

MINUTES

May 4, 2010

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

Charles Rossi, Chairman
James Moran, Vice Chairman
Richard Bernardo, Public Works Director
Michael Smith
Gene Nadeau
Mark Motte

Also present were:

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

The following members of the public attended: Kristen Catanzaro, Don Carcieri, John DiBona, Esq., Paul Plourde, Anthony Palmieri, Mirza Baigilacroix, Michael Davis, Peter LaPointe, Meg Fraser.

APPROVAL OF MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Planning Commission unanimously voted to *approve* the minutes of the April 6, 2010, and March 23, 2010, Planning Commission Meetings.

SUBDIVISION AND LAND DEVELOPMENT

Power Road Subdivision (Training School) – Preliminary Plan

Minor Subdivision with street extension
AP 14, Lot 15
(Continued from the April 6, 2010 agenda)

Mr. Lapolla announced that this application has been withdrawn by the applicant.

Lantern Hill Estates Phase II – Preliminary Plan ***(formerly know as Lippitt Hill Estates Phase II)***

Major Subdivision with street extension
AP 30/4, Lot 250
(Continued from the April 6, 2010 agenda)

Mr. Pezzullo announced that the applicant has asked that this matter be continued.

Upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Commission unanimously voted to continue this matter to the June 1, 2010, Planning Commission Meeting.

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

Replat of Dean Bodwell Plat – Record Lots 70-72 & 95-97

Preliminary Plan

Minor Subdivision without street extension

AP 17/2, Lot 1450

Plymouth Street and Curtis Street

Mr. Pezzullo stated that this matter is a “straight forward application”. The applicant proposes to subdivide the subject parcel and create two conforming lots for development. Lot A will contain the existing single-family home, have 10,680 sq. ft. of land area and front on Curtis Street. Lot B will have 8,520 sq. ft. of land area, front on Plymouth Avenue and will accommodate one additional single-family home. The proposed lots will be serviced by public water and sewer and conform to requirements of the Cranston Zoning Code. The area is zoned A-6.

No public comment was offered on this application.

Upon motion made by Mr. Motte and seconded by Mr. Bernardo, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Minor Subdivision application 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 first class mail on April 27, 2010 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 4.53 residential units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcel as “Residential” allowing 4-8 residential units per acre”.
3. The proposal is consistent with the Cranston Zoning Code.
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 on Plymouth Street and Curtis Street, improved public roadways 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. Provide a Municipal Lien Certificate for AP 17/2, Lot 1450 at the time of Final Plan application submittal.
2. Provide correspondence from the Providence Water Supply Board certifying that the water supply is adequate to service the proposed dwelling with the Final Plan application submittal.
3. Provide correspondence from Veolia Water certifying that there is adequate sewer capacity to service the proposed dwelling with the Final Plan application submittal.
4. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.

Aye Votes: Chairman Rossi, Mr. Moran, Mr. Motte, Nr. Nadeau, Mr. Bernardo and Mr. Smith. Nay Votes: none.

PERFORMANCE GUARANTEES

Dynamic Estates – Pending Bond Expiration and Bond Reduction Request

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to *continue* this matter to the June 1, 2010, Planning Commission Meeting.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Bernardo. There were no nay votes.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MARTHA G CUSSLER 50 COMMUNITY DRIVE CRANSTON RI 02905 (OWN/APP) has filed an application for permission to build a 5' X 20' covered porch with restricted side yard set back onto an existing legal non-conforming single family home at **50 Community Drive**. AP 4/5, lot 40, area 4687 +/-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 current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, more than 8 units per acre.
2. The existing street yard setback for the dwelling is 14.6'. The proposed setback is 11.1', which is 3'-6" less than the existing.
3. There are 20 corner lots located within the 400' Zoning notification radius. The City's GIS shows that 15 (75%) of those lots have restricted corner yard setbacks. Therefore, the applicant's proposed 11.1' street yard setback will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Code is based.
4. The proposed covered entrance has open sides, supported by 4 columns. (This does not interfere with corner visibility for motor vehicles on Community Drive or Homeside Drive.)

Recommendation: As the application is consistent with the Comprehensive Plan, upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Commission unanimously voted to

forward a positive recommendation on this application to the Zoning Board, 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.

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

SAINT PAULS CHURCH OF EDGEWOOD ONE ST PAUL PLACE CRANSTON RI 02905 (OWN) AND COX TMI WIRELESS LLC C/O MARK COOK C DAVIS ASSOCIATES 66-E CONCORD STREET WILMINGTON MA 01887 (APP) AND COX TMI WIRELESS LLC C/O MARK COOK C DAVIS ASSOCIATES 66-E CONCORD STREET WILMINGTON MA 01887 (LESSEE)

have filed an application for special permit to install wireless communication antennas within stealth turrets atop the bell tower at **1773 Broad Street**. AP 2, lot 1341, area .59 +/-acres, zoned B-2. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.030 Schedule of Uses, 17.76.010 (C) (I) (i) (iii) Telecommunications Facilities.

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 3 proposed panel antennas will be located on the corners, on the top of the existing church's steeple, and associated radio equipment cabinets will be located within the steeple. The panels will be located within new fiberglass stealth turrets to be constructed on the corners of the steeple.
2. Though the exterior appearance at the top of the Church's steeple will change; the application will not alter the character of the surrounding neighborhood or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Zoning ordinance is based.
3. Section 17.76.010 C.I. of the Cranston Zoning Code states:
Communication antennas not attached to a communication tower shall be permitted as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:
 - i. *The antennas are not higher than twenty-five (25) feet above the highest point of the structure;*
 - ii. *The antennas comply with applicable FCC and FAA regulations; and*
 - iii. *The antennas comply with all applicable zoning requirements and building codes, with the exception of the restriction pertaining to height limitations.*
4. As the antenna is not attached to a communication tower, and is located on top of the church steeple, the application could be considered a permitted accessory use.
5. The proposal is in accordance with Section 17.76.010.C.3.a. of the Cranston Zoning Code, which states "A reasonable effort shall be made to utilize existing structures for telecommunications antennae.
6. The application has no negative impact on the natural, cultural or scenic character of the City, therefore, the application is in conformance with the Comprehensive Plan, regarding those elements. However, the effect of the antenna, regarding the historic character of the building will be determined by the State Preservation Office.
7. Since the Church is a historic structure, the proposal requires Rhode Island Historic Preservation and Heritage Commission's approval, in accordance with Section 106 of the

National Historic Preservation Act. The RIHPHC has reviewed the proposed plans, but is waiting for more information, before giving a final decision

Recommendation: Upon motion made by Mr. Motte and seconded by Mr. Bernardo, the Commission unanimously voted to forward a positive recommendation to the Zoning Board for a Special Use Permit with the condition that no Building Permit be issued prior to a final approval by the Rhode Island Historic Preservation and Heritage Commission, in accordance with Section 106 of the National Historic Preservation Act.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo.

Nay votes: none.

848 PARK AVENUE ASSOCIATES LLC 1 BEACH STREET NARRAGANSETT RI 02882 (OWN/APP) has filed an application for permission to install additional signage than that allowed by ordinance including electronic L.E.D. message boards at **848 Park Avenue**. AP 9/5, lot 152 & 160, area 22,009+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signs.

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

Findings of Fact:

1. The current use is consistent with the Comprehensive Plan's Future Land Use map, that designates this property as Commercial and Services.
2. In November 2003, the Zoning Board granted a variance for the current uses of Restaurant, Theater, and Banquet facility, with the condition that the exterior façade of the building be subject to review and approval from the Cranston Historic District Commission.
3. The application is for 3 electronic message boards to be installed on the historic reconstruction of the original canopy over the front entrance.
4. The Cranston Historic District Commission reviewed the application at its April 20, 2010 meeting. The Commission found that the L.E.D. signs proposed for the sides of the canopy are out of scale with the dimensions of the historic canopy, and agreed to one 4' x 12' L.E.D. (no video images) marquee sign for the front of the canopy only, to which the applicant agreed. As a support system must be constructed, revised drawings are to be submitted to the Historic Commission for final review and approval prior to the Zoning Hearing.
5. The Zoning code allows a marquee sign of 25 sq. ft. The proposal approved by the Historic District Commission is for 45 sq. ft., (3'-9" x 12') which will not alter the historic appearance of the building's façade or the general character of the surrounding area. (The commission wanted verification that the added weight on the canopy will not cause any structural damage to the front wall façade or the canopy itself.)

Recommendation: Based on the tentative approval of the Historic District Commission, upon motion made by Mr. Nadeau and seconded by Mr. Motte the Planning Commission unanimously voted to forward a positive recommendation for one L.E.D. marquee sign with the following conditions:

1. The sign is not to exceed 3'-9" x 12', with no video display
2. The final design of the sign's support cabinet to be approved by the Historic Commission, prior to the application for a sign permit.
3. The applicant provide written engineering certification that the added weight on the canopy will not cause any structural damage to the wall (which is currently leaning forward) or to the canopy itself.

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

COLEVEST/CRANSTON LLC 360 BLOOMFIELD AVENUE SUITE 208 WINDSOR CT 06095 (OWN/APP) AND RHODE ISLAND CREDIT UNION 570 PONTIAC AVENUE CRANSTON RI 02920 (LESSEE) have filed an application for permission to add three drive-thru lanes including a canopy to an existing building at **570 Pontiac Avenue**. AP 5/2, lot 16, area 125,052 +/-SF, zoned C-3 and A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.28.010 Drive in uses B, 1, B3, 17.72.010 Signs Cranston code 8.12.130 Identification and location of trash containers.

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 building's use is consistent with the Comprehensive Plan's Future Land Use map, that designates the area that fronts on Pontiac Avenue as "Commercial and Services."
2. The portion of the property where the proposed drive-thru lanes will be located is in an area that is designated as "Residential" on the current Future Land Use Map. However, the proposed Future Land Use Map that has been approved by the Plan Commission, pending approval by the city Council, designates the entire lot as Neighborhood Commercial/Services.
3. The building is located within a C-3 zone, however, the abutting new Drive-thru will be located on an area of the lot that is zoned A-6.
4. A bank with a drive-thru is permitted in a C-3 zone, however, the building must be freestanding. The existing Credit Union is one of two businesses located within one Commercial building that was constructed in 1989.
5. The plan received Preliminary approval from the Site Plan Review Committee on April 14, 2010.
6. The parking and circulation plan has been approved by the City's Traffic Engineer.
7. The proposed wall sign is 2' x 27' = 54 sq.ft (30 sq. ft. is allowed by ordinance).

Recommendation: As the current building's use is consistent with the Comprehensive Plan's Future Land Use map, and the addition of a 54 sq. ft. sign and drive-thru will not alter the general character of the area, the Planning Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, 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.

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

ANTHONY AND BARBARA PALMIERI 15 CARRIAGE ROAD CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert a portion of an existing single family home into a family accessory apartment at **15 Carriage Road**. AP 18/1, lot 1676, area 10,780 +/-SF, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.24.010 Accessory Family Apartment.

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. Section 17.24.010 F.1. of the Cranston Zoning Code, states that an accessory family apartment shall be a minimum of 400 sq. ft. and a maximum of 600 sq. ft. in gross floor area. The apartment shall have no more than one bedroom. The proposed accessory family apartment shows 3 bedrooms on 3 levels, with a total of 1,361 sq. ft.
2. The remaining dwelling unit is 1288 sq. ft.
3. The building was constructed as a single family raised ranch house in 1978. The tax assessor’s field card shows the garage was converted to living space in 1991, and the dwelling had 2 kitchens, 2 living rooms, and 6 bedrooms. The property is being taxed as a 2 family. No zoning variance was obtained for the 2 family conversion.
4. Because of the square footage, the application cannot be considered an accessory family apartment, but instead, a full second unit.
5. The property currently is inconsistent with the Comprehensive Plan’s Future Land Use map, as the building’s current 2-family use on 10,780 sq. ft. exceeds the area’s designated land use density of “Residential, 4-8 units/acre.”
6. Every single house located within the 400’ zoning notification radius, is a single family. Therefore, the application for an additional unit in the dwelling would alter the general character of the neighborhood, and impair the intent or purpose of the Zoning Code, and the Comprehensive Plan upon which the Code is based.

Recommendation: The Commission makes no specific recommendation but notes that the application is inconsistent with the Comprehensive Plan Future Land Use Map, as the request exceeds the area’s designated residential land use density of 4-8 units/acre.

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

PAUL MATRULLO 1283 PARK AVENUE CRANSTON RI 02910 (OWN) AND JEFFERY MANZO AND KRISTEN CATANZARO 1525 MINERAL SPRING AVENUE NORTH PROVIDENCE RI 02904 (APP) have filed an application for permission to operate a restaurant serving alcohol [beer & wine] with restricted front, side and rear yard setback at **1283 Park Avenue**. AP 11/1, lot 139, area 7903+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.72.010 (1) Signs, 17.64.010 Off Street Parking.

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 restaurant use conforms to the Comprehensive Plan’s Future Land Use Map, which designates this area as commercial and services.
2. Restaurants serving alcohol are not allowed in C-1 or C-2 zoning districts. The Zoning Ordinance states in chapter 17.92.010 C.1., in granting a use variance, evidence must be entered into the record showing that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance.
3. The floor plan shows 31 seats for the restaurant, requiring 11 off-street parking spaces.
4. The floor plan shows an area of the restaurant devoted to take out, which would require additional parking spaces, because of the fast turnover.
5. The proposed parking plan has not been approved by the City’s Traffic Engineer.

6. The site plan submitted shows 10 parking spaces are being provided, however 3 of those spaces (#3, 7, and 4) do not conform to the zoning ordinance, that requires vehicles to leave the parking area in a forward motion, without backing onto a city street.
7. The travel aisle required between 90 degree parking spaces (#4 through 9) is 24' minimum. Only a 20' aisle is provided.
8. The GIS aerals show that the former business on the property used the City's street right-of-way for Old Park Avenue as 90 degree parking spaces.

Recommendation: Notwithstanding several of the negative findings of fact listed above, upon motion made by Mr. Bernardo and seconded by Mr. Moran, the Planning Commission finds that the application is in conformance with the Comprehensive Plan's Future Land Use Map that designates this area for commercial and services, and based upon that, unanimously voted that the application will not impair the intent or purpose of the Comprehensive Plan.

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

COMPREHENSIVE PLAN UPDATE

Update on City Council/Ordinance Committee Actions

Mr. Lapolla gave a brief overview of his memorandum in response to the City Council's proposal to change the 2010 Comprehensive Plans Future Land Use Map Land Use Classification on land located east of the intersection of Pippin Orchard and Laten Knight Roads from Single Family Residential, less than 1 unit per acre to Single Family Residential, 3.63 to 1 unit per acre. The change in Lane Use Classification would affect 18 parcels of land identified as AP 28, Lots 84, 74, 18, 87, 73, 75, 39, 58, 81, 82, 79, 85, 88, 76, 77, 1, 2 and 19. These parcels altogether comprise 89.1 acres and the change would mandate rezoning of the subject land to an A-20 Zoning Classification.

Chairman Rossi stated that the City Council's proposal makes "absolutely no sense". Mr. Lapolla noted that the City Council's proposal would warrant a Physical Impact Study. He stated that one hundred eight million dollars would have to be generated in taxes to support the Council's proposal.

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Planning Commission unanimously voted to send Mr. Lapolla's report (which is a part of these minutes and contained in the Planning Department Office) to the Ordinance Committee.

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

ADJOURNMENT

Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Commission unanimously voted to adjourn at 8 p.m.

NEXT REGULAR MEETING

Tuesday, June 1, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted.

Jason M. Pezzullo, AICP
Principal Planner/Secretary

