

## **MINUTES**

**November 6, 2007**

Chairman Petit called the Planning Commission Meeting to order at 7:13 p.m. in the City Council Chamber. The following Commission members were in attendance:

Paul M. Petit, Chairman  
Councilwoman Paula McFarland, Vice Chair  
Corsino Delgado, Finance Director  
Anthony Sylvia, P.E., Public Works Director  
Charles Rossi

Also present were:

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

The following members of the public attended:

Dennis DiPrete  
John Lanni  
Matthew Volpi  
Helen Correia  
Bob D'Amico, Esq.  
Robert Murray, Esq.  
Michael Abbott  
R. Gaudrzan  
S. Winkler  
Paul Marshall  
Richie Zackarian  
Frank Donahue

Peter Alviti  
Louis Ricci  
Richard Martin  
Elizabeth Mungan  
Anthony Sorrel  
John DiBona, Esq.  
Mario Olivelli  
J. Bentz  
Robert Smedberg  
Raymond Thibeauli  
Frank Zaino  
Aldo Testa

Ron Smith  
Richard Santamaria  
Sandra Barbeiro  
Pam Sheridan  
Tim Gaskin  
John Bolton, Esq.  
David Twombly  
C. Fagan  
Fred Rockefeller, Jr.  
Franklyn Cooke  
John Puleo

## **MINUTES**

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the minutes of the October 2, 2007, Planning Commission Meeting.

## **ORDINANCES**

**Ordinance #9-07-2** Amending Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Independence Way) and amending Phase II of the Final Overall District Plan for Jefferson at Independence Way

Attorney John Bolton announced that he is in the process of preparing correspondence for the City Solicitor asking that the petition be continued.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *continue* this petition.

### **ZONING BOARD OF REVIEW**

**CROWN PROPERTIES LLC 34 OAKDALE AVENUE JOHNSTON RI 02919 (OWN) AND CENTERPLAN DEVELOPMENT COMPANY CITY PLACE 1 34 FLOOR 185 ASYLUM STREET HARTFORD CT 06103 (APP)** have filed an application for permission to have additional signage than that allowed by ordinance at **1011 & 1015 Cranston Street**. AP 7/4, lots 3764 and 3765, area 5.04 +/- acres, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (4), B, 1, (b) 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 project received a Preliminary Approval on October 31, 2007 from the Site Plan Review Committee. The Committee chairman noted that the excessive signage needed zoning approval.
2. The signage is for a new 16,854 sq. ft. grocery store, and a 14,673 sq. ft. pharmacy.
3. The total square footage of signage permitted for each lot on this site is 200 sq. ft. each. (total 400 sq. ft.) The application is for a total of 655.43 sq. ft. of signage.
4. 233.01 sq. ft. of building (wall) signage is proposed for the pharmacy, where 30 sq. ft. is allowed by ordinance. The request is 770% larger than what is permitted.
5. 106.50 sq. ft. of building (wall) signage is proposed for the grocery store, where 30 sq. ft. is allowed by ordinance. The request is 355% larger than what is permitted.
6. 315.92 sq. ft. of freestanding pylon sign is proposed, where 35 sq. ft. is allowed by street frontage. The Rite Aid Pharmacy has street frontage on McCabe Street and Cranston Street, and the Aldi Food Market has frontage on McCabe Street. Therefore, a total of 105 sq. ft. of freestanding signage would be allowed for both lots. The applicant is requesting that all 315.92 sq. ft. of pylon sign be installed on the lot that fronts on Cranston Street.
7. The proposed 30' height for the pylon sign is double the permitted height by ordinance (15 ft. max. height).
8. A site visit conducted on 11/6/07 revealed that along Cranston Street several blocks from the subject property in both directions, no signs exceed the maximum 15' height restriction.

**Recommendation:** The Planning staff's recommendation of denial was not accepted by the Commission, but instead, upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to make no recommendation on this application.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**INTERSTATE TAX TITLE COMPANY INC 2 SWEET HILL DRIVE CUMBERLAND RI 02864 (OWN/APP)** has filed an application for permission to build a 24' X 44' single family home with restricted frontage on **Woodrow Avenue**. AP 15/1, Lot 649, area 8622 +/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

**Between 1959 and April 5, 1991, the property was under common ownership with the undersized, abutting lot # 650. The Planning staff's research revealed that in 1991, the abutting property was transferred without a zoning variance, and requests that the City Solicitor give an opinion on the legal zoning status of both lot 649, and the abutting non-conforming lot #650.**

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

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

Findings of Fact:

1. The application's proposed density of 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 4-8 residential units per acre".
2. Between 1959 and April 5, 1991, the property was under common ownership with the undersized, abutting lot #650.
3. On November 14, 1990, a Zoning Variance request to construct a single family on the subject lot #649, was denied by the Zoning Board. At the time, both contiguous lots (649 and 650) were under common ownership, with a single family located on lot #650.
4. On 6/19/91, abutting lot 650 was sold without the benefit of a Zoning variance for relief from the merger clause, leaving lot 650 as an undersized, 5,000 sq. ft. lot with a restricted side yard setback of approximately 3.5 feet for the existing single family.
5. In March 1992, a zoning variance application was withdrawn (to construct a single family on lot 649.)
6. Only 6 single family dwellings out of 43 dwellings located within the 400' radius (14%) are on lots that have less or the same size frontage as the applicant's 50 ft. frontage.
7. Therefore, the proposal to construct a 24' x 44' single family on a lot with sufficient area, but insufficient frontage, will alter the general character of the surrounding area, or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, 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. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**BENTER LLC 2121 ELMWOOD AVENUE WARWICK RI 02886 (OWN) AND AKKAPHOP ENTERPRISES LLC 53 WARNER STREET FALL RIVER MA 02720 (APP)** have filed an application for permission to operate a restaurant serving alcoholic beverages in an existing legal non-conforming mixed use building on an undersized lot with restricted rear yard setback and off street parking at **2212 Broad Street**. AP 1, lot 22, area 2812+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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 application's existing use of restaurant is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Commercial and Services.
2. A restaurant serving liquor is an allowed use in a C-3 zone.
3. The restaurant patrons may currently, bring their own liquor, therefore, alcohol is already being consumed on the premises.
4. In April 2004, the Planning Commission recommended denial for a zoning application for a liquor license and to add a fourth residential unit on the second floor of the building.
5. The building plans submitted shows the second and third floor of the building contains a total of 5 residential units, which is a violation of the Zoning denial of 2004.
6. There is another restaurant serving liquor within 120' of the applicant's property, and a large function hall (Shriners') serving liquor is located less than a quarter mile north of the applicant's property. Both of those restaurants have their own parking lots.
7. The existing restaurant has 29 seats, requiring 10 off-street parking spaces for the use alone.
8. The building has no off street parking for any of the other existing businesses (barber shop, ice cream shop, gift store, and 5 residential units) located within the same building.
9. The existing restricted rear yard setback of 6 feet, will not change.
10. The building conforms to the front and side yard setbacks. A 0 front and side yard setback is allowed in a C-3 zone.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, 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.

Note: The Planning Commission requests that the Zoning Enforcement Officer verify the number of existing residential units to determine whether a zoning violation exists, and to take steps to bring into conformance any violations that may be found.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**PAMELA A SHERIDAN AND ELIZABETH MANGAN (OWN) AND FEINSTEIN SCHOLAR DANCE ACADEMY 2145 BROAD STREET CRANSTON RI 02905 (APP) AND SANDRA BARBEIRO AND HELEN CORREIA 1 RIVER STREET 1B RIVERSIDE RI 02915 (LESSEE)**

have filed an application for permission to operate a dance studio from an existing legal non-conforming building with restricted frontage and off street parking on an undersized lot at **2145 Broad Street**. AP 1, lots 429, area 3632+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 F, 1, 3, I, 16 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 application's proposed use as a dance studio is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Commercial and Services.
2. The existing use, an antique shop, will still remain in operation in a smaller space in the building.
3. A dance studio is an allowed use in a C-3 zone.
4. The proposed site plan shows the site accommodating 6 off-street parking spaces. The City Traffic Engineer disapproved the parking plan submitted, as none of the spaces are legal.
5. The existing frontage on Broad Street is 30'
6. A 20 space parking lot for the Pawtuxet Baptist Church abuts the applicant's southerly lot line. The applicant has approached the Church to use their parking lot when the Church is not using them.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to recommend Approval, as the proposed dance studio will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance, and 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

*Note: The Commission suggests the applicant enter into a lease agreement with the Pawtuxet Baptist Church to use their parking spaces during times when there are no services or functions being held by the Church.*

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**CHARLES E. AND EVELYN ELIZABETH OSSO 125 BURBANK STREET CRANSTON RI 02910 (OWN/APP)** have filed an application for permission to leave an existing two family dwelling on a proposed 18,136 +/- SF lot and build a new 28' x 42' two story single family dwelling on the proposed remaining 13,150 +/- SF lot at 125 Burbank Street. AP 4/2, Lot 192, area 31,286 +/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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

Findings of Fact:

1. The proposed minor subdivision received a Preliminary approval from the Planning Commission on October 2, 2007.
2. The resulting density of 3.5 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 units per acre".

3. There are 69 residential buildings within the 400' zoning notification radius. Twelve of those dwellings are two family dwellings on lots that average 6,563 sq. ft. The proposed 2-family lot is almost three times larger than the other 2-family lots in the neighborhood.
4. The existing average density for the 12 other 2-family dwellings within the 400 foot radius is one unit per 3,281 square feet of lot area. The application is considerably less dense than the neighborhood average.
5. The proposal therefore, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend Approval with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**CHRISTOPHER J & SARA B WHITNEY 17 DALE AVENUE CRANSTON RI 02910 (OWN) AND RJS ACQUISITIONS LLC 24 SALT POND ROAD SUITE C-1 WAKEFIELD RI 02879 (APP)**

have filed an application for permission to leave an existing legal non-conforming single family dwelling on an undersized 4500+/- SF [lot 1819] with restricted frontage and build a new 32' X 42' single family dwelling on the abutting undersized 4500+/- SF [lot 1851] with restricted frontage at **17 Dale Avenue**. AP 5/3, lots 1819 and 1851, area 9000+/- 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 resulting density of 9.7 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 units per acre".
2. The average lot size for the 79 single family houses within the 400' zoning radius is 6,163 sq. ft. The subject lots are each 1,663 sq. ft. smaller than the neighborhood average single family lot area.
3. Within the 400' area of Dale Avenue, 14 out of 17 houses are larger than the applicant's lots.
4. The existing house on lot #1819 has an existing 12.1 ft. restricted front yard setback.
5. Though the proposed house meets the minimum yard setbacks, of the 79 single family house lots, 62 (78%) are on lots that are larger than the subject lots, and only 17 (21.5%) are on lots that are the same size or smaller than the applicant's lots. Therefore, the application alters the general character of the surrounding area, and impairs the intent and purpose of the zoning ordinance.

Recommendation: The Planning staff's recommendation of denial for this application was not accepted by the Commission, but instead, upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to recommend Approval with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances

relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

2. That drywells are installed to accommodate runoff, if the Public Works Director deems this is necessary, because of the amount of impervious surface on site.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**MICHAEL J VALELLI 350 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to build a new 26' X 34' single family dwelling with restricted frontage and front yard setback on **Loretta Street**. AP 11, Lots 190 & 191, area 10,000 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010B Merger of Contiguous Substandard Lots of Record.

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

Findings of Fact:

1. The application's proposed density of 4.3 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 parcel lies within a wetland and wetland buffer. The northwest corner of the house is located within the 50' wetland buffer, and will need a permit from RI Department of Environmental Management for construction of the proposed house.
3. The front yard setback will be decreased to 19', because of the location of wetlands on the rear of the lot.
4. All but 3 of the 29 developed house lots within the 400 foot zoning notification radius have frontages of 60 feet; however, the 12 undeveloped lots on the western side of Loretta Street where the applicant's lot is located, consist of pre-existing lots of record with 50 ft. frontages.
5. The eastern side of Loretta Street, (directly across from the subject lot) contains 6 duplexes, each on 6,000 sq. ft. lots.
6. The average lot size for the 22 single family homes within the 400' radius is 6,279 sq.ft. The subject lot is 3,721 sq. ft. larger than the average single family lot.
7. The subject lot's proposed density is far less dense than the 36 unit neighborhood average density of 5,159 sq. ft. per unit.
8. The proposal therefore, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend Approval with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia. Nay votes: none.

**MICHAEL J VALELLI 350 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to build a new 26' X 34' single family dwelling with restricted frontage and front yard setback on **Loretta Street**. AP 11, Lots 192 & 193, area 10,000 +/- SF,

zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010B Merger of Contiguous Substandard Lots of Record.

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

Findings of Fact:

1. The application's proposed density of 4.3 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 parcel lies within a wetland and wetland buffer. Approximately 60% of the house is located within the 50' wetland buffer, and will need a permit from RI Department of Environmental Management for construction of the proposed house.
3. The front yard setback will be decreased to 19', because of the location of wetlands on the rear of the lot.
4. All but 3 of the 29 developed house lots within the 400 foot zoning notification radius have frontages of 60 feet; however, all 12 undeveloped lots on the western side of Loretta Street where the applicant's lot is located, consist of pre-existing lots of record with 50 ft. frontages.
5. The eastern side of Loretta Street, (directly across from the subject lot) contains 6 duplexes, each on 6,000 sq. ft. lots.
6. The average lot size for the 22 single family homes within the 400' radius is 6,279 sq.ft. The subject lot is 3,721 sq. ft. larger than the average single family lot.
7. The subject lot's proposed density is far less dense than the 36 unit neighborhood average density of 5,159 sq. ft. per unit.
8. The proposal therefore, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to recommend Approval with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia. Nay votes: none.

**WILFRED AND ANNA LEPAGE 40 KNIGHT STREET CRANSTON RI 02920 (OWN) AND MATTHEW VOLPI 40 KNIGHT STREET CRANSTON RI 02920 (APP)** have filed an application for permission to leave an existing legal non-conforming single family dwelling on an undersized [lot 413] with restricted frontage and side yard setback at **40 Knight Street** and build a new 34' X 36' two story single family home with restricted frontage on the abutting undersized [lot 431] on **Briggs Street**. AP 8/1, lots 431 and 413, 10,000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010B Merger of Contiguous Substandard Lots of Record.

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

Findings of Fact:

1. The application's proposed density of 13 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. There are 37 single family dwellings within the 400' zoning notification radius. The average lot size for those dwellings is 5931.3 sq. ft.
3. Of those 37 single families, 24 (65%) are on lots that are the same size or smaller than the applicant's proposed new single family lot. Those same 24 lots have frontages that are the same length or less than the proposed new single family lot's frontage. The application for the proposed single family on 5,000 sq. ft. does not alter the general character of the neighborhood.
4. All tax assessor and planning department records indicate the existing house on 40 Knight Street is a 2-family house, since 1946, and not a single family as listed in the application.
5. There are 29 two family dwellings, 1 three family and 2 four family dwellings within the radius. The average lot size for the two families is 6,558.8 sq. ft.
6. Of those 29 two family dwellings, 20 (69%) are on lots that are smaller than the required area for a two family. (13 or 44.8% are on lots that are the same size or smaller than the applicant's proposed 5,000 sq. ft.)
7. Only 9 two family dwellings are on lots that conform to the zoning requirement (8000 sq. ft. or larger). The proposal therefore, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
8. The proposed rear yard setback for the new 1 family is 37' where 20' is required, leaving ample room to provide a 25' conforming front yard setback, rather than the 21' proposed setback.

Recommendation:

Upon motion made by Mr. Sylvia and seconded by Mr. Rossi, 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. Provide a 25' front yard setback from Briggs Street for the proposed new single family.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Councilwoman McFarland. Nay votes: none.

**SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Cranston Print Works**

Proposed Mixed-Use Planned District  
Cranston Street and Dyer Avenue

Attorney David Iglizzi explained that the developer is seeking the Planning Commission's input on the proposed Mixed-Use Planned District on the site of the Cranston Print Works. He stated that the project will require "major activity" by the City Council, and the developer is seeking funding from Rhode Island State Housing, namely the 'Keep Space Communities Initiative' Program.

Mr. David Twombly further explained that November 15, 2007, is the deadline for submittal of the developer's proposal to Rhode Island Housing for funding for this project that will encourage revitalization and integrate living/working space on the three properties currently owned by the

Cranston Print Works. He stated that portions of the proposed site are owned by the City. The developer would provide a lease option for the former meeting house, located on Dyer Avenue, which is slated to become a new branch public library. The developer will also seek tax credits as incentive to rehab and add on to the existing Cranston Fire Station (Station 3) at the corner of Cranston Street and Dyer Avenue.

Mr. Twombly went on to explain that a “good portion” of the site is in the Pocasset River Flood Plain. The developer plans to reactivate hydro power to service the site. The proposal is as follows:

- 58,000 sq. ft. of new neighborhood retail and office space,
- Approximately 90% of the 270,000 sq. ft. of mill space converted to 168 rental units with approximately 25% dedicated as affordable or workforce housing.
- Approximately 25,000 sq. ft. of the existing mill structures would be used as commercial space, including the home offices of Cranston Print Works, along with 6,000 sq. ft. of new commercial space.
- New residential construction is also included in the plan. Located on the southern portion of the main mill property, the re-use plan calls for the construction of 48 residential condominium units and 10 new work-live units located in 5 new duplex structures on either side of a new internal street called Printers Row. Approximately 25% of these units will be offered for home ownership as affordable and workforce housing.

Mr. Michael Abbott, architect, went on to elaborate that it is the developer’s intention to place the site on the National Register of Historic Places. He stated that there would be no exterior change, and the existing manufacturing use would remain. Two access points from Dyer Avenue are proposed, and the developer will reconstruct parts of the site demolished in the 1970’s. Eventually, the developer will extend the bike path to connect with the site; as well as add two additional bays to the Fire Station (Station 3) and create a “town green” with the mixed use surrounding. He presented examples of other projects completed by the developer.

Senior Planner, Lynn Furney, asked if the developer has considered designating the property a Local Historic District. This would enable tax credits issued sooner than a National Historic Register would. Mr. Abbott responded, stating that the developer would consider this suggestion.

Councilwoman McFarland responded to the proposal, stating that there is need for workforce housing in the area, and a proposal such as this would certainly enhance the area. She expressed her delight that a much needed public library branch is provided in the proposal and stated that she looks forward to working on this collaborative effort.

Commissioner Corsino Delgado asked if the developer has a time table for completion of the project. Mr. Twombly responded, stating that grants will be awarded some time in April, 2008. For Phase II the developer will seek a \$750,000 grant for regulatory issues. He stated that the Keep Space Communities Initiative is new in Rhode Island. He further stated that he anticipates the permitting process and traffic issues could take 1 to 1 ½ years to resolve.

Councilman Lupino inferred that the developer has been somewhat short-sighted in their failure to include the existing “row houses” on Dyer Avenue. He further suggested (in view of the inadequate and deplorable condition of the fire station) that rather than the proposed addition to the Cranston Street Fire Station, consideration be given to the total razing of the building and construction of a new Fire Station. In closing, he stated that he is in favor of the proposal.

Councilman Lanni expressed his support for the proposal as well, however, he asked that should a new fire station be built consideration be given to relocating the fire station to lessen the siren noise for the residents in that area.

Councilman Santamaria stepped forward and expressed his support for the project as well.

Mr. Twombly again addressed the Commission; asking that a letter of support be provided from the City for the developer's application to Rhode Island Housing. In response, Councilwoman McFarland urged her colleagues to send letters of support to Rhode Island Housing.

In summation, Planning Director, Peter Lapolla, stated that the proposed Mixed Planned District (MPD) will require ordinance approval. A 1.7 million dollar grant is expected to be provided from Rhode Island Housing, and the only approval required at this time is an affirmative vote by the Commission for him to provide a letter of the City's support for the project.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to authorize Mr. Lapolla to provide a letter of support for the proposed project to Rhode Island Housing.

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

### **Comstock Parkway Minor Subdivision – Preliminary Plan**

Minor subdivision with no street extension  
AP 36/4, Lot 46

Mr. Dennis DiPrete, P.E., project engineer, explained the applicants; A and R Realty Associates & Ronald R.S. Picerne and Robert DeBlois, Sr., Trustees, proposal to subdivide the existing 19.3 acre parcel into two lots. Proposed Lot 1 will be 1.97 acres and Lot 2 (the remainder) will be 17.31 acres. Both lots will have the required frontage on Comstock Parkway and lot area required in the M-1 Zone. Both lots will be serviced by public water and sewer.

Mr. Pezzullo reiterated that at this time there is no development planned for either proposed lot.

No public comment was offered on this proposal.

Upon motion made by Councilwoman McFarland and seconded by Mr. Delgado, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan submittal subject to conditions 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 by the applicant on 10/26/07 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 is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Industrial".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of 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 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 Comstock Parkway, 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. Impact fees for future development will be assessed at the time of building permit.
2. Future utilization of the site will require the applicant to appear before the Site Plan Review Committee.

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

#### **Equestrian Estates – Master Plan - *Continued***

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

Mr. Pezzullo explained the proposal to subdivide the 15.85 acre parcel into 8 lots; six new building lots, one lot for the existing home and one open space lot. All of the proposed building lots conform to the area and frontage requirements of the Cranston Zoning Code. The lots are proposed to be serviced by either public water (if available) or private wells and public sewer. The property is zoned A-80, requiring a 20,000 sq. ft. minimum lot size with 125 ft. frontage for single-family dwellings when developed as a Residential Planned District (RPD).

Mr. Pezzullo further explained that the matter of the use of the site as a horse farm has been at issue, however, he pointed out that the applicant has the right to develop the parcel as a cluster development (RPD) and board horses on the remaining open space land. He noted that 10 acres is required for the keeping of horses; and this proposal calls for the open space to be used for farming (the keeping of horses), however, the Planning Commission can specify how this open space is configured. He also reiterated that this cluster development will need either public water **or** public sewer to develop in this manner, therefore, approval of the proposed sewer design at the *Preliminary Plan* stage of review from Veolia Water is essential for the proposed layout.

Councilwoman McFarland asked if the current business use (keeping and riding of horses) would continue, and Mr. Pezzullo responded that it is the property owner's intent to continue the existing use. He further noted that the cluster development proposal would result in less roadway and infrastructure for the City to maintain and Mr. Lapolla reiterated that the proposal complies with the City's Subdivision and Land Development Regulations.

Mr. Rossi asked if future property owners would have access to the Open Space. Attorney John DiBona responded, stating that the homeowners would have a 1/7 ownership of the proposed 4 acres of Open Space; and this would be specified in the Homeowner's Association documents. Mr. Pezzullo further noted that all open space is not necessarily unused land and he stated that in many subdivisions previously approved by the Commission detention ponds are included as open space.

Councilwoman McFarland then asked if the proposed shared use of the open space is legal. City Solicitor, Vito Sciolto, responded; stating that at the time of the meeting he was not prepared to address the legality of this question. Commissioners Rossi and McFarland then presented a

hypothetical situation – that potentially seven future property owners each could bring their seven horses. Mr. Alviti, the project engineer, responded stating that this situation could be provided for in the Homeowner’s Association documents.

Mr. Pezzullo then stated that the Homeowners Association documents will be finalized at the Preliminary Plan submittal stage. Mr. DiBona offered to meet with Mr. Sciolto prior to the Preliminary submittal to work out the details of the Homeowners Association documents.

Mr. Sylvia, Public Works Director, commented that it is his opinion that the Commission is lacking a clear definition as to what constitutes open space. He then asked if the proposed roadway would be private. Mr. DiBona responded, stating that the roadway would be dedicated to the City, as is customary since all lots created require frontage on a public roadway.

Mr. Alviti explained that the developer is seeking to extend public water for the development. The public water option will still require the City Council to extend the Western Cranston Water District. In the meantime, if this option is not available to the developer, private wells are being explored and more testing will be completed. Private wells are expected to be a temporary solution until public water mains can be extended. He also reiterated that public sewer is proposed.

In regard to drainage, Mr. Alviti stated that the original plan proposed a single detention pond. The revised plan proposes three smaller facilities that will lie over the property lines. Mr. Sylvia asked who would maintain the basins, and Mr. Alviti replied that they would be maintained by the City.

Attorney Robert D’Amico, representing Mr. Frank Zaino, shared the concerns raised by Commissioners Rossi and McFarland. He claims that the proposed subdivision has been designed so that the developer can “carve out lots for sale and maintain his business”. He stated that he is concerned that this development proposal is non-conforming and will “de-value the properties on Lauren Court and Laten Knight Road.”. He further stated that the proposal is “illegal from a zoning standpoint and the developer is double-dipping”. Further, he questioned the Zoning Certificate issued by the Building Inspections Department that states only 15 horses can be kept on the property. He noted that the open space already contains one building, noting that the proposal provides four acres of open space but the developer needs these four acres to maintain and comply with the ten acre requirement for the keeping of horses.

Mr. D’Amico went on to mention the “critical shortage” of water in the Ridgewood development. He stated that “two more wells will be a detriment to the area as everyone is drawing from the same aquifer”.

Mr. Pezzullo responded to the water availability concern, stating that the developer is required to address this item at the time of Preliminary Plan submittal. Mr. Lapolla noted that RIDEM ISDS permits are required at the time of Preliminary Plan submittal as well.

Mr. D’Amico then requested the Commission to require both public water and public sewer service for the cluster proposal due to the “severe water shortage” in the area in question.

He further suggested that the conventional subdivision yield plan layout is more in keeping with the abutting two-acre parcels.

Mr. Lapolla responded, stating that the Subdivision Regulations and Land Development Regulations specify that it is the developer’s choice to develop an RPD provided the developer can successfully meet all of the RPD requirements.

Mr. Sylvia then requested that, going forward, all engineering concerns presented to the Planning Commission be done by a Rhode Island Registered Professional Engineer.

Councilwoman McFarland then expressed her concern with the aforementioned Zoning Certificate which stated that the property would not be used as a commercial site. Attorney DiBona rebutted, stating that the commercial use referred to is children's horseback riding for birthday parties. In closing, he asked the Commission to specifically consider if the proposal complies with Master Plan requirements for an RPD.

There being no further testimony, Mr. Pezzullo presented the Planning Department staff's report containing the required findings of fact and conditions of approval, which is attached and made part of these minutes.

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission moved to *approve* this Master Plan. However, since this vote was not a majority vote of the Planning Commission membership (6 members), it did not carry.

Aye votes: Chairman Petit, Mr. Sylvia and Mr. Delgado.  
Nay votes: Mr. Rossi and Councilwoman McFarland.

### **PERFORMANCE GUARANTEES**

#### **Pine Ridge Estates**

AP 35, Record Lots 14, 15 & 16  
Performance Guarantee Release

Mr. Pezzullo explained that correspondence was received from Mr. Robert DiScuillo requesting the release of existing Letter of Credit No.901459 in the amount of \$151,000.

Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to *release* the above referenced bond in its' entirety; in accordance with the Public Works Director's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

#### **Jefferson at Independence Way**

Major Land Development Project  
AP 37, Lot 12  
Performance Guarantee Release

Mr. Pezzullo explained that correspondence was received from Mr. John O'Connor requesting the release of existing U.S. Fidelity & Guaranty Co. Bond #TE5951 in the amount of \$152,000.

Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to release the above referenced bond in its' entirety; in accordance with the Public Works Director's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

#### **Glenham Park Phase 3**

Performance Guarantee Release Request

Mr. Pezzullo explained that correspondence was received from WFD Associates requesting the release of existing Letter of Credit No.S306179 (Amendment 003) in the amount of \$25,000.

Upon motion made by Councilwoman McFarland and seconded by Mr. Sylvia, the Commission unanimously voted to *table* their decision on this matter for one month; in accordance with the Public Works Department's recommendation, in order to allow the applicant sufficient time to complete the planned public improvements.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

### **COMPREHENSIVE PLAN UPDATE**

Mr. Lapolla stated that two elements of the Draft Comprehensive Plan have been revised and the staff is currently working on the third element, Open Space.

Councilwoman McFarland suggested the Commission hold separate meetings for hearing of the various elements of the Comprehensive Plan.

### **NEXT MEETING**

Tuesday, December 4, 2007, at 7 p.m. in the City Council Chamber.

### **ADJOURNMENT**

Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to adjourn at 10:45 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary