

MINUTES

May 3, 2005

Vice Chairman Paul Petit called the Planning Commission meeting to order in the City Council Chamber at 7:11 p.m. He announced that the Preliminary Plan application for Jenny Estates Minor Subdivision would not be heard.

The following Commission members were in attendance:

William Guglietta, Chairman (8 p.m.)
Paul Petit, Vice Chairman
Marco Schiappa
Charles Rossi
Stephen Devine

Also in attendance were: Kevin Flynn, Planning Director
Michael DeLuca, Principal Planner
Jared Rhodes, Associate Planner
Jeanine Dalomba, Stenographer

Please refer to the attendance sheet, which is a part of these minutes, for those members of the public that attended.

MINUTES

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the April 5, 2005, meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

**Orchard Meadows Master Plan
(Major subdivision w/street extension)
Pippin Orchard Road
AP 33, Lot 15 & 124**

Informational Hearing

Mr. Peter Alviti, P.E., reviewed the proposal of the owners, Nove Partners, LLC, to divide this 9.9 acre parcel into 10 separate house lots in an A-20 Zoning District. The site is located on Pippin Orchard Road 1500 feet south of the intersection with Plainfield Pike, (AP 33, Lots 15 & 124). It was formerly known as Cranston Commons Section 5 however the approval for that plat lapsed and in 2001 the lots were merged and divided into the two lots of current record. Access to sewer is proposed through connection to the RISE return line in the road. Water service is proposed to connect to the existing service line on Alpine Estates Drive through a proposed easement. If this is not possible the applicant proposes to serve each property with an individual well.

Mr. Alviti explained that there are two possible sections to tie into the Providence Water Supply line; on Alpine Estates Drive (to the east), or the Plainfield Pike and Pippin Orchard Road intersection, owned by the Town of Johnston, to the north. However, it is the developers preference to bring in a private water supply line as there will be no easement needed and no wetland would be crossed. At this time, the developer is prepared to move forward with private wells.

Mr. Thomas Ricci, 75 Knight Street, for his cousin (a neighboring property owner), had three concerns: 1) the detention pond is already drained into a wetland, 2) during a dry spell, would there be enough water, and 3) asked if the sewer pump station would be paid for by the property owners. He asked if other residents on Pippin Orchard Road can tie into the proposed sewer line.

Mr. Schiappa responded that the Public Works Department has received numerous inquiries from residents in the area regarding sewer tie-in, however, none have tied in yet.

Mr. John DiFusco, 155 Pippin Orchard Road, asked where the pump house would be located. When shown, he indicated that this would be across from his home.

Mr. Frank Iacompo, 161 Pippin Orchard Road, asked why there were originally only two homes proposed and now there are ten proposed. Mr. Flynn explained that this area was originally part of the Alpine Estates development. However, RIDEM would not allow Alpine Estates Drive to be extended west to Pippin Orchard Road. He confirmed that the owner had once proposed two-5 acre lots, but the current proposal is for ½ acre lots.

Mr. Iacompo then asked why the possibility for Pippin Orchard Road residents to tie in to the sewer line was not made public. Mr. Schiappa explained that this is a recent policy decision. He will be contacting the abutters soon.

Mr. Joseph Pezza, expressed concern with 1) sewerage, 2) drainage and 3) would additional wells deplete the water supply for existing homeowners.

Mr. Chris Ducharme, 334 Alpine Estates Drive, was concerned with 1) the outfall area for the detention pond and, 2) protective covenants regarding the size and types of homes.

Mr. Flynn responded that the plan presented is a conceptual plan, and area residents will be notified as the project moves forward.

Mr. DeLuca gave his Findings of Fact (see memorandum dated April 29, 2005, contained in these minutes). He explained that the area surrounding this plat is much less dense but because of the existence of wetland on the site, the density will result in roughly one unit per gross acre. He called attention to the Fire Chief's request to be allowed to revisit the plan for hydrant location if the Providence Water Supply Board does approve the water system. PWSB noted there is sufficient capacity to serve the proposed development, and they intend to supply a water service, not a water main, to serve this plat. Veolia Water indicated there is "uncertain" sewerage capacity. They provided a 5-step scope of work for provision of a hydraulic model for the system. Lifting of the "uncertain" designation will be dependent on the results of this analysis.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to accept the staff's findings as their own and APPROVE this Master Plan subject to the following conditions:

1. That Veolia Water, PWSB staff, City Engineer and Public Works Director receive appropriate permits prior to preliminary plat review.
2. That applicant receive RIDEM wetland permit and RIDOT/PAP prior to preliminary plan application.
3. That applicant provide drinking well data, performed by a licensed hydro-geologist, for staff review at preliminary plan application; if the plat cannot be serviced by public water.

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

Johnson & Wales University
Harborside Student Housing-Preliminary Plan
(Major LDP)
Harborside Boulevard
AP 2/4, Lots 3969, 3974 & 3935

Public Hearing

Mr. Christopher Placco, Vice President of Facilities, gave a brief overview of the plan to develop 60 student apartment units in five twelve-unit structures. This plan is the Cranston half of a larger development totaling 144 apartments, 84 of which are located on the Providence side of the development. The Harborside Campus is roughly 100 acres, with the Cranston portion comprising roughly 20 acres. There will be 13 buildings in total (12 apartments and 1 community building and management facility). There will be 576 beds in 144 units. The proposed courtyard will be non-vehicular.

Mr. Placco further explained the purpose of this proposal is to attract students to live on campus and out of the surrounding neighborhood. There will be a security force on campus. The Save The Bay facility, which is under construction, is located at the eastern tip of the property, within the City of Providence.

Jan Greenwood, ESS Engineering, stated the project is due to be complete by Fall, 2006, with phased construction that has started with the process of fill being brought in. She stated that the entire campus is in a flood plain. They have filed an application with FEMA to have the property's designation changed. A retaining wall is proposed along the water. The entire development will be 10 ft. above flood grade, with the parking area 6 ft. above flood grade. RIDEM's environmental concerns will be mitigated with the 10 ft. of fill. All buildings meet current fire code. Seventy-five parking spaces are provided, with significant parking in other areas of the campus. It is anticipated that Narragansett Boulevard traffic situation should improve, with students living on campus and walking to class.

Impervious surface will be reduced 55%. Runoff will be into vortechnic drainage units and roof leaders into the ground.

Mr. Douglas Slater, 190 Smith Street (southwest corner property abutter), expressed concern with the proposed dumpster location next to this property and requested that dumpsters be relocated. He is concerned with security and also asked if speed bumps had been considered. Mr. Placco stated that there are two collection areas with daily pick-up. The dumpsters will be fully enclosed. He stated that speed bumps impede snow removal. Gates are proposed at both the entrance and exit to the facility.

Mr. Flynn shared Mr. Slater's concern with the proposed dumpster location and asked that the dumpsters be relocated. Mr. Placco agreed and will relocate the dumpsters.

Ms. Greenwood informed the Commission that a protocol has been established with the Cranston and Providence Police and Fire Departments relative to response to incidents.

Mr. Merlin DeConte stated that the property is still owned by the university. They have been exploring the possibility of private management of the facility. At this time the university is leaning toward managing this facility.

Joan Leone, 181 Narragansett Boulevard, expressed concern with student busing from the Hospitality Center. Mr. DeConte stated that most students will probably remain on campus as each unit will have a kitchen.

Ms. Greenwood stated that Harborside Boulevard is a 60 ft. wide road. There will be a grass strip and sidewalk. Further detail will be provided at Site Plan Review.

Mr. Guglietta asked if the university has a plan in case of a Hazard Materials incident. Mr. DeConte stressed the university has a contingency plan, i.e. building shutdowns and moving students.

Mr. DeLuca gave his Findings of Fact, contained in his memorandum dated May 3, 2005 (which are a part of these minutes). He noted most review agencies have signed off with no objection to the plan. He stated the remediation project has been approved by RIDEM. He mentioned the staff received an unsolicited contact from legal counsel for the Port of Providence on May 2 and May 3. Attorney William Brody stated that the Port is concerned with the expansion of residential uses in proximity to several industrial uses on their site. Specifically, he raised concern about the possible need for the University to prepare a security and safety plan in anticipation of potential dangers inherent in their near location to manufacturing businesses in the port. He suggests the University and Port staff work together to address an appropriate plan of action.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi, seconded by Mr. Schiappa, the Commission unanimously voted to accept the staff's findings as their own and APPROVE this Master/Preliminary Plan subject to the following conditions and all other applicable state and local requirements:

- 1) That the number of dwelling units (60) be considered a maximum for the Cranston side of the development.
- 2) That the applicant secure Narragansett Bay Commission approval for any and all connection permits into their sewer system and comply with any conditions placed on their permits prior to final approval.
- 3) That the applicants address in detail their approach to provision of traffic/roadway improvements at future levels of development prior to final plan approval.
- 4) A decision on the relevance of the City's Capital Facilities Development Impact Fee will be made prior to final plan approval.
- 5) That applicant adhere to all conditions placed on zoning approval by the City Council in January, 2005.
- 6) Roadway profile waiver is approved subject to the stipulation that utility companies may require this information and City will not now or in the future accept these roadways as public until improved to City standards by the property owner.
- 7) That applicant amend plans as necessary pursuant to discussions with Port of Providence staff and provide any supplemental information to Cranston staff addressing security and safety issues prior to final plan application.
- 8) That this master plan be reviewed and renewed in accordance with the EI zoning requirements of the Cranston Zoning Code no later than five years from this approval date.
- 9) That an administrative subdivision be recorded with this plan reconfiguring this site to facilitate location of all apartment buildings on the Cranston side onto one lot.

- 10) That the applicant provide a copy of the Remedial Action Closure Report and RIDEM/ELUR to the Planning Department following recording in the Cranston Land Evidence Records.
- 11) That detailed site components related to drainage, landscaping, buffering, fencing, lighting, signage and aesthetics be approved by the Site Plan Review Committee.

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

**Newbury Village Phase 2
Revised Master Plan & Preliminary Plan
(Major LDP) Scituate Avenue
AP 36/3, Lot 54**

Public Hearing

Attorney Robert Murray, representing Cove Road Development Corporation, gave a brief overview of the proposal to construct 116 apartment dwelling units in 10 buildings in the B-2 zoned area and 15 single family dwelling units in a Residential Planned District layout in the A-20 zoned area of the site. This land is zoned B-2 / A-20. Existing Master Plan (renewed in January 2004 and revised June 2004) provided for four more dwelling units than this one. The number has been reduced based on revised wetland configuration and resulted in a somewhat different site layout.

Kevin Morin, DiPrete Engineering, explained the two changes to the original Master Plan as follows: 1) a larger area of wetlands has been delineated, resulting in a density reduction of apartments and, 2) originally the roadway looped through the B-2 zone. The revised plan is for a single entry roadway with a boulevard-type entrance. The roads will be private, maintained by the homeowners association.

Mr. Morin further stated the development will be connected to public sewer and be serviced by public water. A booster station for water pressure is proposed. Phase 1 will be the A-20 single family dwelling section – Phase 2 will be apartments in the B-2 zoned area. Two drainage ponds are proposed. There should be no increase in runoff to the site.

Mr. Paul Bannon, traffic engineer, worked with PARE Engineering regarding increased traffic on Scituate Avenue. He conducted traffic counts and field visits and provided a report that concluded there should be no adverse impact on traffic on Scituate Avenue with the proposed plan.

Attorney Dennis Grieco, representing A.J. Lane, concurred with Mr. Bannon's analysis.

Mr. Roland Levesque asked if the apartments would be rentals and if the proposed 15 homes would be privately owned or rentals. He was informed that the apartments are rentals but the single family homes will be privately owned.

Mr. Steven D'Arby asked why roadways are not combined. He expressed concern with traffic on Scituate Avenue. He was informed that neither traffic engineer recommended connection from Boyleston Drive to Comstock Parkway. He asked about setbacks for the single family homes and was informed that they would be setback 75 ft. from Scituate Avenue.

Mr. Clifford Johnson, Boyleston Drive and Ashburton, asked if all traffic would be through Scituate Avenue. Mr. Guglietta informed him that Scituate Avenue will be the only point of access and egress for this development if approved as proposed.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning Department staff's findings (dated May 3, 2005, contained in these minutes) as their own and APPROVE this revised Master Plan and Preliminary Plan subject to the following conditions:

- 1) That the number of dwelling units (116MFD's plus 15SFD's) be considered a maximum.
- 2) That all infrastructure onsite be owned and managed privately by the developer or a homeowner's association duly incorporated prior to plat recording under the laws of the State of RI.
- 3) That the applicant secure Veolia Water approval for final design of the sewer system and ensure that sufficient capacity exists to accommodate the additional sewer flow. Should an unacceptable capacity shortfall be indicated by Veolia staff, and confirmed in writing by the Public Works Director, the Planning Commission hereby empowers the Administrative Officer to invoke mandatory sub-phasing of final approval and recording of the B-2 zoned area in the plat.
- 4) That the applicant resolve with the developer of the adjacent phase 1 development with a proposal for mutual maintenance responsibility of commonly used sewer facilities. Report of progress on this matter will be necessary prior to final plat application.
- 5) That the applicant provide sufficient buffering for the properties to the north. This shall be reviewed and approved by the Site Plan Review Committee.
- 6) That the "connector road" may be eliminated from the site based on the City Traffic Engineer's review of the site and traffic analyses as noted in his May 3, 2005 memorandum and replaced with a sewer easement.
- 7) Location of fire hydrants and granite bounds per Fire Chief and City Engineer respectively.
- 8) That the applicant shall coordinate with the RIDOT staff to optimize the signal timing/phasing of the Comstock Parkway / Scituate Avenue intersection. Should the RIDOT not be forthcoming with the approval then

additional design / construction alternatives may be necessary to improve intersection geometry. Any improvements deemed to be necessary following RIDOT review shall necessitate a revision to the performance guarantee amount.

- 9) Capital Facilities Impact Fees as follows:
 - Section 1: \$20,842.50 (15 du's)
 - Section 2: 161,182.00 (116 du's)
- 10) Western Cranston Water District Fees as follows:
 - Section 1: \$20,280.00
 - Section 2: \$156,832.00
- 11) Performance Guarantee of \$257,000.00
- 12) Administrative Fee of \$5,140.00
- 13) Clear delineation of open space with permanent markers.
- 14) Analysis of Scituate Avenue lane restrictions to determine if a segment of passing lane be eliminated.

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

**Charter Realty Preliminary Plan
(Minor subdivision w/no street extension)
Narragansett Boulevard
AP 2/4, Lot 2913**

Mr. Alfred Thibodeau, President, Charter Realty, explained the proposal to divide this 10,400 sq. ft. parcel into two separate house lots in a B-2 zone. The existing two family home will remain on 5,200 sq. ft. and be renovated for single family use only. The new lot would be 5,200 sq. ft. and is proposed for a single family home also.

Ms. Leone, neighboring property owner, claimed that the lot is not properly maintained, with brush landscaping. She is concerned with the undersized parcel, the style of the proposed home and wanted to know about the steps in the approval process.

Mr. Thibodeau stated that no dimensional variance is needed to build a home on the newly proposed lot.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to accept the staff's findings as their own and APPROVE this Preliminary Plan subject to the following:

1. Existing structure shall be limited to a single residential unit.
2. Capital Facilities Impact Fee of \$593.46.
3. Receipt of all necessary zoning variances prior to final plat application.
4. Applicant shall coordinate the installation of a new sewer lateral to Proposed Parcel B with Veolia Water staff.

5. Delivery of any curbing removed from the site to the City Highway Dept.

ZONING BOARD OF REVIEW ITEMS

CARL C. AND FRANCES FERRUCCI, 9 BEACON HILL DRIVE, WARWICK RI 02886 (OWN) AND DDB PONTIAC LLC, 76 DORRANCE STREET, SUITE 212, PROVIDENCE RI 02903 AND RICKY GREIGRE, 415 LINDSEY STREET, ATTLEBORO MA 02703 (APP) has filed an application for permission to operate a Dunkin Donuts coffee shop with drive-thru and a convenience store from an existing legal non-conforming gasoline service station at **480 Pontiac Avenue**. AP 5/1, lots 630, area 19,829+/- SF, zoned C-3. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-18 (e), (2), (b), (c), (d), Additional Performance Standards and 30-18 (r) Signage (e) Driveway openings and 30-18 (p) Off-Street Parking.

Findings of Fact:

1. The proposed use requires approval of the City's Site Plan Review Committee prior to variance consideration by the Zoning Board (17.84.030).
2. Pre-Application review before the Committee was initially held on February 9, 2005. At this time the applicant was informed that a Traffic Study would be required in order for the application to move forward and that the application would be tabled until such time that a Traffic Study was provided.
3. As of April 29, 2005 a Traffic Study still had not been provided by the applicant and as such the Site Plan Review Committee has not issued the application a certificate of completeness or taken any further action.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend a Continuance pending the applicant's submittal of a Traffic Study and the issuance of a Pre-Application decision by the Site Plan Review Committee.

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

Christina Taveras, 781 Park Avenue, Cranston RI 02910 (OWN) and Christina Taveras, 40 Humes Street, Providence RI 02907 (APP) have filed an application for permission to convert the attic of an existing legal non-conforming two-family dwelling into a third living unit with restricted front and side yard setback on an undersized lot at **781 Park Avenue**. AP 6/2, Lot 2186, area 6820+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. The subject property appears to be undergoing renovation.

2. Three older gas meters do exist on the exterior of the house however and indicate that the structure has been used as a multi family structure in the past.
3. At least nine other legal non conforming multifamily structures currently front on this section of Park Avenue (between Route 95 and Pontiac Ave).
4. The submitted plans indicate that the site can accommodate the required off street parking.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend Approval. The proposal conforms to its setting on Park Avenue.

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

Nelson M. and Lisa A. Justa, 600 Laural Hill Avenue, Cranston RI 02920 (OWN) and Accurate Builders Corp., 133 Custer Street, Warwick RI 02886 (APP) have filed an application for permission to build a new 25' x 25' two-story single-family dwelling on an undersized parcel (Lots 2714 and 2713) with restricted frontage on **Lark Avenue**. AP 7/4, Lots 2714 and 2713, area 4750+/-SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. The subject parcels have been held in common ownership since 1935 and as such are considered merged in accordance with Section 17.88.010 of the City's Zoning Code. Subdivision is therefore needed to reestablish the subject parcels as a separate lot and a conditional approval by the Planning Commission is required prior to action by the Zoning Board in accordance with Section, G of the Subdivision Regulations.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend this application be Continued to the July agenda pending conditional subdivision approval.

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

848 PARK AVENUE ASSOCIATES LLC, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI 02903 (OWN/APP) AND PARK THEATRE, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI (LESSEE) have filed an application for permission to convert an existing movie theatre into a dinner theatre with restaurant, café and motion pictures and build an addition, including a second story with restricted off-street parking, side and rear yard setback at **848 Park Avenue**. AP 9/5, Lot 152 and 160, area 22,000+/- SF, zoned C-3. Applicant seeks relief from Section 17.20.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. This project last received Zoning Board approval on 11/12/03.
2. The 11/12/03 approval carried a condition that the applicant seek an advisory opinion regarding the facade treatment from the City's Historic District Commission.
3. The current application proposes to change the facade treatment originally reviewed by the Historic District Commission yet the Historic District Commission has not been provided with an opportunity to review the current proposal and offer additional comment.
4. Discussions between Planning Staff and the applicant have also confirmed that the plans presented to the City by the applicant do not accurately reflect the applicant's intention.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend this application be Continued to provide the applicant an opportunity to submit corrected plans to the City and to seek an advisory opinion on the proposed facade treatment from the Historic District Commission.

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

William E. DelSanto Jr., 265 Capuano Avenue, Cranston RI 02920 (OWN) and Sharon Thorpe, 15 White Oak Lane, Cranston RI 02920 (APP) have filed an application for permission to operate a retail business from the ground floor of an existing legal non-conforming building with apartment above and restricted front and corner side yard set back at **1020 Pontiac Avenue**. AP 10/2, Lot 13, area 20,972+/-SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

Findings of Fact

1. The structure has supported a beauty salon and a residential dwelling unit since 1957 and has been taxed accordingly since that time.
2. Conversion from a service (beauty salon) to retail establishment (gift and garden store) represents a substantial intensification of the existing legal nonconforming use.
3. A site plan showing parking accommodations was not provided to the Planning Commission.

Upon motion made by Mr. Rossi, seconded by Mr. Schiappa, the Planning Commission voted to recommend Denial – transformation of this site to a retail establishment would set an undesirable precedent for the proliferation of retail use along this primarily residential portion of Pontiac Ave.

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

ANTHONY CICCARONE, 1191 CENTERVILLE ROAD WARWICK RI 02886 (OWN) AND RICHARD CARLUCCI, 1 GOVERNORS HILL ROAD WEST WARWICK RI 02893 (APP) have filed an application for permission to build a new 26' x 30' two story single-family dwelling and 12' x 12' deck with restricted frontage on an undersized lot on **Hillside Avenue**. AP 15, Lots 244 and 256, area 5,000+/- SF, zoned A-6. Applicant seeks relief from Sections 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. A.P. 15 lot 256 has never been held in common ownership with abutting lot 255 and therefore is not considered merged in accordance with 17.88.010.
2. The Planning Commission recommended approval of a 26' x 43' two story single family home on these lots on August 3, 2004 with the condition that the applicant leave as many mature trees along the Hillside Ave. frontage as possible.
3. The Zoning Board of review subsequently had 3 votes in favor of the application, two opposed and two abstentions which resulted in an August 11, 2004 denial due to the fact that four concurring votes are needed to approve an application.
4. The revised two story single family home is 676 S.F smaller than that proposed in 2004.
5. Whereas the 2004 proposal required setback relief, the reduced size of the current proposal does not.
6. The lot has double street frontage of 50 ft. on Hillside Ave. and Watkins Ave. Both streets are dead ends.
7. Whereas the 2004 site plan proposed driveways on both Watkins and Hillside Avenues the current submittal proposes only one driveway on Watkins and notes a vegetative buffer to remain along Hillside.

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning unanimously voted to recommend Approval of this application, with the condition that the applicant leave as many mature trees on the Hillside Avenue property frontage area as possible.

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

Mario Moretti, 10 High Meadow Court, Cranston RI 02921 (OWN/APP) has filed an application for permission to build a 23' x 32' attached two car garage with restricted side yard set back at **10 High Meadow Court**. AP 21/2, Lot 435, area 20,000+/-SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance and 17.20.120 Schedule of Intensity.

Findings of Fact

- 1 10' side yard setbacks are required for attached garages in an A-20 zone.

- 2 All properties on this dead end street appear to meet the required minimum side yard setbacks.
- 3 Two site plans were submitted with the application, one was signed and stamped by a registered land surveyor, the other was not. The one which was signed and stamped shows that the proposed addition is 23' wide and would leave a side yard setback of only 4'.
- 4 An addition up to 17' wide could be constructed without the need for variance.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend Denial – A 4' side yard setback is inconsistent with the character of the immediate neighborhood and a reasonable addition of up to 17' in width could be constructed without the need for dimensional relief.

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

Thomas and Ann Scorpio, 1070 Scituate Avenue, Cranston RI 02921 (OWN/APP) have filed an application for permission to build a 2493+/-SF addition to an existing single-family dwelling with restricted front yard set back at **1070 Scituate Avenue**. AP 27/3, Lots 92 and 222, area 4.88+/- acres, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.090 Additional Setbacks on Certain City Streets.

Findings of Fact

1. There is a 75' required front yard setback on Scituate Ave from Elton Circle in the east heading west until the City line. This increased setback requirement has been provided and enforced in anticipation of increased vehicular traffic.
2. All existing properties on the south side of Scituate Ave. between Elton Circle and Comstock Parkway, including the subject lot, appear to have at least 40' front yard setbacks.
3. The proposed addition will result in only a 16' front yard setback.
4. The proposed addition will extend approximately 27' from lot 27- 222 onto lot 27-92 effectively merging the two lots into one.
5. Preliminary data from the Rhode Island Geographic Information System indicates that wetlands may be present on site.
6. The subject property is over 597' deep and provides ample space to expand the living area to the rear of the existing structure without encroaching into the Scituate Ave. setback.

Upon motion made by Mr. Schiappa, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend Denial-a minimum front yard setback of 40' can and should be provided in order to preserve an unobstructed corridor for future roadway improvements if needed.

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

Joseph and Paula Caramadre, 90 Beechwood Drive, Cranston 02921 (OWN/APP) have filed an application for special permit to build a 1400+/-SF family accessory apartment addition to an existing single-family dwelling at **90 Beechwood Drive**. AP 34, Lot 80, area 108,029 +/-SF, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.24.010 (F) Specific Performance Standards Accessory Family Apartments, 17.20.030 Schedule of Uses, Variance 17.92.101.

Findings of Fact

- 1 The existing primary dwelling is 5,630 S.F. in size excluding the garage.
- 2 The proposed accessory family apartment is 1,400 S.F.
- 3 Although the proposed accessory family apartment exceeds the 600 S.F. maximum allowable floor area criteria; it does constitute less than 25 percent of the primary dwelling's floor area and therefore its size is in proper proportion to the existing dwelling.
- 4 The dwelling will retain the appearance of a single-family home.
- 5 The apartment will have only one bedroom and although a separate entryway is proposed for the front of the addition the door will not face the street.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend Approval – Conditioned upon the receipt of an ISDS System Suitability Determination from RIDEM for the expansion in the number of bedrooms.

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

PERFORMANCE GUARANTEES

Glenham Park Sections 1, 2 & 3-Bond Recall

The above three bonds are due to expire on May 28, 2005, therefore, a vote was taken to authorize the administrative officer and public works director to recall these bonds if they are not extended prior to May 21, 2005, and that staff receive the original bonds by that date.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to authorize a bond recall by Mr. DeLuca and Mr. Schiappa.

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

Attorney Robert Murray informed the Commission that he may be back in June to seek a reduction in the bond amounts as the development is near completion.

Western Cranston Industrial Park-East-Bond Recall

This development has a performance bond, in the form of an insurance policy, not a letter of credit. It was issued on May 7, 2003, with a two-year expiration; or when the Planning Commission releases it. It is the bond providers assertion that the bond is still in force. Planning staff has received a letter to this affect, indicating the bond does not need to be recalled. The letter was received today, with a request for a reduction as the development is fairly complete at this time. Staff expressed willingness to accept the bond providers letter as his commitment. Chairman Guglietta questioned this approach and proposed a motion for conditional approval for recall of the bond.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to authorize the administrative officer and the director of public works to recall the bond if, in fact, the bond is no longer in existence.

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

EXTENSION OF TIME

Lippitt Farm Master Plan

Attorney Robert Murray stated that his client, Picerne Properties, has not yet received all the State approvals required to move forward with a Preliminary Plan. He has submitted a letter requesting a one-year extension.

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Commission unanimously voted to grant a one-year extension subject to payment of the \$300 fee, to be paid forthwith.

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

MISCELLANEOUS ITEMS

Comprehensive Plan Update

Mr. Flynn stated he has been working with Mr. Buckland, of the Cecil Group. He has gone over almost all of the elements and made recommendations to Mr. Buckland. The next Comprehensive Plan Update meeting will be held on Thursday, May 19, 2005, at 7 pm at the Senior Center. He stated he will have a draft plan available at that time and

will get a copy of the draft to all Commission members a week in advance. There will be at least one more public meeting after that.

Budget

Since the last Planning Commission meeting Mr. Flynn informed the group that he has presented the Planning and Economic Development Department budget to the City Council. He stated that the final outcome of Mr. Cushman's appointment as Economic Development Manager should be known on Friday, May 6, 2005.

Mr. Flynn mentioned that the current budget provides for a zoning enforcement officer position in the Building Inspections Department. This person would be specifically devoted to zoning enforcement.

Hazard Mitigation Plan

Mr. Flynn announced that the Hazard Mitigation Plan, prepared by our former planning intern, Benny Bergantino, and Jared Rhodes, has been accepted by FEMA.

Chapel View

Attorney John Bolton, representing Carpionato Corporation, stated that a condition of approval of the final MPD was that a Certificate of Occupancy would not be issued until the Planning Commission determined the roadway work on New London Avenue and Sockannoset Crossroads is substantially complete. Both Mr. Flynn and Mr. Schiappa noted that the tree planting has been done, the new signals are working, and the roadway construction is substantially complete.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to certify that the roadway improvements on New London Avenue and Sockannoset Crossroads are substantially complete and a Certificate of Occupancy may be issued to the new Shaw's Supermarket.

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

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

ADJOURNMENT: Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Commission unanimously voted to adjourn at 11 p.m.

Respectfully submitted,

Michael J. DeLuca
Secretary

