

MINUTES

March 1, 2005

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:10 p.m. He announced that two Zoning Board of Review items would not be heard: Belvoir Place, LLC, as this development was inappropriately advertised, and Town Homes of Niantic Avenue, LLC, which requires Preliminary Major Land Development approval by the Planning Commission prior to Zoning Board of Review variance consideration.

The following Commission members were in attendance:

William Guglietta, Chairman
Paul Petit, Vice Chairman
Charles Rossi
Stephen Devine
Marco Schiappa
Councilwoman Paula McFarland

Also present were:

Kevin Flynn, Planning Director
Michael DeLuca, Principal Planner
Jared Rhodes, Senior Planner
Joanne Resnick, Senior Clerk
Jeanine Dalomba, Stenographer

The following members of the public attended:

Arcangelo DiBiasio
Cheryl Moretti
Steve DiNezza
Jerome Geller
Ray Carroccia

Ann Marie DiBiasio
Steven Saccoccio
Armen Janigian
A.W. Betti
Mario Carlino

Carlo Testa
Tim Almonte
Anthony Bucci
Anthony Lisi

MINUTES

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to approve the minutes of the February 1, 2005, meeting.

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Testa/Carlino Condominiums Master Plan
(Major LDP w/street extension)**

Informational Hearing

**Berry Street
AP 12, Lots 938-953**

Mr. Peter Alviti, P.E., explained the proposal to construct 16 condominium units (eight buildings) at the southern end of Berry and Burton Streets, approximately 260 ft. south of their intersection with Randall Street. The lots combine for an area of 65,000 square feet. The development proposes to merge these lots into one 1.5 acre parcel. The plan remains unchanged from that which went before the City Council for a zone change in September, 2004, with the exception of the roadway entrance to the development. Cady Avenue will have an 8 percent slope, and the west side of the proposed retaining wall is located in the city right-of-way. This has been discussed with City Planning Department staff, and the proposal is that the condominium association will commit to maintenance and repair responsibility.

Chairman Guglietta asked if the proposed retaining wall could be extended, in a straight line along Berry Street, so as not to infringe on the city right-of-way. Mr. Alviti claimed that this could be accomplished through an agreement with the adjoining property owner, however, most area residents prefer the proposed Cady Avenue entrance.

Mr. Flynn then cautioned adherence to property setback lines, as it appears condominium structures along Berry Street may be situated too close to the front setback allowed. Mr. Devine expressed concern with vehicles making a left-hand turn off Cady Avenue onto Atwood Avenue, given the situation that vehicles are allowed to park along Atwood Avenue in the State Highway right-of-way (in front of Second Time Around Sports).

Mr. DeLuca gave his staff report and recommendations, contained in these minutes. He noted the Fire Chief's concern with the proposed sharp turn from Cady Avenue on to Berry Street. He also noted the Providence Water Supply Board's request that, depending upon which of the three points of access the developer decides to use, roadway improvements will need to be made. If Burton Street is used, it will necessitate extension of an improved roadway for the applicant's full frontage, in addition to a 150 ft. extension of the water main. If Berry or Cady Avenue are used, the necessary roadway improvements will occur for vehicular use as well. In any case, the Providence Water Supply Board will require a heated enclosure, "hot box", to house the fire and domestic service connections; to be located close to the property line.

Mr. DeLuca also cited Veolia Water's uncertainty about sewerage capacity in the area. Veolia has identified four sections of pipe that will need upgrading to service this development. He noted that another plat nearby would also benefit from these improvements.

There being no further testimony (no members of the public came forward to speak on the matter), the Planning Commission moved to a vote. Upon motion made by Mr. Rossi, seconded by Councilwoman McFarland, the Commission unanimously voted to accept the staff's findings and recommendations as their own and APPROVE this Master Plan subject to the following conditions:

1. Show roadway/driveway detail on preliminary plan. Provide two or more alternative access plans to address concerns of City Engineer and RIDOT. Provide acceptable turn-around for large trucks and public safety vehicles within the public ROW or onsite.
2. RIDOT Physical Alteration Permit approval at preliminary plan stage.
3. Provide fully engineered water and sewer system design plans at preliminary plan review for approval by PWSB staff and Veolia staff respectively. Show location of water system "hot box" on site plans. Address concerns regarding several pipe upgrades noted in Veolia staff memorandum.
4. Provide fully engineered grading and drainage design at preliminary plan stage.
5. Provide engineering design for all proposed retaining walls at preliminary plan stage.
6. Revise plans to address concerns of Conservation Commission, if any, prior to preliminary plan application.
7. Provide draft Homeowners Association documents and retaining wall covenants for staff review at preliminary plan stage.
8. Provide detailed perimeter buffering on preliminary plan.
9. Roadway width waiver is approved, provided that retaining wall design is accepted by the department of public works and does not infringe on the paved area.
10. This development must be submitted to the Site Plan Review Committee for approval of detailed site elements.

**Replat of Oaklawn Highlands Phase 3-Preliminary Plat
(Minor Subdivision w/no street extension)
Oakview Drive
AP 22/2, Lot 74**

Mr. Jerome Geller, applicant, explained the proposal to divide this 19,665 sq. ft. parcel into two buildable lots. The existing dwelling would remain on a 10,803 sq. ft. lot, and a new 8,862 sq. ft. lot would be created for a new single family dwelling. He stated that 10 ft. of the existing garage would be removed. However, he was informed by Mr. DeLuca

that the entire garage structure would have to be removed to comply with zoning setback requirements. Mr. Geller was in agreement with this requirement.

Mr. DeLuca gave his staff report and recommendations, which are a part of these minutes. The Planning Commission unanimously voted to accept the staff's findings as their own and APPROVE this preliminary plat subject to the following conditions:

1. Capital Facilities Impact Fee of \$1,389.50 (1 additional dwelling)
2. Receipt of ISDS approval for the new house prior to final plat application.
3. Removal of garage prior to plat recording.
4. Replace 2 iron rods to be set with granite bounds.
5. Revise plan in accordance with Public Works Director's comments prior to final application.
6. Make minor technical revisions to mapping at the administrative officer's direction prior to final application.
7. Western Cranston Water District fee of \$1,352.00.

ZONING BOARD OF REVIEW ITEMS

BELVOIR PLACE LLC C/O BELVOIR PROPERTIES SUITE 100, 222 RICHMOND STREET PROVIDENCE RI 02903 (OWN/APP) has filed an application for permission to build an additional two stories to an existing 3 story multi family residential building and add a structured parking canopy for 36 vehicles and a new parking canopy for 24 vehicles at **1180 Narragansett Blvd.** AP 2/3, lots 1012, area 2.78 +/- acres, zoned B-2. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-4.2 Flood Hazard Districts, 30-42 Zoning Board of Review.

Findings of Fact

- 1 The published notice, required by Section 17.108.070 of the Zoning Code, inappropriately referenced Assessor's Plat 2/3 lot 1012 as opposed to Assessor's Plat 2/3 lot 1912 as referenced in the application.

The Planning Commission tabled this application until such time that proper notification can be published.

TOWN HOMES OF NIAN TIC AVE LLC 29 STEEPLE LANE LINCOLN RI 02865 (OWN) AND GARY PIERCE 29 STEEPLE LANE LINCOLN RI 02865 (APP) have filed an application for permission to build two new 9 unit residential condominium buildings at **411 Niantic Avenue.** AP 6/4, lots 1284, area 50,207+/- SF, zoned M-2. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings of Fact

1. The proposed 18 residential units on this single parcel of land constitutes a Major Land Development Project in accordance with the City's Subdivision Regulations.
2. Major Land Development Projects which also need variance approval from the Zoning Board of Review are required to first receive preliminary approval from the Planning Commission prior to variance consideration by the Zoning Board.

Under RIGL 45-23-61, this application cannot be acted upon because preliminary major land development approval is pending from the Planning Commission.

**CATHERINE J LEMONDE 39 NARRAGANSETT STREET NORTH
KINGSTOWN RI 02852 (OWN) AND RESOURCE INVESTMENT INC 46
COLDBROOK DRIVE CRANSTON RI 02920 (APP)** have filed an application for permission to build a new 24' x 32' two-story single family home with restricted frontage on an undersized lot on **Fountain Avenue**. AP 7/4, lots 3342, area 3969+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings of Fact

- 1 The proposal falls 2,031 S.F. short, or 33% below the area required in an A-6 zone; and 20 L.F., or 33% short of the frontage requirement.
- 2 A density analysis comparing the proposal with all similarly zoned residentially used properties with the 400 L.F. abutters radius finds that the average lot size per unit within the radius is 5,527 S.F. At 3,969 .S.F., the proposal falls 1,558 S.F., or 28% below this average.
- 3 A density analysis comparing those residential properties within 200' on the same side of the street, excluding the subject property, finds that the resulting average lot size per residential unit within the immediate area would be 5,967 S.F. With 3,969 S.F. of area the proposal would fall 1,998 S.F. or 33% below the resulting average of the immediate area.
- 4 A lot size analysis comparing those residential properties within 200' on the same side of the street, excluding the subject property, finds that the resulting average lot size within the immediate area would be 8,354 S.F. With 3,969 S.F. of area the proposal would fall 4,385 S.F. or 52% below the resulting average of the immediate area.
- 5 A frontage analysis comparing those residential properties within 200' on the same side of the street, excluding the subject property, finds that the resulting frontage within the immediate area would average 84 L.F. With 40 L.F. of frontage the proposal would fall 44 L.F. or 52% below the resulting average of the immediate area.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted to Table this application to provide the applicant an opportunity to seek an opinion from the City Solicitor as to the applicability of Section 17.88.010 of the Zoning Code (Substandard Lots of Record). In particular whether:

1. The subject lot would be considered merged with adjacent lot A.P. 7-3343 based on common ownership as specified in paragraph B of section 17.88.010;
2. or if not considered merged and deemed a “substandard lot of record” in accordance with paragraph A of Section 17.88.010, whether that determination implies that such lots are to be considered legally buildable by right and therefore not require dimensional relief via variance from the Zoning Board of Review.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine and Councilwoman McFarland. There were no nay votes.)

LITTLE BUOY ENTERPRISES 83 EAST HILL DRIVE CRANSTON RI 02920 (OWN/APP) AND DR. STEPHEN PUERINI DMD AND DR. STEVEN SACCOCCIO DMD P.C. 115 BUDLONG ROAD CRANSTON RI 02920 (LESSEE) have filed an application for permission to utilize a lot [1838] for four off street parking spaces for employee parking with ingress/egress from a residential A-6 zone at **115 Budlong Road**. AP 11/2, lots 1838, 1837, 1836, area 29,122+/- SF, zoned C-2 and A-6. Applicant seeks relief from Section 30-28 Variance, 30-18 (P), (2), (3) Off-Street Parking.

Findings of Fact

- 1 The City Traffic Safety Engineer approved the design of this parking facility from a functional perspective on 2/4/05.
- 2 The Zoning Board reviewed this proposal as part of a larger application in August of 2000 which permitted the associated office use and following an earlier Planning Commission recommendation specified the elimination of this parking facility fronting on Furlong St. in preference for leaving the existing trees and vegetation as a natural buffer between the commercial use and the residential neighborhood.
- 3 The trees and vegetation on the subject property have since been completely removed and replaced with crushed asphalt.
- 4 A grade differential and existing retaining wall prevents the possibility of establishing ingress and egress to the proposed parking facility “through the zoning district on which the conforming use is located” as required by the City’s off street parking requirements.

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission voted to recommend Approval – subject to the following conditions:

- 1 Extension of the concrete sidewalk, curbing and associated buffer along Urqhart Street to Furlong Street in accordance with ADA requirements.
- 2 Installation of 6’ high solid fence (as opposed to the chain link fence proposed) between the parking facility and the property boundaries of lots 1837 and 1839.
- 3 Granting of an easement that allows neighbors within a 200 foot radius and their guests to park in the facility between the hours of 7:pm and 7:am.

(Voting Aye: Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. Voting Nay: Chairman Guglietta.)

TIMOTHY AND LYNN ALMONTE 120 WHITING STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 4' x 30' addition to an existing single family home with restricted side yard set back at **120 Whiting Street**. AP 12/4, lots 1071, area 10,918+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings of Fact

- 1 City records indicate that the existing structure on the subject property was constructed on the setback line in 1997.
- 2 The proposed addition will encroach 4 L.F. into the 8 L.F. required setback, an infringement of 50%.
- 3 The adjacent property to the south (A.P. 12 Lot 1070) is not yet built and therefore there would be no opportunity for the City to guarantee a 16' minimum offset between structures as required by the 8' setbacks associated with this zone should this request be approved.
- 4 Opportunities appear to exist for the applicant to expand the structure in conformance with the required setbacks.

Upon motion made by Councilwoman McFarland, seconded by Mr. Schiappa, the Commission unanimously voted to recommend Denial of this application as there is no apparent hardship. The applicant is making reasonable use of the property and expansion options appear to be feasible within the required setbacks.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.)

JOSEPHINE M DUVA TRUSTEE 766 OAKLAWN AVENUE CRANSTON RI 02920 (OWN) AND SEVAN ENTERPRISES INC DBA SONYA'S 42 PELHAM PARKWAY NORTH PROVIDENCE RI 02911 (APP) have filed an application for permission to convert a portion of an existing legal non-conforming professional office building into a woman's retail clothing and accessories shop with restricted corner side yard set back at **766 Oaklawn Avenue**. AP 16, lots 693, area 19,110+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses, 30-22 Change of Use, 30-18 Signage.

Findings of Fact

- 1 The property has been used for non-residential purposes with the approval of the Zoning Board since 1975. The most recent variance was received on 4/10/91 and continued the allowance for office use.
- 2 According to a plan provided by the applicant's attorney (Mr. Bob Murray Esq.) on 2/28/05 the proposed renovations will:
 - a. Total 1,971 S.F. of retail space and 680 S.F. of office space.
 - b. Require 9.29 off-street parking spaces, 9 are provided.
 - c. Include 28 S.F. of wall signage, 8 S.F. is allowed in an A-8 zone

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to recommend Approval – subject to the signage plan as submitted and the City Traffic Safety Officer's approval of the parking plan.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

CHERYL MORETTI 88 CURTIS STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to convert a portion of an existing legal non-conforming single-family dwelling into a professional office with restricted frontage on an undersized lot at **88 Curtis Street**. AP 17/4, lots 1460, area 3200+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings of Fact

- 1 The applicant's testimony indicates that the use will comply with the performance standards set forth for "Occupations within Dwellings" as required by 17.24.010.E.
 - a. The dwelling in question is the primary resident of the applicant.
 - b. The use will be entirely located within the dwelling.
 - c. The only employee will be the applicant.
 - d. Less than 25 percent of the gross floor area of the structure will be utilized for the office.
 - e. No signs are proposed.
- 2 The nature of the proposed use and its probable impacts upon the surrounding neighborhood do not appear to differ from those used to define a professional home office or studio in Section 17.04.030.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to recommend Approval of this application subject to the following conditions:

- 1 Limited hours of operation-between 10:00 AM and 5:00 PM only.
- 2 No more than 10 clients per week allowed.
- 3 Clientele On-street parking prohibited.

- 4 Use must remain part of a primary offsite practice/office.
- 5 Variance approval to expire with change of ownership.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

ARCANGELO & ANN MARIE DIBIASIO 1707 PLAINFIELD PIKE JOHNSTON RI 02919 (OWN/APP) have filed an application for permission to build a 56' x 83' +/- single family dwelling with restricted frontage at **Pole 10 Pippin Orchard Road**. AP 28, lots 85, area 81,778 +/- SF, zoned A-80. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings of Fact

- 1 The applicants have owned Lot 85 since February, 1979. Prior to that date, the parcel was ½ of Lot 79, which has frontage on Pippin Orchard Road. Prior to 1979, the applicants owned ½ of former Lot 79.
- 2 The lot has no frontage on Pippin Orchard Road.
- 3 There is an 18 ft. recorded easement over the lot in front (lot #79), for the purpose of access to the applicant's lot.
- 4 Following a previous recommendation of the Planning Commission, the Zoning Board of Review approved a similar variance request for the construction of 50' x 75' single family home on the subject property on 3/10/04 with the conditions that:
 - a. ISDS location to be approved with the proposed house location shown on the plans submitted.
 - b. Entrance driveway to be paved a minimum width for 15 feet for the entire length.
 - c. A sign to be installed at the driveway entrance, with the rear house's address for fire, rescue and police safety.
- 5 The current variance request differs from the 3/10/04 approval in that the proposed single family house now measures 56' x 83' as opposed to 50' x 75' and connection to the sewer forced main in Pippin Orchard Road are now being allowed.

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to recommend Approval of this application with the following conditions:

- 1 Entrance driveway to be paved a minimum width of 15 feet for the entire length.
- 2 A sign to be installed at the driveway entrance, with the rear house's address for fire, rescue and police safety.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

STEVEN AND LEA DINEZZA 99 ORCHARD VALLEY DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to build a 21' x 18' +/- two

story addition and 11' x 24' +/- deck with covered porch to an existing single family dwelling with restricted rear yard set back at **99 Orchard Valley Drive**. AP 28, lots 177, area 23,145+/- SF, zoned A-20. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings of Fact

- 1 City records indicate that the existing structure on the subject property was constructed on the setback line in 2000.
- 2 The proposed addition will encroach a maximum of 21.8 L.F. into the 30 L.F. required rear yard setback, an infringement of 73%.
- 3 The desired family room with master above and deck could be accommodated within the required setbacks if constructed adjacent to the eastern portion of the existing structure or within the footprint of the existing garage if the garage were relocated to the eastern portion of the structure.
- 4 No apparent hardship. The applicant is making reasonable use of the property.

Upon motion made by Mr. Devine, seconded by Mr. Petit, the Commission unanimously voted to recommend Denial of this application. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

PERFORMANCE GUARANTEES

Fox Ridge Phase 2A & 2B – Bond Reduction/Recall

Per recommendation from Walter Skorupski, Engineering Division, and upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to reduce the Fox Ridge Phase 2A and 2B performance bonds as follows:

2A reduced from \$166,000 to \$84,500
2B reduced from \$34,000 to \$17,250

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.)

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to authorize the Planning Department and Public Works Department to issue a report and to recall funds prior to March 28, 2005, unless the performance guarantee is extended for a minimum of six (6) months. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, Mr. Rossi and Councilwoman McFarland. There were no nay votes.)

Pine Ridge – Bond Reduction

Per recommendation from Walter Skorupski, Engineering Division, and upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to reduce the Pine Ridge performance bond from \$602,000 to \$253,000. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

CAPITAL BUDGET FOR FISCAL YEAR 2005-2006 AND 2006-2010 CIP

Proposed 2005-2006 Capital Budget Proposed 2006-2010 Capital Improvement Program

Mr. Flynn reviewed amendments to the 2005-2006 fiscal year capital budget, which total 8.2 million dollars; pared down from original departmental requests of over 15 million dollars. This was accomplished by the shifting of such requests as the purchase of two rescue vehicles from the capital budget to the departmental operating budget.

Mr. Flynn further explained that the capital budget request will next go to the Mayor, who can reduce it, however, he cannot add to it.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission voted to APPROVE the proposed Capital Budget and Improvement Program. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Mr. Rossi. There were no nay votes. Councilwoman McFarland abstained.)

MISCELLANEOUS ITEMS

Comprehensive Plan Update – discussion

Mr. Flynn informed the Commission that the consultants, The Cecil Group, have submitted a new draft document, which the staff is still reviewing. There may be another public meeting at the end of March.

DATE AND TIME OF NEXT MEETING: Tuesday, April 5, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to adjourn the meeting at 10:02 p.m.

Respectfully submitted,

Michael J. DeLuca, Secretary