

MINUTES

May 3, 2011

Chairman Charles Rossi called the Planning Commission Meeting to order in the Planning Department Office, Room 309, at 7 p.m. The following Commission members were in attendance:

Charles Rossi, Chairman
Michael Smith
James Moran
Gene Nadeau
Mark Motte

Also present were:

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

APPROVAL OF MINUTES

The minutes of the April 5, 2011, Plan Commission Meeting will be approved next month.

PERFORMANCE GUARANTEE

Dynamic Estates

Minor Subdivision with street extension
1730 Plainfield Pike - AP 37, Lot 533
Reduction of Letter of Credit

The Plan Commission reviewed a request for reduction of the existing BankRI Letter of Credit #D8401 in the amount of \$31,000, which is set to expire on May 15, 2011.

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Plan Commission unanimously voted to *reduce* the existing \$31,000 by \$13,000, leaving a new balance of \$18,000 and to approve a two year extension of the new balance of \$18,000 to June of 2013.

If you have any questions or require further assistance, please do not hesitate to contact my office.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Nadeau and Mr. Smith. Nay votes: none.

Scituate Farms 4a & 4b

Scituate Avenue/Paliotta Parkway
AP 37/3, Lots 2,15,710
Bond Release Request

The Plan Commission reviewed a request for release of the existing cash bond in the amount of \$66,000.

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to *re/*lease the existing cash bond, in the amount of \$66,000, in its entirety, in accordance with the Public Works/Engineering Division recommendation.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith and Mr. Nadeau. Nay votes: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

NEW PROPERTY SOLUTIONS 41 HARRISON STREET PAWTUCKET RI 02860 (OWN) AND DOMENIC SIMONE 116 BATEMAN AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to operate a towing business and vehicle storage business from an existing former gasoline station building at **397 Dyer Avenue**. AP 8, Lot 2647, area 13,786+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.020 Special Permit, 17.20.120 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 proposed application is consistent with the Comprehensive Plan's 2010 Future Land Use Map, which designates this parcel and the surrounding area for Highway Commercial/Services.
2. Though towing and vehicle storage is not a specific category in the Zoning Code, it is allowed by special use, when associated with a gasoline service station, therefore is a less intensive use without the gasoline dispensary service.
3. The application does not contain enough square footage to trigger site plan review, however, a green landscaped buffer along the street property line, would be a positive addition to the non-aesthetic character of Dyer Ave.
4. Aerial photographs taken in 2010, and available on the internet, shows that the property was already being used for storage of over 40 vehicles, stacked end to end in junk yard fashion.
5. A photograph taken on 5/3/11 shows the vehicle storage area is surrounded by a chain link fence with barbed wire along the top of the fence.
6. The site plan submitted lays out 27 parking spaces.
7. The site is barren of any landscaping.

Recommendation: Upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board as the application is in conformance with the purposes and intent of the Comprehensive Plan, and with the following recommendations:

1. The number of stored vehicles be limited to the 27 spaces, as shown on the proposed site plan, to eliminate the availability and visual appearance of a junk yard.
2. Install an evergreen arborvitae buffer along the first 80 feet of the easterly lot line from Dyer Avenue along the chain link fence (abutting lot 18) in order to hide the vehicles being stored on the property, many of which may be vehicles involved in accidents.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Smith. Nays: none

PETER AND RITA IALONGO 169 CARPENTER STREET PROVIDENCE RI 02903 (OWN/APP) have filed an application for permission to relocate a driveway opening on a corner lot closer than 25 feet to the end of the radius curb at **249 Wildflower Drive**. AP 27/2, Lot 165, area 14,922+/- SF, zoned A-12. Applicant seeks relief from Section 17.92.020 Variance, 17.64.010 F, 3, Street Access.

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. A single family use for the property is consistent with the 2010 Comprehensive Plan Future Land Use Map.
2. The proposed location of the driveway is 7’ from the radius curb for Wildflower Drive and Paranam Drive, which is currently a paper street.
3. The city’s GIS aerial map shows that the house to the rear of the applicant’s property, that fronts on Peveril Road, has an existing driveway that has a restricted corner setback almost identical to the applicant’s request. No zoning variances were sought for the restricted driveway opening.
4. The GIS map also shows that the house on the opposite corner of Wildflower and Paranam Drive, also has a driveway located closer than the required 25’ to the radius curb. No zoning variance was sought for the restricted driveway opening.
5. Though not requested in the application, the site plan submitted shows the proposed covered front porch street setback is 51’-8” from the front property line, where 60’ is required on this street.
6. The house layout could be flipped, to locate the garage on the other side of the house, thereby eliminating the need for a zoning variance. The need for a variance is the applicant’s own making.
7. The lot is currently vacant.
8. The applicant stated on his application that the reason for the variance request is in the future, to be able to locate a pool near the rear deck, at the left rear corner of the house. The septic system is currently designed to be installed on the right rear of the property, thereby eliminating a pool installation in this location.
9. Photographs taken of the property show a storm drain catch basin with curbing on Wildflower Drive.
10. No catch basin is shown on the survey plan that was submitted with the application, therefore, it is not known whether the catch basin and curbing is in the proposed driveway location.

Recommendation: The Plan Commission recognizes that even though the need for a variance could be eliminated by reversing the house layout, there are 2 houses with corners on the same paper street (Paranam) that have restricted radius curb distances, so therefore, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the request will not alter the general character of the neighborhood, or hinder the intent or purpose of the Zoning Code or Comp Plan upon which the Code is based. Should the catch basin’s location fall within the proposed driveway, then the house layout should be flipped to locate the garage on the left side of the house as the foundation hole has not yet been dug.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Smith and Mr. Motte. Nay votes: none.

BENJAMIN MAIMONI 85 WOODLAND DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave a 397+/- SF attached sundeck to an existing single family home with restricted side yard setback on an undersized lot at **85 Woodland Avenue**. AP 37/2, Lot 81, area 6400+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) “Standards for Variance” which reads as follows: *“That the granting of the requested variance will not alter the*

general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

Findings of Fact:

1. The current residential use is consistent with the Comp Plan Future Land Use Map.
2. The existing 12' x 36' deck was constructed with a 6 inch side yard setback, where 10 ft. is required in this zone.
3. The deck was constructed without obtaining a building permit.
4. The site plan submitted states a 6' high PVC fence was installed on the new deck.
5. The City's GIS maps do not show the existing deck, but instead, a large evergreen tree or bush, in the new deck's location.
6. The City's GIS shows that there are no decks with restricted side yard setbacks within the 400' zoning radius of the applicant's property.
7. The GIS's measuring tool shows the abutting property owner's house is constructed with an 11 ft. side yard setback.
8. The house has a 36' rear yard setback, which is ample room to construct the same 12' wide deck without a variance, as the minimum rear yard setback in this zone is 20'.

Recommendation: The Commission finds that a deck constructed with a 6 inch side yard setback alters the general character of the neighborhood and impairs the intent and purpose of the Zoning Code. Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board. Had the variance request been submitted before the deck was constructed, the Commission would have recommended negatively on the request. The fact that the deck is up does not change the Commission's review. The deck could be moved to the rear yard.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Smith. Nays: none

CELESTE PROPERTIES LLC 90 SALEM AVENUE CRANSTON RI 02920 (OWN) AND MICHELLE BONOLLO 12 DIFAZIO DRIVE JOHNSTON RI 02919 (APP) have filed an application for permission to operate a hair and nail salon from an existing legal non-conforming building with restricted frontage, front and side yard set back and off street parking at **106 Phenix Avenue**. AP 12, Lot 3255, area 6,000+/- SF, zoned B-1. Applicant seeks relief from Section 17.92.020 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, Off-Street Parking 17.64.010.

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 commercial/service use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map., that designates this area of Phenix Avenue for Residential use.
2. The property has been used for various commercial businesses by variance since 1982. Most of those commercial uses had low generated parking needs.
3. The site plan submitted shows 3 existing off street parking spaces can be provided on the site, however, none of those spaces can accommodate egress in a forward motion.
4. The driveway opening for the handicap space along Phenix Avenue is only 7 ft. from the radius curb, where 25 ft. is required.
5. The floor plan for the salon shows 2 haircutting stations, 2 pedicure stations, and 2 manicure stations. The off-street parking spaces that are provided are insufficient for the number of customers that the business could accommodate, requiring customers and staff to park in the residential neighborhood, which alters the general character of the adjoining street.
6. The parking turnover need is greater for a hair and nail salon than for the former use as a retail floor covering business.

Recommendation: Based on the Findings of Fact, upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board, as the proposed commercial use is inconsistent with the Comprehensive Plan Future Land Use Map's residential designation for this area.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Smith. Nays: none

NOTORIANNI REALTY INC 178 PHENIX AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance for a proposed new bank branch with ATM and drive thru at **178 and 186 Phenix Avenue**. AP 12-5, Lot 211 & 2834, area 29,069+/- SF, zoned C-2. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The proposed bank with drive-thru is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Phenix Avenue for Highway Commercial.
2. The project received Preliminary Approval from the Site Plan Review Committee on December 1, 2010.
3. Total signage area permitted for this lot is 200 sq. ft. (100 sq. ft. for each street frontage, as the lot is located on the corner of Phenix Avenue and Weir Street.) The total area requested is for 148.56 sq. ft.
4. The maximum allowed area for a freestanding sign is 25 sq. ft. The request is for one, two-sided 5'-9 5/8" x 4'-1 3/4" sign that totals 48 Sq. ft. (92 % increase in area).
5. The area permitted for a wall sign is 30 sq. ft. The area for the "TD" wall sign that faces Weir Street is an allowed 29.37 sq. ft., and the total area for 2 wall signs that face Phenix Avenue is 63.19 sq. ft. (110 % increase on the Phenix Ave. building façade)
6. The maximum height allowed for a freestanding sign is 12', the proposed height is 15' (a 25% increase).
7. Two incidental signs on the property are 4 sq. ft. each, where 2 sq. ft. each is allowed.

Recommendation: Based on the fact that the total signage for the site is 26% less than what is allowed by code, the Plan Commission finds that one freestanding sign that measures 5'-9 5/8" x 4'-1 3/4" , and one additional wall sign that measures 10'-1 3/4" x 3'-4" , is not excessive, given the location of the property on a street that is designated for Highway Commercial use in the Comprehensive Plan. Upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Smith. Nays: none

ADJOURNMENT Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 7:40 p.m.

NEXT MEETING Tuesday, June 7, 2011

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

