

MINUTES

September 12, 2006

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:08 p.m. He announced that as a courtesy to Attorney Andrew Teitz, the Bready/Najem Zoning Board of Review item would be heard first. The following Commission members were in attendance:

Chairman William Guglietta, Esq.
Marco Schiappa, P.E., Public Works Director
Stephen Devine
Charles Rossi

Also in attendance were:

Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Vito L. Sciolto, Esq., Asst. City Solicitor
Michael Glucksman, City Solicitor (8 p.m.-8:50 p.m.)
Joanne Resnick, Senior Clerk

The following members of the public attended:

Andrew Teitz, Esq.
Calvin Gudmonsén
Sanford Resnick, Esq.
John DiBona, Esq.

Patricia Russo
Ronald Smith
Syl Pauley, P.E.

Elizabeth Young
Ken Will
Robert Murray, Esq.

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the August 1, 2006 Planning Commission meeting.

ZONING BOARD OF REVIEW ITEM

CHERYL BREADY AND SAYED NAJEM C/O MARK CHARLSON ESQ. 928 PARK AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application for permission to build a 10' X 20' carport to an existing legal non-conforming single family dwelling with restricted frontage and side yard setback at **1 Sefton Drive** and build a 14' X 20' two-story addition and a 14' X 20' carport addition with a patio to an existing single family dwelling with restricted side and rear yard set back at **2 Sefton Drive**. AP 2/2, lots 3107 & 3924, area 23,038+/- SF, zoned A-12. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.080 Street Access, 17.20.070 More Than One Dwelling Structure on any Lot Prohibited, 17.60.010 Accessory Uses, 17.20.040 Conformance to District Regulations Required.

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 will not alter the legal non-conforming density or use of the property, and is consistent with, and will not impair, the intent or purpose of the Comprehensive Plan, which calls for residential use of the property.
2. The property abuts the Providence River, therefore, the proposed additions will require CRMC approval.
3. Neither lot has frontage on a City street. The lots are accessed over a 10 ft. wide, 132.5 feet long right of way easement from the dead end of Sefton Drive.
4. The proposed 10' x 20' carport addition to the northerly side of Unit #2 on lot 3107 will have a restricted side yard setback of 3.65 feet, where an 8 foot setback is required by the Zoning Code.
5. The 14' x 20' two story addition for unit #3 will have a .87 foot side yard setback. The location of this building is at the top of a 20' + high retaining wall. The addition therefore will have no effect on the abutting single family dwelling's restricted side yard setback.
6. The proposed patio pergola addition for unit #1 will have a restricted side yard setback of 6.4 feet.
7. Of the 35 residential structures within the 400' radius, 19 have accessory structures with similar or smaller setbacks; therefore, all of the proposed accessory additions do not alter the character of the neighborhood, or impair the intent or purpose of the Zoning Code.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, 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. Approval from the Fire Department verifying that emergency vehicles have sufficient area for access, as the proposed structures and landscape improvements reduce the paved areas between Unit 2 and Unit 3.
3. The applicant is to receive CRMC approval for the additions.
4. All three dwellings are to connect to the City's sewer system prior to the issuance of building permits for the proposed construction.

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

ORDINANCES AND PETITIONS

Petition to abandon a portion of Pettaconsett Avenue

Planning Director Jared Rhodes presented the petition to abandon a portion of Pettaconsett Avenue for parking and landscaping and his staff report, which is attached and made part of these minutes. Mr. Rhodes emphasized that the project is part of a larger proposal to redevelop the former Hoffacker Building site for retail use. The Hoffacker site last housed the Krispy Kreme Commissary and was the subject of a lease arrangement between the City and Jan Concepts, Inc. of 35 Sockanosset Crossroad. The new owners are PCII, TH1138 and SCCM, LLC.

Mr. Rhodes explained that this matter was originally on the August 1, 2006 Planning Commission Agenda. At that time the matter was continued to the September 12, 2006 Planning Commission

Meeting at the request of the applicant's attorney, Mr. Robert Murray. The reason for Mr. Murray's request was so as to allow sufficient time to secure the Providence Water Supply Board's (PWSB) confirmation of their approval of the new proposal. The property in question abuts AP 10, Lot 748 and 750 (the Hoffacker site) and is encumbered by a PWSB utility easement benefiting the City of Providence.

In addressing the Commission, Attorney Murray reiterated that the proposal is for the redevelopment of the Hoffacker site; stating that last month the project received a change in zoning designation, from M-2 to C-3. He stated that the day before this meeting (September 11, 2006) he did, in fact, meet with Mr. Gadoury of the PWSB. He further stated that the PWSB is in favor of the proposal and will forward written confirmation of same by the time of the Public Works Committee Meeting on Thursday, September 14, 2006. However, at the time of this meeting no written confirmation could be presented.

At this time Commissioner Charles Rossi questioned how the Commission should proceed as this matter was continued from last month's meeting, and the Commission is still not in receipt of written confirmation of PWSB's approval of the proposal.

Public Works Director, Marco Schiappa, stated that the planning issue at point is the City relinquishing the 60 ft. right-of-way. He stated that the Public Works Department is in favor of the proposal. Mr. Rhodes reiterated Mr. Schiappa's comment, stating that the Planning Department is in favor of the proposal as well. Mr. Rhodes further stated that if approved, the project will require Site Plan Review Committee approval.

At this point, Mr. Guglietta motioned to recommend approval, which was seconded by Mr. Mr. Schiappa. The motion did not prevail, however, as only three out of the four Planning Commission members in attendance voted in favor. Voting Aye were Chairman Guglietta, Mr. Schiappa and Mr. Devine. Voting nay was Mr. Rossi.

Discussion then ensued regarding the proper procedure for the Planning Department's recommendation on roadway abandonment proposals. Mr. Rhodes explained that the matter was continued from last month's meeting because another commission member requested confirmation of approval from the PWSB as well. At this point he asked Assistant City Solicitor Sciolto's opinion on the matter.

Mr. Sciolto cited *R.I.G.L. 45-23-63 (d) Votes. A decision by the planning board to approve any land development or subdivision application requires a vote for approval by a majority of the current planning board membership.* Mr. Sciolto also referenced the Cranston City Code which states that *"no action shall be taken" without majority vote of the Planning Commission.*

In the interest of time, the Commission decided to re-visit this matter following the hearings on Performance Guarantees.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Plainfield Pike Subdivision – Preliminary Plan

Minor Subdivision without street extension

1890 Plainfield Pike

AP 37, Lot 14

Mr. Rhodes began by stating that this application was originally placed on the Planning Commission's July 11, 2006 agenda. At that time the applicant requested that their application be continued to the September 12, 2006 Planning Commission Meeting. The applicant proposes to subdivide the existing lot, totaling 10.94 acres into two lots. Staff's issue is that the new lot line separating proposed Lot 1 from Lot 2 should be placed along the zoning designation boundary.

Mr. Rhodes explained that due to family health concerns, the applicant wishes to withdraw the application. A letter requesting withdrawal of the application has been received from the applicant's son, Dr. William Golini. However, Mr. Rhodes explained that a letter requesting withdrawal of the application must be submitted by the property owners; Dr. Golini's parents, Joseph E. and Antonia Della Golini.

As of this meeting, no letter signed by the property owners has been submitted. Therefore, upon motion made by Chairman Guglietta and seconded by Mr. Devine, the Commission unanimously voted to *continue* this application to the November 14, 2006 Planning Commission Meeting.

Voting Aye: Chairman Guglietta, Mr. Devine, Mr. Schiappa and Mr. Rossi. There were no nay votes.

Park Avenue Condominiums – Master Plan

Major Land Development Plan without street extension
1455 Park Avenue
AP 11/2, Lots 269, 2822 & 2823

Attorney Sanford Resnick, representing the applicant Brenda Swenson of 99 Metropolitan Avenue, explained the proposal to combine three record lots totaling 23,746 sq. ft. into one lot to include four (4) residential condominium units and one (1) 1,848 sq. ft. commercial condominium structure. He stated that the lines depicting the three land units will be removed from the Record Plan.

Mr. Syl Pauley, P.E., Civil Tech Engineering, then gave a brief overview of the project. He stated that the proposal provides adequate emergency vehicle access, as documented by the Cranston Fire Department. Underground Injection Control is proposed to capture rooftop drainage, as well as underground detention basins. The parcel will be serviced by City water and sewer, which will connect through the neighboring property through America Street. He also stated that sidewalks are proposed to be installed around the perimeter of the parking area.

Chairman Guglietta then asked for public comment. No members of the public offered testimony on this matter.

Jason Pezzullo, Principal Planner, presented the staff's findings, documented in his memorandum dated September 12, 2006, which is attached and made part of these minutes. He stated that the plan as presented is the third iteration of this proposal and that the applicant has worked closely with the staff to produce this second revised version of the plan.

Mr. Pezzullo then explained that the original proposal submitted by the applicant was for a mixed-use development with a retail/commercial building, situated in the rear of the property, and two residential buildings containing five (5) condominium units. This proposal did not provide adequate travel lanes, resulting in insufficient access for service and emergency vehicles. In addition, the staff felt that the placement of a commercial/retail building in the rear of the residential buildings was not the best configuration for the parcel.

The first revised plan removed the commercial/retail component entirely and increased the number of residential condominium to seven (7). This proposal, however, did not conform to the residential density requirements for multi-family development. The applicant did not wish to seek a variance from the Zoning Board of Review, therefore the plan required a second major revision.

The second revised plan has reduced the number of residential units to a total of four (4) and repositioned the proposed 1,848 sq. ft. retail building near the center of the property. The applicant is unable to situate this retail building closer to Park Avenue due to the fact that the existing two-family unit has already been converted to residential condominium units.

Mr. Pezzullo then summarized agency comments as follows: 1) Veolia Water has required a hydraulic capacity analysis to be performed to verify sufficient sewer capacity in the downstream sewer system. 2) The revised plan provides for the installation of paver blocks at the turn-around location depicted on the updated site plan, and the Fire Department is satisfied with this proposal. 3) Building Inspector, Kerry Anderson's, commented that the off-street loading area is not an ideal spot for the proposed retail units, however, parking spaces in close proximity to the structure are more important. Mr. Anderson advised that the applicant should be aware that there may be fire resistance requirements for exterior walls in close proximity to the lot lines. 4) Mr. Pezzullo stated that 14 parking spaces have been provided on the plan; eight (8) parking spaces of which are for the four residential condominium units.

Chairman Guglietta, as well as Public Works Director, Marco Schiappa, expressed concern with the proposed sewer connection through private property. Mr. Pauley explained that the existing two unit condominium complex in the front of the parcel is already connected to the sewer line in Park Avenue. The proposed new sewer line will be connected through private property to America Street and will be maintained by the condominium association. Mr. Rhodes added that the proposal to connect the new structures sewer line through America Street came from Veolia Water, namely Peter Connell; who would rather not have traffic disrupted on Park Avenue.

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

Findings of Fact

The Planning Commission has reviewed this Master Plan application in conformance with the required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

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 June 26, 2006 and again on August 28, 2006, and the meeting agenda has been properly posted. Advertisement for this stage of review appeared in the June 29, 2006 edition of the Cranston Herald. An additional advertisement was not required because the Master Plan review was publicly continued to the September 12, 2006 meeting.
2. This proposed Major Land Development is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which calls for "Commercial and Service" uses to be made of the property.
3. The proposal is consistent with the requirements of the City of Cranston Zoning Code and will not impair its intent or purpose or alter the general character of the surrounding area.
4. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood, and will reflect its general characteristics.
6. Significant negative environmental impacts are not anticipated to result from the proposed development as the applicant has received the required Underground Injection Control (UIC) permit from the Rhode Island Department of Environmental Management (RIDEM).
7. The property in question provides adequate permanent physical access to Park Avenue, an improved public street within the City of Cranston.

8. 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.
9. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, and for suitable building sites.

Premature Finding

10. It is uncertain at the Master Plan stage of development whether the design and location of streets, building lots, utilities, adequate surface water run-off and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

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

1. Preliminary Approval from the City's Site Plan Review Committee required prior to Preliminary Land Development Plan submittal to the Planning Commission.
2. Preliminary Plan and Site Plan Review submissions shall denote the flow of the roof top drainage systems.
3. Preliminary Plan submittal shall address all of the outstanding items from Veolia Water's correspondence dated 8/23/06. In addition, applicant shall obtain Preliminary Plan approval from Veolia Water prior to Preliminary Plan submittal with planning staff.
4. Provide signed private easement agreement for installation of sewers across AP 8/1, Lot 2431 and AP 11, Lot 268 at Preliminary Plan submittal.
5. Preliminary Plan submission shall denote the number of units proposed for the commercial/retail structure.
6. Existing zoning boundaries and the correct property owners in the surrounding area shall be properly shown on the plan.
7. Street Index to be added to the record plan of the plan set.
8. Payment of Eastern Cranston Capital Facilities Impact Fees of \$1,186.92 (\$593.46 x 2) at the time of Final plat recording.
9. 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.
10. Ownership/maintenance agreement for proposed sewer connection through private property to be provided at the time of Preliminary Plan submittal.

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

**53 Boxwood Avenue – Preliminary Plan
Minor Subdivision without street extension
AP 5/3, Lot 1391**

Attorney Robert Murray, representing the applicant, Elizabeth R. Young, requested that the Zoning Board of Review application as well as the Minor Subdivision proposal be heard as one. He went on to explain the proposal to subdivide the existing record lot of 11,875 sq. ft. into two lots; Parcel A will contain the existing single-family home on 6,033 sq. ft. and proposed Parcel B will have 5,843 sq. ft., 167 sq. ft. less than the required 6,000 sq. ft. in the single-family A-6 zone. Both lots will conform to the frontage requirements of the Cranston Zoning Code and will be serviced by public water and sewer. Mr. Murray stated that although Parcel B will be 167 sq. ft. short of the required 6,000 sq. ft., it is in excess of the average single-family lots in the surrounding area.

Chairman Guglietta then asked for public comment. No members of the public offered testimony on this matter.

Mr. Rhodes then presented the staff's findings, documented in his memorandum dated September 12, 2006, which is attached and made part of these minutes. He reiterated agency comments as follows: 1) The property owner of the proposed lot will need to contact Veolia Water in order to schedule the new street lateral installation. 2) The Building Inspector, Kerry Anderson, in written correspondence dated August 22, 2006, stated that if the subdivision is approved, the applicant will need to obtain a dimensional variance from the Zoning Board of Review prior to Final Plan approval.

Mr. Rhodes explained that the staff's analysis of the 400 ft. Zoning Board of Review notification radius found that the average land area provided for each unit is 5,377 square feet. For the 123 single-family units, the average lot size is 5,680 square feet. Additionally, 89 of the 123 single-family units, or 72%, are situated on lots smaller than the proposed 5,843 square foot area of Parcel B. Therefore, proposed Parcel B is 466 square feet larger than the average land area provided for all 136 units and is 163 square feet larger than the average lot size for the 123 single-family units.

In conclusion, Mr. Rhodes stated that the application is very straight forward, and all Findings of Fact have been positive.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Devine and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* this Minor Subdivision; with waiver for sidewalk provision, subject to the following conditions.

Findings of Fact

The Planning Commission has reviewed this Preliminary Plan application in conformance with the required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

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 8/28/06 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 7.3 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" and therefore will not impair or alter its intent or purpose.
3. The proposal to create one additional nonconforming lot is inconsistent with the City of Cranston Zoning Code's area requirement for parcel size. However, Parcel B is 466 square feet larger than the average land area provided for all 136 units within the 400' ZBR notification radius and is 163 square feet larger than the average lot size for the 123 single-family units. Therefore, the application will not alter the general character of the neighborhood nor impair the intent or purpose of the Zoning Code.
4. The property in question has adequate permanent physical access to Boxwood Avenue, an improved public roadway located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.

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. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
10. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.

Conditions of Approval

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

1. Applicant shall obtain the necessary dimensional relief from the Zoning Board of Review prior to Final Plan submittal.
2. Coordinate with Veolia Water for the needed street lateral.
3. Final record plan shall not depict proposed structures or lot improvements.
4. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.
5. Final Plan approval shall be handled administratively.

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

ZONING BOARD OF REVIEW ITEMS

IDELLE DRESS 69 COMMUNITY DRIVE CRANSTON RI 02905 (OWN) AND CHAMPION PATIO ROOMS 15 CENTER OF NEW ENGLAND BLVD COVENTRY RI 02816 (APP) have filed an application for permission to build a 15' X 15' three seasons room addition including a 5' deck to an existing legal non-conforming single family dwelling with restricted front and side yard set back at **69 Community Drive**. AP 4, lots 91, area 6,600+/- 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 Cranston Comprehensive Plan Future Land Use map calls for residential uses to be made of the property and therefore the existing dwelling and proposed additions do not impair its intent or purpose.
2. The house has an existing 20' restricted front yard setback and a 4' restricted side yard setback.
3. The proposed addition will be constructed at the rear of the house and will meet all required setbacks.
4. The site plan submitted does not show the individual location of the proposed deck, however the application narrative states that the proposed 15' x 15' addition consists of a 10' x 10' sunroom with a 5' deck located along two sides of the new addition.
5. The proposed addition will increase the pre-existing legal, non-conforming lot coverage by 3%.

6. The proposed addition will not be visible from the street, and meets all required setbacks, and therefore, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Code.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* of this application subject to the following:

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 Guglietta, Mr. Rossi, Mr. Schiappa and Mr. Devine. There were no nay votes.

ELIZABETH R YOUNG 53 BOXWOOD AVENUE CRANSTON RI 02920 (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 single family dwelling on a proposed 6033+/- SF lot [parcel "A"] and build a new 40' x 38' single family dwelling on the remaining proposed 5843+/- SF undersized lot [parcel "B"] at **53 Boxwood Avenue**. AP 5/3, lots 1391, area 11,876+/- 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 application will result in a density of 7.3 residential units per acre for both the existing single family and the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
2. The proposed minor subdivision received a preliminary approval from the Planning Commission on September 12, 2006.
3. There are 123 single-family, 5 two-family, and 1 three-family dwelling units located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit is 5,377 square feet.
4. The average lot size for the 123 single-family units is 5,680 square feet.
5. 89 of the 123 single-family units, or 72%, are situated on lots smaller than the proposed 5,843 square foot area of Parcel B.
6. The proposed single family dwelling meets all required yard setbacks.
7. Parcel B is 163 square feet larger than the average lot size for the 123 single-family units; therefore, though undersized, the proposal does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, 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 Guglietta, Mr. Devine, Mr. Schiappa and Mr. Rossi. There were no nay votes.

MATHEW MARCHETTI 229 FARMINGTON AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming two-family dwelling on an undersized 6400+/- sf parcel, lots [1736 & 1737] with restricted front yard setback at **229 Farmington Avenue** and leave an existing legal non-conforming one-family dwelling on an undersized 4320+/- sf lot [1733] with restricted frontage, front and corner side-yard set back at **241 Farmington Avenue** and build a new two-story two-family dwelling on the abutting undersized lots [1734 & 1735] on **Farmington Avenue**. AP 8/4, lots 1733, 1734, 1735, 1736 and 1737, area 17,120+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.090 Specific Requirements.

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 advertised application noted above lists the square footages for the parcels as 4,320 s.f. for the single family and 6,400 s.f. for the existing two-family. The survey plan submitted shows the single family is on a 4,284 s.f. lot (#1733), and the existing two family parcel will contain 7,200 s.f. (lots #1736 & 1737). The findings and recommendation are based on the square footages shown in the stamped survey plan.
2. The application as a whole, will result in a density of 11.55 residential units per acre. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
3. There are 56 single-family, 38 two-family, and 5 three-family dwellings located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit is 3,734.8 square feet.
4. The average lot size for the 56 single-family dwellings is 5,421.5 square feet; however, 13 of the 56 single-family units, or 23%, are situated on lots smaller than the proposed 4,284 square foot area for the existing single family dwelling.
5. The average lot size for the 38 two-family dwellings is 5,327.4 square feet; however, 30 of the 38 two-family units, or 79%, are situated on lots smaller than the proposed 7,200 square foot area for the existing two family dwelling.
6. The proposed 7,200 s.f. lot area for the new two-family, is 1,873 square feet larger than the average lot size for the surrounding 38 two-family dwellings within the 400' radius; therefore, the proposal does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.
7. The proposed two family dwelling meets all required yard setbacks.

Recommendation:

Upon motion made by Mr. Schiappa 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. Administrative Subdivision formerly merging lots 1734 and 1735 into one lot for the proposed two family unit and 1735 and 1736 for the existing two family unit.

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

FRANK & ANTHONY WILLIAMS P O BOX 3519 CRANSTON RI 02920 (OWN) AND MCDONALDS CORPORATION 690 CANTON STREET WESTWOOD MA 02090 (APP) have filed an application for permission to remove an existing restaurant with drive in facility and construct a new restaurant with drive in facility and additional signage at **1099 Reservoir Avenue**. AP 9/2, lots 3491, area 52,977+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.130 Schedule of Uses, 17.28.010 B Drive in Uses- Additional Performance Standards 17.72.010 Signs, 17.84.100 Site Plan Review, 17.88.050 Structural Alterations.

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

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

Findings of Fact:

1. The application conforms to the Comprehensive Plan's Future Land Use Map, which calls for Commercial and Services along this area of Reservoir Avenue, and will not impair its intent and purpose.
2. The new site plan addresses pedestrian safety, where the patron does not have to walk through the drive-in vehicular approach lane in order to enter the restaurant.
3. The proposed new building is 14 feet narrower, and 3.5 feet shorter than the existing building.
4. The proposed front yard setback will be 43 feet, where 40 feet is required by the Zoning Ordinance. The existing building's restricted front yard setback of 34.9 feet will be eliminated.
5. The new restaurant with drive thru will require 26 off-street parking spaces for the proposed 77 seats, and 5 spaces for the drive-thru, for a total of 31 spaces. The plan provides 48.
6. The existing driveway opening at the north end of the property on Reservoir Avenue will remain and is located approximately 30 feet from the radius curb of Aqueduct Road. The Zoning Code states that no driveway opening is to be located within sixty feet of an intersecting street.
7. The application has received a Physical Alteration Permit from the RIDOT.
8. The City Traffic Engineer has approved the proposed plan.
9. The application received Preliminary Approval from the City's Site Plan Review Committee on July 26, 2006.
10. The site presently contains a total of 246.3 sq. ft. of signage. Of that total, 148.1 sq. ft. of nondirectional signs will be removed, leaving the existing freestanding double sided sign on the Reservoir Avenue frontage with 98.2 sq. ft. of sign area.
11. New signage totaling 201.0 sq. ft. will be added to the existing sign area of 98.2 sq. ft., for a total of 299.2 sq. ft., which is 52.9 sq. ft. of additional signage over what exists today. The Zoning Code allows 100 sq. ft. of total signage in a C-1 zone. The menu boards and directional signs are not included in the calculations.

12. Two new building signs equaling 67.7 sq. ft. each are proposed for the southern (front) and western (drive thru)sides of the building. Currently, there are no McDonald signs on the drive-thru side of the existing building.
13. This application will impair the intent and purpose of the Zoning Code in that it proposes three times as much signage as allowed in the Zone in which it is located, and exceeds the amount of existing signage by ½ of what is allowed, even though the building itself is getting smaller.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Chairman Guglietta, 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. Reduce the total square footage of proposed signage by 52.9 square feet, to maintain the status quo, considering the existing signage area on the site already exceeds the maximum allowed. A reduction in the proposed square footage of signage to maintain the existing 246.3 square feet, would not alter the existing character of the site.

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

ALEY JADEN CAMERON LLC 6 WESTON STREET PROVIDENCE RI 02906 (OWN/APP) has filed an application for permission to leave an existing single-family dwelling with restricted front and side yard setback on an undersized [lot 1895] and build a new 26' x 30' two story single-family dwelling on the abutting undersized [lot 1894] at **22 Shean Street**. AP 17/3, lots 1894 & 1895, area 10,000+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.090 (B) 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 will result in a density of 8.7 residential units per acre for both the existing single family and the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
2. The application will leave the existing and proposed single family homes on 5,000 sq. ft. lots each; 22 of the 66 single family dwellings within the 400' radius are on lots that are 5,000 sq. ft. or less.
3. The block upon which the applicant's lots are located contain 12 other single family houses; where 9 of those are on 5,000 sq. ft. lots.
4. Both lots are 10' short of the required 60 feet of frontage; however, the proposed 50' frontage conforms to 24 similar residential frontages within the 400' radius.
5. The proposed setbacks for the new single family conform to the Zoning Code requirements.
6. Unmerging the lots will give the existing house on lot #1895, a 5.1' restricted side yard setback where 8 feet is required. The city' GIS indicates that approximately 31 other houses within the 400' radius have similar or smaller setbacks.

7. The proposal therefore, does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Rossi, 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 Guglietta, Mr. Devine, Mr. Schiappa and Mr. Rossi. There were no nay votes.

PATRICIA RUSSO 152 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a 22' X 27' family accessory apartment addition to an existing legal non-conforming single family dwelling with restricted frontage, front and side yard set back at **152 Pippin Orchard Road**. AP 33, lots 27, area 13,667+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.120 Schedule of Intensity, 17.24.010 (F) Accessory Family Apartment. No attorney.

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.

Note: There is a discrepancy between the dimensions stated in the application (22' x 27') and the dimensions shown on the site plan and floor plan (22' x 30'). As the site and floor plans have a date later than the date of application, the findings and recommendation will be based on the 22' x 30' addition.

Findings of Fact:

1. The application will not increase the overall density, as the Zoning Code's definitions (Sec. 17.040.030) limits the sole use of an accessory family apartment to one or more members of the immediate family, and does not need to have a separate means of ingress and egress; therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan's Future Land Use Map, which calls for less than 1 residential unit per acre for this area.
2. Sec. 17.24.010 F.4. of the Cranston City code states that dwellings containing accessory family apartments shall retain the appearance of a single family dwelling with no major structural alterations to the exterior, and shall have no additional external entrance that faces a street. This application proposes to construct a 22' x 30' addition to the rear of the house, which is not visible from the street. The addition will be connected to the house with a new 10' x 12' breezeway.
3. The Zoning Code stipulates that the size of an Accessory Family Apartment shall not exceed 25% of the floor area of the primary dwelling, and be between 400 and 600 sq. ft.
4. If the requirements were applied literally, 25% of the primary dwelling's 1,216 sq. ft. floor area would be 304 sq. ft., which is less than the minimum 400 sq. ft. allowed. This application exceeds the maximum sq. ft. requirement, in that the proposed accessory family apartment addition is 660 sq. ft.
5. Because of the lot's restricted frontage of 50 feet, the proposed addition will be 9.9 feet and 2.1 feet short of the required side yard setback of 20 feet. The existing house has restricted side yard setbacks that are 10.6 feet and 7.4 feet short of the 20' requirement; therefore, the addition's setbacks are more conforming than the existing building's setbacks.

6. The houses to the right and left of the applicant's lot have restricted side yard setbacks similar to, or less than, the proposal.
7. Except for the size of the addition, the proposal is consistent with the intent and purpose of the zoning code, since the existing residence will retain the appearance of a single family home, and does not contain a separate entrance on the front of the structure which faces the street.
8. The property has recently been connected to the City's sewer system.
9. A Physical Alteration Permit from the RIDOT is required for the new 36.4' wide proposed driveway that is shown on the site plan. The applicant indicated the current driveway will not be widened, though the site plan submitted illustrates it will be increased 19.3' from the existing 17.1' opening.

Recommendation:

Upon motion made by Mr. Schiappa 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 Special Use Permits as put forth in Section 17.92.020 of the Cranston Zoning Code.
2. Reduce the square footage of the proposed addition by 260 sq. ft., thereby bringing the accessory family apartment into conformance with the Zoning Code's minimum requirement of 400 s.f.
3. Receipt of a Physical Alteration Permit from the RIDOT for the proposed new 36' wide driveway. This will not be necessary if the applicant maintains the existing 17.1' driveway opening, and submits a corrected site plan which removes the currently proposed 36' wide opening.

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

ANN FLANAGAN, ERNEST A DELMONICO, LISA OKOLOWITCZ, ERNEST D DELMONICO AND ANNA A DELMONICO 10 ADIE STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission, pending minor subdivision, to leave an existing legal non-conforming single family dwelling with restricted frontage and front yard set back on a proposed 4800+/- SF undersized [lot "A"] and build a new 26' X 46' raised ranch style home with restricted front, rear and corner side yard set back on the remaining proposed 4800+/- SF undersized [lot "B"] at **10 Adie Street..** AP 8/1, lots 876, 974 and 975, area 9600+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

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

Findings of Fact:

- 1) On August 1, 2006, the proposed minor subdivision received a conditional preliminary approval from the Planning Commission.
- 2) The application will result in a density of 9 residential units per acre for the existing single family, and the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
- 3) There are 38 single-family, 13 two-family, and 1 three-family structures units within the 400' Zoning Board of Review (ZBR) notification radius.

- 4) Staff analyzed the area within the 400' ZBR radius and found that the average land area provided per unit was 5,838 square feet for single family dwellings, 3,217 square feet for two-family dwellings and 1,689 square feet for three family dwellings. Taken as a whole, the average lot size within the 400' ZBR notification radius is 4,635 square feet per unit.
- 5) Staff also noted that 13 of the existing 38 single-family homes with the 400' ZBR notification radius are situated on lots smaller than the 4,800 square foot proposed parcels. The average lot size of these 13 parcels is 3,770 square feet; therefore, the proposed single family houses will be on lots that are 20% larger than the other existing nonconforming lots in the area.
- 6) The proposed new single family parcels have conforming 60' frontages
- 7) The proposed front yard setbacks for the new single family will be 17' from both Adie and Southern Streets, where normally, 25' is required by the Zoning Code. However, the front yard setbacks of dwellings within 200' of the applicant's lots are all less than the required 25 feet. Therefore, the application conforms to Sec. 17.20.110 C. of the Cranston Zoning Code, which permits reduced front yard setbacks under specified conditions.
- 8) The City's GIS shows 45 out of 52 houses within the 400' radius have restricted front yard setbacks, similar to or less than the applicant's request.
- 9) The proposal therefore, does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Schiappa 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.

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

CHERYL A MACERA 55 CLARK AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming two-family dwelling with restricted front and side yard setback on a proposed 9600+/- SF lot [parcel 1] and build a new 50' X 32' two story two-family dwelling with a detached 24' X 24' two car garage on the proposed remaining 10,159+/- SF lot [parcel 2] at **55 Clark Avenue**. AP 12/2, lots 1264, 1266, 1269, 1271 & 1680, area 19,579+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

The Attorney for the applicant requested a continuance of the application to the November 2006 meeting, in order to resubmit a corrected application and re-advertise.

Upon motion made by Chairman Guglietta and seconded by Mr. Schiappa, the Commission unanimously voted to *continue* this application to the November 14, 2006 Planning Commission Meeting.

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

647 OAKLAWN LLC 647 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1375 Park Avenue**. AP 11, lots 749, 3599 and 3600, area 67,001.69+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signage.

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 received Preliminary Approval from the Site Plan Review Committee on August 23, 2006.
2. The application is consistent with and will not impair the intent or purpose of the Comprehensive Plan, which calls for Commercial and Services for this area.
3. The proposal calls for a 6' x 10'-6" double sided monument, which will contain a total of 54 sq. ft. of lettering, where 45 sq. ft. is allowed by ordinance.
4. The proposed monument sign is 10'-6' high, which is 2-1/2 times higher than the allowed height of 4'.
5. The proposed setback for the monument sign conforms to the zoning code.
6. Each proposed storefront wall sign as submitted in the applicant's Zoning Board file is 36 sq. ft. (18' x 2'). A maximum of 30 sq. ft. is allowed per wall sign.
7. The total sign area for the proposed 8 storefronts will be 288 sq. ft.
8. The proposed total area of all signs will be 342 square feet, an increase of 36.8% over the 250 sq. ft. that is allowed by ordinance. (For multiple businesses in one building, a square foot bonus of 25% is allowed beyond the C-3 zone's permitted 200 sq. ft. maximum, Chapter 17.72.010 E)
9. This application will impair the intent and purpose of the Zoning Code in that it proposes almost 37% more signage than what is allowed in the Zone in which it is located

Recommendation:

Upon motion made by Chairman Guglietta and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* of the application with the following conditions:

1. Reduce the area of each wall sign by 6 sq. ft. leaving signs that are 30 sq. ft. This will bring each commercial unit sign into conformance with the 30 sq. ft. allowed for a wall sign in this zone.
2. Reduce the height of the monument sign to 8 feet high, with a lettering total area of 45 sq. ft.

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

EXTENSIONS OF TIME/REINSTATEMENT

Gray Coach Estates (formerly Newbury Village Phase II)
Reinstatement-Revised Master Plan and Preliminary Plan

Mr. Rhodes explained that a request was received from Attorney Robert Murray, on behalf of the applicant, Gray Coach Estates, LLC. The request is for extension of the Preliminary Plan approval granted by the Planning Commission on May 3, 2005. However, in reviewing the request, the staff noted that in accordance with *Section V, F, 3, f.* of the City of Cranston *Subdivision and Land Development Regulations* the Preliminary approval granted by the Commission on May 3, 2005 could not be extended as it has expired on May 3, 2006. Therefore, the request was reviewed for conformance with *Section VIII, B* of the City's *Subdivision and Land Development Regulations* and found that the proposal met the criteria for the granting of reinstatements.

Therefore, upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* your request for reinstatement of Gray Coach Estates, LLC Preliminary Plan, subject to all those previous

conditions originally imposed upon this Major Land Development Project by the Commission through its May, 2005 Preliminary Plan approval letter dated May 9, 2005.

Findings of Fact:

1. The required \$600 application fee has been paid.
2. The subdivision is consistent with the Comprehensive Plan and with the prior approval including all conditions attached thereto;
3. The Subdivision and Land Development Regulations are substantially the same as they were at the time of original approval;
4. The zoning of the subdivision parcel is substantially the same as it was at the time of the original approval;
5. Physical conditions on the subdivision parcel are substantially the same as they were at the time of the original approval (except for the installation of the planned infrastructure improvements); and
6. Applicable state or federal regulations are substantially the same as they were at the time of the original approval.

Voting Aye: Chairman Guglietta, Mr. Devine, Mr. Rossi and Mr. Schiappa. There were no nay votes.

PERFORMANCE GUARANTEES

Fox Ridge Estates

Extension of Letter of Credit

Mr. Rhodes explained that the staff has been in contact with Mr. Kenneth Ferranti of Fox Ridge Estates, LLC regarding two Letters of Credit (LOC) that were provided by Mr. Ferranti from Citizens Bank as follows: LOC No. S900583 Amendment No. 003 in the amount of \$84,500 and LOC No. S900582 Amendment No. 003 in the amount of \$17,250. Both are set to expire on September 28, 2006.

Mr. Rhodes further explained that communication with the Engineering Division confirms that the planned improvements have not been completed to the City's satisfaction as of this date, therefore, the developer will need to either extend the existing LOC's for an additional year, or the City will need to withdraw the funds prior to their expiration. The applicant was informed of this via written correspondence dated August 7, 2006.

In light of this, upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to:

1. Allow extension of the Citizen Bank LOC's S900582 and S900583 to September 28, 2007 if received prior to September 15, 2006; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received prior to September 15, 2006.

Voting Aye: Chairman Guglietta, Mr. Devine, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Note: As of this writing, the Planning Department is in receipt of LOC S900583 Amendment 005 in the amount of \$84,500 and LOC S900582 Amendment 004 in the amount of \$17,250 from Citizens Bank. These LOC's are now set to expire on September 28, 2007.

Moreira/Healy Plat

Request for Bond Release

Mr. Rhodes briefly explained that the Planning Department recently received a written request, dated August 7, 2006, from Arthur and Mildred Moreira requesting release of the Performance Guarantee from Citizens Bank; LOC S903029 in the amount of \$15,600, provided for the satisfactory completion of curbing for the above referenced plat.

The Engineering Division confirmed on September 7, 2006 that the concrete curbing asphalt patch has been satisfactorily completed.

Based upon this the Commission, upon motion made by Mr. Schiappa and seconded by Mr. Devine, unanimously voted to *release* LOC S903029 from Citizens Bank in the amount of \$15,600 in its entirety.

Voting Aye: Chairman Guglietta, Mr. Devine, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Cranston Commons LLC

Request for Bond Release

Mr. Rhodes explained that the Planning Department recently received written correspondence, dated August 1, 2006, from Mr. David Depietri of Cranston Commons LLC requesting release of the remaining performance guarantee, LOC 85700077 from TD Bank North, N.A. in the amount of \$40,000.

The Engineering Division confirmed, in correspondence dated September 1, 2006, that the remaining roadway improvements have been completed to the City's satisfaction and recommended release of the bond in its entirety.

Based on the above, upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *release* in its entirety Letter of Credit No. 85700077 in the amount \$40,000 in accordance with the Engineering Division's recommendation.

Voting aye: Chairman Guglietta, Mr. Rossi, Mr. Schiappa and Mr. Devine. There were no nay votes.

ORDINANCES AND PETITIONS - *Continued*

Petition to abandon a portion of
Pettaconsett Avenue

In view of the above proceedings, the Commission was unable to forward a formal recommendation on the proposal as a majority vote by the Commission was not obtained. A report of the proceedings will be forward to the Public Works Committee.

Voting Aye: Chairman Guglietta, Mr. Devine and Mr. Schiappa. Voting Nay: Mr. Rossi.

Petition to abandon a portion of
Mayberry Street

Mr. Rhodes began the presentation of this proposal by explaining that the proposed abandonment of this paper street is the first step in a three phase process proposed to be undertaken prior to offering the soon to be vacated Police Station site for sale for private re-

development. (Please refer to Mr. Rhodes memorandum and accompanying graphics, dated September 12, 2006, which are attached and made part of these minutes.)

Mr. Rhodes explained that a consultant has been hired to help reconfigure the site. Of concern is the provision of adequate parking for the existing recreational facility, which has traditionally shared parking with the Police Station. Also, the property is currently zoned S-1 (Open Space), therefore, a Comprehensive Plan Amendment will be needed to accommodate the change of zone from S-1 to C-2 (Neighborhood Business) or C-3 (General Business).

Mr. Rhodes explained that City Administration is proposing abandonment of this paper street to make the site truly marketable. Selling the property in its current condition would drive down the potential sales price of the parcel.

No public testimony was offered on this proposal, therefore, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to adopt the Findings of Fact denoted below and to forward the attached staff report and graphics to the Public Works Committee along with a recommendation of *approval* for the proposed abandonment of a portion of Mayberry Street.

Findings of fact

1. Future completion of Mayberry Street resulting in the connection of Atwood and Mirick Avenues would not be advisable as it would create opportunity for cut-through traffic for those vehicles trying to avoid the Atwood and Phenix Avenue Intersection and result in negative impacts to the surrounding residential neighborhood.
2. Mayberry Street currently dead ends at its intersection with Mirick Avenue and therefore the proposed abandonment of this portion of Mayberry Street will have no impact on existing travel patterns in the surrounding area.
3. The proposed area to be abandoned is to be merged through the Administrative Subdivision Process with abutting Assessors Plat 12/4 Lot 2700 which is the current home of the Cranston Police Station
4. The proposed abandonment of this portion of Mayberry Street will help to improve the marketability of the soon to be former Police Station site and assist the City in securing the most benefit from its future sale for private development purposes.

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

MISCELLANEOUS

Comprehensive Plan Update

Mr. Rhodes stated that he is continuing to work with Mr. Ken Buckland of the Cecil Group, who has provided a draft Future Land Use Map, which was distributed to the Commission members prior to the meeting. He stated that this is a critical portion of the Comprehensive Plan and asked for Commissioners comments on the Future Land Use Map as soon as possible so that he may submit any concerns to Mr. Buckland. He stated that he is currently working with Mr. Buckland in re-writing the Goals and Policy Statement portion of the Comprehensive Plan.

Appointment to the Industrial Performance Committee

Chairman Guglietta asked any Commissioners interested in serving on the Industrial Performance Committee to contact him.

ADJOURNMENT

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

NEXT MEETING

Tuesday, October 3, 2006 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary