of Approval

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

1. Payment of outstanding Master Plan Filing Fees of \$78.97 (mailing and advertisement fees) at the time of Preliminary Plan submission.
2. Obtain the necessary Comprehensive Plan amendment changing "Industrial" to "Commercial and Services" from the Cranston City Council.
3. Obtain the necessary Zone change from M-2 to C-2 to enable the development of multi-family units within this area.
4. Preliminary Approval from the City's Site Plan Review Committee required prior to Preliminary Major Land Development Plan submittal to the Planning Commission.
5. Preliminary Plan and Site Plan Review submissions shall denote the flow of the roof top drainage systems.
6. Preliminary Plan submittal with Planning Staff shall include Preliminary Sewer approval from Veolia Water.
7. Applicant shall provide a determination from the City Traffic Engineer at the Preliminary Plan submittal as to whether or not a traffic study will be required for this development.

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

Vendetti Plat – Preliminary Plan – Reinstatement

Minor Subdivision with street extension
Oxford Street/Lark Avenue
AP 7/4, Lots 3849, 2981, 1070-1075

Mr. Pezzullo explained that the staff has recently received correspondence, dated 4/5/07, from Mr. Michael Vendetti (owner) and Douglas Soscia (applicant) requesting a reinstatement of the Final Plan approval originally granted by the Planning Commission on 11/12/02.

Since the applicant did not formally request an extension of time for this approval, this approval has effectively expired requiring a reinstatement of the Final Plan application before the Planning Commission before they can record the Final Plan.

No public testimony was offered.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to adopt the following Findings of Fact, as they are in accordance with Section VIII. B. of the Cranston Subdivision and Land Development Regulations relating to the criteria needed for the granting of reinstatements, and *approve* the reinstatement of this Preliminary Plan 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; and
5. Applicable state or federal regulations are substantially the same as they were at the time of the original approval.

Conditions of Approval

This proposal is consistent with the standards for required Findings of Fact set forth in Section VIII. B. of the Cranston Subdivision and Land Development Regulations.

1. Payment of Capital Facilities Impact Fees of \$2,373.84 (593.46 x 4) at the time of Final Plat Recording.
2. Submission of a performance guarantee in the amount \$35,000 with a separate 2% administrative fee of \$700.00.
3. Approval of the sanitary sewer design by Veolia Water prior to Final Plat recording.
4. Confirmation of the publicly owned length of Oxford Street prior to Final Plat Recording. In the event that insufficient frontage exists, the applicant shall seek a variance from the Zoning Board of Review for Parcel 2.
5. Installation of guard rail at end of each road with pre-cast concrete curbing and a 1 ½ asphalt overlay from the point of disturbance resulting from this plat.

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

Gray Coach Estates, Phase 2 – Final Plan

Final Phasing of Project
Scituate Avenue
AP 36/3, Lot 54

Attorney Robert Murray stated that the project consists of 116 condominium units, and the applicant is requesting permission to record the Final Plan in phases as follows:

- Phase 2 Section 1 (2-1) Buildings 1 & 2
- Phase 2 Section 2 (2-2) Buildings 3, 8 & Office/Clubhouse
- Phase 2 Section 3 (2-3) Buildings 4, 5 & 10
- Phase 2 Section 4 (2-4) Building 6, 7, & 9

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the above sub-phasing proposal and empower the administrative officer to approve and record the subsequent phases.

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

PERFORMANCE GUARANTEES

Fox Ridge Estates #3 & #4

Request for Bond Release

Mr. Pezzullo explained that correspondence was received from Mr. Kenneth Ferranti requesting a release of existing Citizens Bank Letters of Credit Nos. S9005893 Amendment #5 in the amount of \$84,500 and S900582 Amendment #4 in the amount of \$17,250.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *release* the above referenced Letters of Credit; in accordance with the Engineering Divisions recommendation.

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

EXTENSIONS OF TIME

Farm House Lane – Master Plan

Residential Planned Development
AP 23, Lot 12 & AP 24, Lots 66 and 105

Mr. DiBona explained that the applicant is seeking an extension of time in order to secure the required permits from the RIDEM prior to Preliminary Plan submission.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* this request for an extension of time in accordance with Section V (F) (3) (f) of the Cranston Subdivision and Land Development Regulations based on ‘good cause’.

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

Lippitt Farm – Master Plan

Major Subdivision with street extension
Laten Knight Road
AP 30, Lot 250

Attorney Robert Murray explained that the applicant is requesting one more one-year extension of time in order to secure Subdivision Suitability approvals from the RIDEM prior to submission of the Preliminary Plan. He explained that the applicant had to wait until spring to obtain water readings. He stated that this should be the last extension of time needed.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the request for a one-year extension of time, to now expire on May 1, 2008; however, if the necessary approvals are not obtained within the next 12 months, any future attempt to extend the vesting rights of this Master Plan may not be approved since the subdivision regulations have changed substantially since this plan was originally approved.

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

MISCELLANEOUS

Mr. Lapolla stated that the Planning Department will be reviewing one chapter of the Draft Comprehensive Plan every two weeks in an effort to produce a final draft in the fall.

NEXT MEETING

Tuesday, June 5, 2007 at 7 p.m. at the

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adjourn at 11:30 p.m.

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary

