

MINUTES
July 12, 2005

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:03 p.m. The following Commission members were in attendance:

Chairman William Guglietta
Councilwoman Paula McFarland
Stephen Devine
Charles Rossi

Also present were:

Kevin M. Flynn, Planning Director
Michael J. DeLuca, Principal Planner
Lynn Furney, Associate Planner
Jared Rhodes, Senior Planner
Joanne Resnick, Senior Clerk
Jen Moore, Stenographer

Please refer to the attached attendance sheet for those members of the public that attended.

MINUTES

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to APPROVE the minutes of the June 7, 2005, Planning Commission meeting.

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Sanctuary Estates – Preliminary Plat
(Minor Subdivision with street creation)
Pippin Orchard Road
AP 28, Lot 64**

Public Hearing

Mr. Joseph Casale, P.E., representing the owner of the property, Presbytery of Southern New England, gave a brief explanation of the proposal to divide this 13.99 acre parcel

into four single family house lots and one lot retaining the existing church in an A-80 Zoning District. He stated that the wetlands have been verified by RIDEM in the Southwest, Southern and Northwestern corners of the property. An under-drain system has been installed on the site to lower the water table. Two new drainage systems are proposed; 1) the first 500 ft. of road will directly tie into Pippin Orchard Road, and 2) there will be a closed drainage system for the majority of the site to a detention pond with outfall into the wetland area; with an oil separator on the catch basin.

Chairman Guglietta asked what impact this development would have on neighbors. Mr. Casale described that the outflow in a 100 year storm will be reduced from 30 cubic feet per second to 10 cubic feet per second. These calculations address the existing sub drain flows, as well as anticipated flows from the proposed system.

Neighboring property owner Sergio DeSimone stated that a previously existing trench is now filled with sediment and no longer exists. He disputes the identification of the wetland edge. He is concerned with erosion downstream as water runs across his property during every storm and that this development will exacerbate the runoff. Mr. Casale stated the current proposal should help mitigate the drainage runoff.

Mr. Mike Rossi, 1705 Pippin Orchard Road, expressed concern with runoff to this property, to Pippin Orchard Road and the impact on Hope Road; claiming his property is downhill from the subject site. Mr. Casale explained there are berms set up and they are implementing swales along the roadway.

Chairman Guglietta asked if the drainage systems proposed would help the neighbors. Mr. Bzdrya indicated it would, noting that Mr. Rossi's property is actually uphill from the subject site. He reiterated Mr. Casale's statement that the current proposal should help mitigate the runoff. He stated that the drainage swale behind the DeSimone property has been in place for years and that the owner of the subject site, Mr. Bellini, has offered to clear the swale of sediment but that Mr. DeSimone stated that he wanted to do the work himself. Mr. DeSimone rebutted that new vegetation has grown since 2004.

Mr. DeLuca then stated that the current proposal is the third revision of this plan, and all revisions have been prompted by drainage concerns. He stated that Public Works Director, Marco Schiappa, P.E., has walked the site with Mr. Bellini and Mr. DeSimone. It was Mr. Schiappa's understanding that an agreement had been reached between the two parties such that Mr. Bellini would provide materials for Mr. DeSimone to complete the work himself.

Mr. Devine asked if a Physical Alteration Permit had been obtained. Mr. Casale stated that it was received on October 12, 2004. However, per Mr. Schiappa's request for underground drainage the State, on July 8, 2005, requested additional information.

There being no further testimony, Mr. DeLuca then presented the Planning Department staff's findings, as summarized by his memorandum, dated July 6, 2005, which is incorporated into these minutes by reference. Upon motion made by Councilwoman

McFarland, seconded by Mr. Devine, the Planning Commission voted unanimously to accept the staff's findings of fact as their own and APPROVE this Preliminary Plan, subject to the following:

1. Approval of final water system design by Providence Water Supply Board
2. Applicant shall revise plans to address technical comments of the Public Works Director and City Engineering staff as noted in their memoranda, referenced in Mr. DeLuca's memorandum.
3. Creation of a management entity for the purpose of maintaining the onsite drainage facilities in perpetuity prior to final plat approval.
Documentation shall be submitted for staff review at final plat application stage.
4. Roadway width waiver to 26 feet is approved.
5. Performance Guarantee of \$347,000.
6. 2% Administrative fee of \$6,940.00
7. Capital Facilities Impact Fee of \$5,558.00
8. Western Cranston Water District Fee of \$5,408.00
9. Submit revised Physical Alteration Permit prior to Final Plat Application.

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

**Pellegrino – Preliminary Plat
(Minor Subdivision with no street extension)
80 Old Spring Road
AP 15/2, Lot 11**

Attorney John DiBona, representing the applicant, Nancy Pellegrino, gave an overview of the proposal to divide this 40,480 square foot parcel into two house lots. Parcel A would be 23,074 square feet and the remainder, would be 17,406 and retain the existing single family dwelling. Parcel A would have sub-standard frontage (25.03 ft.) and a non-conforming side lot line. He added that this is the least intensive use of this property. A 36' x 50' raised-ranch style home is proposed on the newly created lot.

Mr. Richard Bzdyra, Registered Land Surveyor, Ocean State Planners, stated that the owner explored several options to developing this property and decided that one single-family home would be esthetically pleasing and no new road would be created.

Several neighboring property owners expressed opposition to the plan. Mr. Chris Germain, Normandy Drive, stated his concern that the new home would not appeal to prospective home buyers due to the fact that it will have no street frontage. He presented the Commission with photographs of his property.

Ms. Jean Allard, 63 Normandy Drive, presented photos of her property as well. She stated her concern with blasting of ledge and removal of 100 year old trees. She stated

there is no benefit to the city in allowing this type of development other than financial gain for the applicant.

Ms. Dora Koch, direct abutter to the proposed driveway, stated she has lived in her home for 55 years, and that nine families abut this site. She had several concerns: 1) blasting, 2) distance between her home and the proposed driveway, as her bedroom abuts the proposed driveway, 3) as no buffer is proposed, this would decrease her property value, 4) the new home may be used as rental property, 5) utility and pedestrian access, 6) emergency vehicle access, and 7) can the parcel be divided and sold to the existing property owners.

Ms. Koch was informed that there is 8 ft. between her home and the proposed driveway. The Commission is not in a position to speculate the impact this development would have on her property value, nor can the Commission prevent this new home from being rented. She was informed that the proposed driveway will be 25 ft. wide for access by emergency vehicles. Suggestion was made to contact the owner for possible sale of portions of this parcel to neighbors.

Mr. James Foley stated that he purchased his home 10 years ago and was told that the subject lot would not meet the requirements for subdivision. It is his feeling that the current proposal will have an adverse effect on neighboring property values. Mr. Foley cited *17.19.010, Section 2* from the City Zoning Code, which makes reference to the effects this proposal will have on the character of the area. Also, he is concerned with drainage as the land slopes down.

Councilwoman McFarland asked about the possibility of blasting, as the proposed new home site has ledge. Mr. Flynn responded that a permit would have to be obtained from the State prior to any blasting.

Mr. Robert Mitchell, 70 Old Spring Road, is concerned that when existing 100+ year old trees are removed there may result a large washout toward the existing home.

There being no further testimony, Mr. DeLuca gave a brief overview of the Planning Department staff findings. Frontage and side lot line variances are required. The staff is not satisfied that 25 ft. of frontage will serve the need for access to a public street, particularly in light of the length of driveway necessary to serve a new home. The staff does not usually support significant frontage variances such as requested. Runoff from the proposed driveway to Old Spring Road may need to be mitigated. The applicant would have to prove a true hardship exists such that they cannot make adequate use of the property as it is today and that a "flag lot" design with an additional homesite, as proposed, will have negative impact as measured by the requirements of RIGL 45-23-60. This would be a required condition for further consideration of waivers.

Based upon the above findings (explained in greater detail in the attached memorandum), review of the documents and plans submitted to date and testimony given by area residents, the staff recommended DENIAL of this Preliminary Plat application. Upon

motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to accept these findings as their own and DENY this Preliminary Plat application.

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

**Replat of Howard Estates-Preliminary Plat
(Minor Subdivision with no street extension)
Webber Avenue
AP 12/5, Lot 223**

Mr. Frank Corrao, partner, Mystic Development, gave an explanation of the proposal to divide this 18,617 sq. ft. parcel into three separate house lots in an A-6 Zoning District. The existing single family home would remain on one of the new house lots. Webber Avenue is paved and has water and sewer utilities already located in the street.

Area resident, Mr. Keith Menard, Preston Avenue, asked if this proposal meets city requirements. He feels that the proposed house lots are too small. Ms. Linda Messa, area resident, expressed concern with fire and safety. Mr. Anthony Vitaro questioned the size of the proposed homes. Mr. Damon DiPiro, 102 Webber Avenue, asked if curbing would be required, as he was required to install curbing when he built his home not long ago. Mr. Flynn explained that this proposal meets city requirements for subdivision; no waivers or variances are required.

Mr. DeLuca gave a brief overview of the staff's findings, as described in his memorandum dated July 7, 2005, which is a part of these minutes. There being no further testimony, the Planning Commission moved to a vote.

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

1. Capital Facilities Impact Fee of \$2,779.00 (2 new homes).
2. Approval of connection to public water services by Providence Water Supply Board prior to final plat approval.
3. Approval by DPW and Veolia Water of sewer service connections prior to final plat approval.
4. Public Works to determine if curbing is required.

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

**Pontiac Highlands-Preliminary Plan
(Minor Subdivision with no street extension)
Flynn Avenue
Replat of Lots 87, 88 and 89**

Attorney John DiBona, representing property owner Richard D'Iorio, gave an explanation of the proposal to merge and divide three lots into two buildable lots in an A-6 Zoning District. Both lots would be 4,800 sq. ft. in area. Parcel 1 would retain the existing single family dwelling at 17 Flynn Avenue. Parcel 2 is intended to support an additional single family dwelling. The proposal requires dimensional variance for insufficient lot area from the Zoning Board of Review.

Mr. DeLuca gave an overview of his findings of fact, as summarized in his memorandum dated July 12, 2005, which is a part of these minutes. He mentioned that the proposal is well integrated with the surrounding neighborhood. There was no testimony from the public on this matter.

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Commission unanimously voted to accept the staff findings of fact and APPROVE this Preliminary Plat application subject to the following:

1. Capital Facilities Impact Fee of \$593.46 (one additional dwelling).
2. Receipt of necessary Zoning Board variances prior to final plat application.
3. Correct location of sewer and water tie-ins on final submittal.

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

ZONING BOARD OF REVIEW ITEMS

BEAUSOLEIL REALTY LLC 11 YALE AVENUE WARWICK RI 02888
(OWN/APP) have filed an application for a Special Use Permit to convert a portion of an existing commercial manufacturing building into a self-storage facility with restricted front, rear and side yard setback on an undersized lot at **300 Station Street**. AP 3, lot 1717, area 40,201+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.020 Special Use, 17.72.010 Signage, 17.20.120 Schedule of Intensity.

Findings of fact:

1. Fifty-eight storage units of various sizes are proposed.
2. The site plan shows 12 off-street parking spaces.
3. Existing building setbacks: 20' side, 40 front, 3-1/2' rear (abuts the railroad tracks).
4. Approximately 1/3 of the lot is vacant.
5. The building is on a dead end street.

6. Site Plan Review pre-application has been submitted, and will have a decision prior to the Zoning Board of Review hearing on July 13, 2005.
7. No signage plans were submitted with the application.

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL, pending Site Plan Review pre-application approval, and revised site plans (if needed), which reflect any changes that may be imposed by the Site Plan Review Committee as a condition of that approval.

Note: Since no signage plans were submitted with the application, no sign variance can be approved.

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

MICHAEL VALLELI 350 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN/APP) AND DIANE DIPIPPO 10 CASEY LANE COVENTRY RI 02816 (LESSEE) have filed an application for permission to operate a restaurant from an existing legal non-conforming building with restricted frontage, front and side yard setback on an undersized lot at **1650 Elmwood Avenue**. AP 4/2, lot 514 & 515, area 8400+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.72.010 Signs.

Findings of fact:

1. The proposed restaurant shows seating for twelve at three tables.
2. Six parking spaces are provided
3. The existing building setbacks are: front-11', side-3', rear-70.5'
4. The building was granted a Zoning variance for a convenience store and deli in 1990. As conditions for approval, the parking area was to be paved and lined, and a landscaped strip along Elmwood Ave. was to be installed. Recent photographs indicate this was not done.
5. The applicant also owns abutting lots #513 to the north, and #516 to the east.
6. In an M-2 zone, a restaurant is a use which requires a special permit.

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL, provided the previous ZBR conditions for paving and landscaping are met.

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

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 July 9, 2005 a Traffic Study has been received and is under review, the pre-application review is pending July 27, 2005.

Continue the application to August, when the application will have a decision from the Site Plan Review Committee on the pre-application submittal.

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.

MOHAMED ALNHAS, 8 GORDON STREET, CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert the third floor attic into an additional living unit with restricted front and side yard setback on an undersized lot at **8 Gordon Street**. AP 7/5, lot 1307, area 4800+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of fact:

In August 1991, the Planning Commission recommended denial to subdivide a larger lot and leave the applicant's 2-family on a 4,800 sq. ft. lot. The Zoning Board granted the application.

There are no other 3-family dwellings in the area.

There are two other 2-family dwellings on the same block on 9,600 sq. ft. and 6,400 sq. ft.

The abutting single family to the right of the applicant's property is on a 12,800 sq. ft. lot, and the single family to the rear is on a 5,731 sq. ft. lot.

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend DENIAL, for the following reasons:

1. Out of character with the density of the neighborhood.
2. No apparent hardship; the applicant is already making reasonable use of his property with 2 units, by variance, on an undersized lot.

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

RONALD R S PICERNE AND DAVID R PICERNE TRUSTEES UNDER INDENTURE OF TRUST DATED 12/31/93 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN) AND GALAXIE RESTAURANT INCORPORATED 957 RESERVOIR AVENUE CRANSTON RI 02919 (APP) have filed an application for permission for a BV alcoholic beverage license for an existing restaurant at **957 Reservoir Avenue**. AP 9/4, lot 2370, area 20,527+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.64.010 Off-Street Parking.

Findings of fact:

1. Forty-one off street parking spaces are provided.
2. The request is for a beer and wine license.

Upon motion made by Mr. Devine, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to make no specific recommendation on this application.

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

PICERNE INVESTMENT CORP 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN/APP) have filed an application for permission to remove an existing freestanding sign and replace it with a larger freestanding sign than that allowed by ordinance at **1145 Reservoir Avenue**. AP 11, lot 779, area 1.8+/- acres, zoned C-1 & A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (H) Signs.

Findings of fact:

1. The proposed monument sign will be 13'-2" high x 8' wide, with 184 sq. ft. total sign area (the maximum permitted is 4' high; the maximum area permitted is 35 sq. ft.).
2. Per the zoning ordinance, the total signage area permitted in a C-1 zone is 100 sq. ft.
3. The monument signs for the office building across the street are less than 13 feet high, as pictured in the photographs.
4. The monument sign for a medical building two lots to the south (next to the office building across the street), seems to exceed 13 feet in height.
5. There was no previous sign variance for the existing 8' x 6' two-sided sign (96 sq. ft.), which is 11 feet high.
6. The proposed new sign is 88 sq. ft. larger and 2 ft. higher, than the existing sign.

Upon motion made by Councilwoman McFarland, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend DENIAL for the following reasons:

1. The proposed sign is over 5 times larger than the area permitted for a monument sign.
2. In general, the Commission seeks to reduce signage along main arterials; in cases such as this, the individual signs within the monument tend to be so small as to be difficult to read at the prevailing traffic speed.

The Commission suggests a smaller monument sign which highlights the Reservoir Avenue address, rather than the individual tenants.

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

RICHARD D'IORIO 54 KNOWLES WAY NARRAGANSETT RI 02882

(OWN/APP) has filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted front and side-yard setback on a proposed 4800+/- SF lot [parcel 1] and build a 28' x 42' raised ranch style single-family dwelling on the proposed remaining 4800+/-SF lot [parcel 2] at **17 Flynn Avenue**. AP 15/3, lot 766, area 9600+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact:

1. The application has received a conditional subdivision approval from the Planning Commission.
2. Six, single family dwellings across the street, are on 4,800 sq. ft. lots.
3. Two, single family dwellings abutting the applicant's rear property line, are on 4,800 sq. ft. lots.

4. The single family dwellings abutting the applicant's left and right property lines are on 6,400 sq. ft. lots.

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL, as the application is not out-of-character with the majority of other single family house lots on the street.

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

AMALGAMATED FINANCIAL EQUITIES VII LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP) has filed an application for permission to build two new additional residential units, two 9 stall garages, two 8 stall garages, one 6 stall garage, reconstruction of the building entrance, relocation of swimming pool, parking reconfiguration and landscaping at **425 Meshanticut Valley Parkway**. AP 16/4, lot 302, area 109,924+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.090 (a) Specific Requirements.

Findings of fact:

1. The application has been submitted to the Site Plan Review Committee for pre-application review.
2. Thirteen parking spaces will be eliminated on this lot.
3. Forty garage spaces in 5 buildings will be added.
4. Two – 10 stall garages will be constructed on the abutting lot.
5. The construction of 7 garages with 60 spaces total, (on both this lot and the abutting lot) will result in a net loss of 4 parking spaces.
6. There are 27 existing parking spaces in the front yard.
7. Three garages, spanning 260 feet, will be constructed along the rear property line with a 3.5 to 4 foot setback.
8. An evergreen screen consisting of 30"-36" Hicks Yews, will be planted on the property line behind the three garage buildings.
9. A new entrance to the rear parking garages will be installed from Summit Dr.
10. Thirty-five residential units are existing on this lot (85 units total with the abutting lot).
11. The applicant received a Zoning variance in 1996 to convert the pool house to one (only) residential unit (never constructed).
12. In 2000, the applicant received a Zoning variance to convert the pool house into 2 residential units (Planning Commission recommended approval).
13. The City's traffic engineer has not reviewed the parking plan.

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL with the following conditions:

1. Approval of the parking plan by the City's Traffic Engineer.
2. The bushes (Hicks Yews) to be planted along the rear property line are to be a minimum height of 5' after installation.

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

AMALGAMATED FINANCIAL EQUITIES VII LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP) has filed an application for permission to build, two 10 stall garages, two 8 stall garages, parking reconfiguration and landscaping at **455 Meshanticut Valley Parkway**. AP 16/4, lot 1257, area 108,892+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.090 (a) Specific Requirements, 17.64.010 (I) 13 Off-Street Parking.

Findings of fact:

1. The application has been submitted to the Site Plan Review Committee for pre-application review.
2. The plan submitted shows two – 10 stall garages only (the application incorrectly states two- 8 stall garages as well).
3. Fifty-one parking spaces will be eliminated on this lot to accommodate the garages.
4. The proposed garage's rear setback is 5 feet.
5. The existing 14' high arborvitae hedges along the rear property line will remain.
6. Five additional garage buildings with a total of 40 spaces will be constructed on the abutting lot.
7. The existing apartment building has 50 residential units.
8. The lot has 56 remaining parking spaces along the front and side yards.
9. The parking plan has not been reviewed by the City's Traffic Engineer.

Upon motion made by Councilwoman McFarland, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL with the following condition:

Approval of the parking plan by the city's Traffic Engineer.

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

This application cannot be heard, as an abutter has filed an appeal of the original approval to Superior Court.

MARIO MORETTI 10 HIGHMEADOW COURT CRANSTON RI 02921 (OWN/APP) has asked for reconsideration of a condition imposed with the approval of an application heard on May 11, 2005 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, 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 is an unapproved ISDS plan, showing minimum distances required for the ISDS location. The one that which was signed and stamped shows that the proposed addition is 23' wide, and would leave a side yard setback of only 4.07'.
4. An addition up to 17' wide could be constructed without the need for variance.
5. The Planning Commission had recommended denial for the previous variance application in May 2005 ,but the Zoning Board granted a variance, reducing the addition width to 22', and relocating the addition 6' to the rear.

Recommendation:

Reaffirm the Planning commission's original recommendation of denial, since 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.

JOHN B GIUSTI AND JOSEPH A MARAIA PO BOX 7537 WARWICK RI 02887 (OWN/APP) have filed an application for permission, pending minor administrative subdivision, to build a new single-family dwelling on a proposed 3.14 acre parcel [lot 1] and build another new single-family dwelling on the proposed remaining 9.86+/- acre parcel [lot 2] at **70 Burlingame Road**. AP 23, lot 25, area 566,585+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.090 Specific Requirements, 17.20.120 Schedule of Intensity.

Findings of fact:

The application for minor subdivision will be heard by the Planning Commission in August, therefore, the application must be continued until a conditional approval for the subdivision is given by the Planning Commission.

DAVID G BOGOSIAN 24 LINDSAY LANE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to build a 14' x 16'+/- SF shed [larger than allowed by ordinance] at **24 Lindsay Lane**. AP 35, lot 315, area 23,383+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.60.010 (H) Accessory Structures.

Findings of fact:

1. The zoning ordinance maximum allowed shed size is 12' x 16' (192 sq. ft.).

2. The applicant's shed meets the minimum yard setbacks of 10'.

Upon motion made by Mr. Rossi, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend APPROVAL of this application.

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

EXTENSIONS OF TIME

Koutsogiane Estates Elena Street

Mr. Koutsogiane presented the Commission with a list of the events that have transpired since approval of this subdivision (which is a part of these minutes). He stated that the roadway and curbing is complete, and this will be his last request for an extension of time.

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Commission unanimously voted to APPROVE Mr. Koutsogiane's request for a one year extension of time.

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

Scituate Farms, Section 4 Scituate Avenue

Mr. DeLuca stated he has received a request for a second extension of time from Mr. Paliotta, apparently due to delays with Providence Water.

Upon motion made by Councilwoman McFarland, seconded by Mr. Rossi, the Commission unanimously voted to APPROVE Mr. Paliotta's request for a one year extension of time.

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

MISCELLANEOUS ITEMS

Comprehensive Plan Update: Mr. Flynn stated that the Planning Department staff is in receipt of the latest draft of the Comprehensive Plan from the Cecil Group. He stated that there will be a meeting in August to discuss the final draft.

DATE AND TIME OF NEXT MEETING

Tuesday, August 2, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Councilwoman McFarland, seconded by Mr. Devine, the Planning Commission unanimously voted to adjourn at 9:35 p.m.

Respectfully submitted,

Michael J. DeLuca
Secretary

