

## MINUTES

**October 5, 2004**

Chairman Guglietta called the meeting to order in the City Council Chambers at 7:05 pm. He announced that the Replat of Edgewood Park Plat Preliminary Subdivision matter would not be heard as the attorney was not prepared to make a presentation and asked that the matter be heard at the November 9, 2004 meeting. The Chairman declared this matter would be deferred to that date.

The following Commission members were present:

William Guglietta, Esq., Chairman  
Paul Petit, Vice Chairman  
Marco Schiappa  
Stephen Devine  
Councilwoman O'Hara

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  
Nancy Simoes, Stenographer  
Catherine Bean, Voice Recognition

The following members of the public attended:

Rob & Debbie Sohegan  
Gloria Mallozzi  
Mabel Traham  
Linda Edmundson  
Paula Torvi  
Joseph Cherico  
Brenda Diko  
Minh Huynh

Armand Monaco  
Ed Mallozzi  
Mary Mallozzi  
Robert Cochrane  
Peter Vanasse  
Peter Alviti  
John Larrivee  
Mai Huynh

John Conti  
Donna M. Cassidy  
Connie Padula  
A. Lavin  
Carol Vanasse  
Joe Germain  
Robert Wheaton  
Joanne Chamberland

## **MINUTES**

### **Minutes of the September 2, 2004 meeting.**

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted to approve the minutes of the September 2, 2004, Planning Commission meeting.

## **ORDINANCE COMMITTEE ITEMS**

None

## **SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Paragon Place Condominiums – Master Plan  
(Major Plat with no street extension)  
East Street  
AP 15/3, Lots 1643 & 1661**

*Informational Hearing*

Attorney John DiBona, representing owners J. Boscia & Sons, Inc., explained the proposal to develop six 1,440 sq. ft. condominium units on a 32,916 sq. ft. parcel in an A-8 zone. He explained there was some confusion regarding zoning. He was under the impression, at the time of the concept review meeting, that the area was zoned A-6; as the property across the street is zoned A-6. Based upon the assumption that the property was zoned A-6, the applicant originally proposed eight condominium units, at which time he was informed that, in view of other condominiums in the area, 6 units would be more appropriate. Upon submittal of the proposed 6 unit condominium development, it was determined by mapping that the area is actually zoned A-8. Mr. DeLuca informed Mr. DiBona of the need to reduce the number of units to 4 to comply with density requirements of an A-8 zone. Mr. DiBona mentioned that no members of the public have objected to the proposal for six condominium units. He asked that six condominium units be allowed.

Peter Alviti, Engineer with Hudson Place Associates, explained the proposal for two buildings, each with three units. The end units would have single-car garages. Zoning requires 12 parking spaces; 16 are provided. He explained that each unit would generate approximately 6 vehicular trips per day. Compared with the potential for this parcel to be four residential house lots, with 10 vehicular trips per single family residence per day, the traffic generated by the current proposal would be less. There is adequate water and sanitary sewer facilities. Drainage would be accommodated by an underground concrete chamber system. Computations have been approved by the City Public Works Department.

Area resident, Robert Wheaton, 50 Bateman Avenue, stated that for a period of time the applicant had a construction barn on the site and parked diesel trucks that caused obnoxious fumes and noise in the early morning hours.

There being no further testimony from members of the public, Mr. DeLuca presented his memorandum and findings of fact; which are a part of these minutes. He explained that the area is transitional in nature. The zoning line runs down the middle of East Street. The A-8 zone is to the west; the A-6 zone is to the east. While the proposal is in compliance with the Cranston Comprehensive Plan, it does not comply with the Zoning Ordinance. A-8 zoning allows only single family dwellings on 8,000 sq. ft. lots or cluster developments (RPD's) where six or more units can be accommodated by right. Based on density alone, this parcel could only accommodate 4 units by right. Mr. Flynn noted these lots will support only 2 single family dwellings in their current state.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Devine, the Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. There were no Nay votes.) to accept the planning staff's findings as their own and APPROVE this application, with a reduction in the number of units to 4, subject to the following conditions:

1. Reduction of dwelling units to a maximum of 4, which would be consistent with the density provisions of the zoning ordinance, and merger of these lots into a single development parcel.
2. Receipt of all necessary zoning variances prior to preliminary LDP application. Should these variances be denied, vesting for four dwelling units shall be extinguished.
3. Address concerns raised by Public Works staff, Veolia Water and the Conservation Commission and revise plans accordingly prior to preliminary application.
4. Submittal of an acceptable drainage plan for Engineering review.
5. Performance bonding as necessary.
6. Sewer design to be approved by Veolia Water staff at preliminary review stage.
7. Capital Facilities Impact Fee of \$2,373.84.

**Wildflower Estates-Preliminary Subdivision**  
**(Major Plat with street extension)**  
**Twin Birch Drive**  
**AP 28, Lot 19**

*Public Hearing*

Engineer Peter Alviti, representing landowner Anthony Caparrelli and developer Joe Germain, explained the proposal to develop this 37 acre site into 28 residential house lots, plus two lots to support existing residences. He stated that the proposal remains much the same as the Master Plan proposal with the exception of the elimination of one lot due to

RIDEM regulatory requirements. He explained that the development is directly adjacent to Birchwood Estates. The existing residences front on Pippin Orchard Road.

Mr. Alviti explained that the existing stormwater basin in Birchwood Estates would be expanded to accommodate the additional runoff created by this development. Plans for a pumping station were eliminated due to neighbors concerns. A city sewer force main on Pippin Orchard Road will service this development. The applicant will request a sidewalk waiver, in view of the fact that there are no sidewalks in neighboring developments.

Area resident Robert Cook expressed concern for runoff created by this development and asked if the existing wooded area would remain as a buffer. Mr. Alviti informed Mr. Cook that the woods would not remain. This development will appear to be a continuation of Birchwood Estates.

Resident Debbie Sohegan, Chicory Lane, asked if the detention basin would extend into the utility easement. Mr. Alviti explained that expansion of the detention basin would remain west of the easement. The discharge would be from a pipe that runs from the existing detention area, across Wildflower Estates property, and into Furnace Hill Brook. Ms. Sohegan asked if the plat would extend toward her home. Mr. Alviti explained that this would not happen due to wetlands. Mr. Sohegan asked about property that is currently for sale. Chairman Guglietta explained that that parcel is not part of this application.

Lisa Palumbo, Twin Birch Drive, expressed concern for the impact of runoff to her property and asked if trees would remain for soil and water retention. Mr. Alviti informed her that there will be no buffers. This development would be the same type of development as Birchwood Estates. He explained that, from a stormwater standpoint, the roads are designed to be 2 ft. down into the ground from existing grade. All proposed lots will be draining down into the road into an underground drainage system. She asked if the project would be done in phases. Mr. Alviti answered that the entire project would be done at one time as the demand is there.

John Larivee, Pippin Orchard Road, expressed concern about water running down the roadways, causing damage to the roads.

Mr. DeLuca than gave the staff's findings and explained the major hurdle for this plat was access to the sewer force main that now runs down Pippin Orchard Road. As of June, the City had not yet accepted ownership of the sewer line or maintenance of it. There was uncertainty as to how the line would remain pressurized if Florida Power and Light were ever to go off-line. There was also concern for location of cleanouts that could not be found in the field. At this time these concerns have been resolved.

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

1. Public Works Department must be satisfied that the design of the sewer system and its connections to the Pippin Orchard sewer main conform with FPLE Sewer Line Connection Policy prior to final application.
2. City acceptance of the Sewer force main prior to plat recording.
3. Calculation and payment of the sewer Capital Recovery Fee prior to plat recording.
4. Address any sewer design issues raised by Veolia Water staff prior to final application and revise plans accordingly.
5. Revise grading of Paige Circle as necessary to properly blend with Birchwood Estates.
6. Revise name of Paige Circle to "Paige Avenue" or some other acceptable name as directed by Fire Chief or 911 administration.
7. Relocate fire hydrant per Fire Chief's direction.
8. Make design revisions to survey and drainage plan per City Engineer's direction.
9. Performance Guarantee of \$1,102,000.
10. 2% Administrative Fee of \$22,040.
11. Capital Facilities Impact Fee of \$38,906.
12. Western Cranston Water District Fee of \$37,856.
13. Request sidewalk waiver.
14. Plans shall include the lowest floor elevation for each home; as required by subdivision regulations.

### **ZONING BOARD OF REVIEW ITEMS**

**JEAN AND RICHARD VAN DYKE 81 DIXWELL AVENUE CRANSTON RI 02910 (OWN/APP)** have filed an application for permission to build a pressure treated deck to an existing single family dwelling with restricted front, side and rear-yard setback on an undersized lot at **81 Dixwell Avenue**. AP 5/4, lot 2022, area 4,125+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

#### Findings:

1. The proposed deck will be located in the front yard.
2. The applicant received a variance in April, 2002, to enclose an existing front porch. The plans showed a 5 ft. front yard setback from Dixwell Avenue and an 8 ft. setback from Fairweather Avenue.
3. The freehand site plan submitted shows a house setback of 12'-3" from Dixwell Avenue and a scaled 5 ft. setback from Fairweather Avenue. Both of these setbacks disagree with the April, 2002, site plan.
4. The site plan presented states there will be an 8 ft. setback from the proposed deck to the Dixwell Avenue property line.

Upon motion made by Mr. Schiappa, seconded by Councilwoman O'Hara, the Planning Commission unanimously voted to recommend **TABLING** this matter for a survey plan that shows the correct placement of the house on the lot and correct location, with

setbacks, for the proposed deck. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.)

**CP ASSOCIATES LLC 149 COLONIAL ROAD MANCHESTER CT 06045 (OWN) AND H BYK PE AGENT FOR OWNER 149 COLONIAL ROAD MANCHESTER CT 06045 (APP)** have filed an application for permission to build a 150' telecommunications tower for a new police station on **5 Garfield Avenue**. AP 7/2, lots 91, area 3.5+/- acres, zoned C-4. Applicant seeks relief from Section 30-18 Telecommunications Facilities.

Findings:

1. The tower will be a triangular, lattice tower.
2. The tower's location is next to the bike path property line, and not 150 ft. from the property line, as required by ordinance.
3. The nearest tower is less than 2.5 miles away.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL of this application for a telecommunications tower for the new police station on 5 Garfield Avenue. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.)

**CHRISTOPHER J CAMBIO 145 CAPUANO AVENUE CRANSTON RI 02920 (OWN) AND CARMEN P BOSCIA 1 COLDBROOK COURT CRANSTON RI 02920 (APP)** have filed an application for permission to build a new single family dwelling on a 4200+/- SF undersized lot on the **corner of Kearney and Magazine Street**. AP 10, lots 331 and 332, area 4200+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. The proposed street yard setbacks are 20 ft. from each street (25 ft. required); side and rear setbacks conform.
2. The lots have been in common ownership with the abutting single family on Kearney Street since March, 2000.
3. The average area for the eleven single family parcels on the block is 9,437 sq. ft.
4. There is a single family across the street (Magazine St.) on 16,800 sq. ft.
5. The street average lot size is 7,893 sq. ft.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Petit, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend DENIAL of this application for the following reasons:

1. Out of character with the lot sizes in the neighborhood.
2. Severe overcrowding.
3. The application does not conform with the Comprehensive Plan, which calls for 4-8 units per acre for this area of the City.

**PIR CORP 195 BROADWAY FALL RIVER MA 02721 (OWN) AND ROBINSON PLUMBING AND HEATING SUPPLY CO INC 195 BROADWAY FALL RIVER MA 02721 (APP)** have filed an application for permission to build an 18,200+/-SF addition for storage to an existing building and add 2 loading dock spaces to the easterly side of the building with restricted side and rear yard set back at **1 Freeway Drive a/k/a 15 Worthington Road**. AP 10/4, lots 753, 754 and 755, area 104,031+/- SF, zoned M-2. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. The Site Plan Review Committee has given final approval to the plan.
2. The addition will continue the existing 10 ft. rear setback (30 ft. required). The application states the side yard setback will be 11.5 ft. (25 ft. required).
3. There is an existing 26 ft. front yard setback from Freeway Drive (40 ft. required).
4. The proposed addition is not displacing any existing parking spaces.
5. The proposed gate for the detention basin is located at the point where the proposed addition is closest to the property line. This scaled distance is 11.5 ft. The application states the setback at this point is 7.5 ft.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Schiappa, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend APPROVAL of this application with the following note: Any changes to the site plan that may be imposed by the Zoning Board would require Site Plan Review Committee approval.

**PICERNE INVESTMENT CORP 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN) AND EFENDI'S MEDITERRANEAN GRILL INC 1255 RESERVOIR AVENUE CRANSTON RI 02920 (APP)** have filed an application for permission to remove and replace an existing free standing sign with changeable copy and replace an existing building sign with an awning style with copy at **1255 Reservoir Avenue**. AP 11/6, lots 3558, area 2.59+/- acres, zoned C-4. Applicant seeks relief from Section 30-18 (r) Signs.

Findings:

1. The changeable sign area is  $(4 \times 6) \times 2 = 48$  sq. ft., in addition to the existing 136 sq. ft. freestanding sign. (184 sq. ft. total; 50 sq. ft. permitted)
2. The total signage on the 2 canopies is approximately 48 sq. ft. (40 sq. ft. permitted).
3. The square footage of the patio awning sign is approximately 16 sq. ft.

4. Total area of all signage is 248 sq. ft. (+/- is permitted)
5. The applicant's business is one of five other commercial buildings on the same lot. It is not known what the total square footage of signage is for the other businesses.
6. Building Inspections did not show a temporary sign permit was taken out.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend APPROVAL of this application with the following condition: Remove the temporary sign.

**EDWARD RUSSO AND ESTATE OF FRANCES RUSSO 177 CURRY ROAD CRANSTON RI 02920 AND PASCO AND LUCY RUSSO 165 CURRY ROAD CRANSTON RI 02920 (OWN) AND BIAGIO PRODIGIO 7 MISTY COURT SOUTH KINGSTON RI 02879 (APP)** have filed an application pending minor subdivision for permission to leave an existing single family dwelling on a proposed 6400+/- SF undersized lot [parcel 3] and leave a single family dwelling on a proposed 8000+/- SF lot [parcel 2] and build a new 34' x 40' 2-story single family dwelling with restricted frontage on the remaining 8000+/- SF lot [parcel 1] on **Holland Street**. AP 12, lots 1420, 1421, 1422, 1423 and 1448, area 22,400+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. All three lots have the required area for an A-8 zone.
2. The undeveloped lot has 60 ft. frontage (80 ft. required).
3. The proposed new home will meet all required yard setbacks.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend this application be CONTINUED as the applicant has not yet obtained subdivision approval.

**CONSTANCE D RADICAN AND JOANNE F CHAMBERLAND 2548-2550 Cranston Street Cranston RI 02920 (OWN/APP)** have filed an application for permission to convert an existing garage into a bedroom with bathroom with restricted rear yard set back at **2548-2550 Cranston Street**. AP 19, lot 107, area 8,139+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings:

1. The existing free-standing garage has a 11.5 ft. side yard setback and 6.6 ft. rear yard setback.

2. The garage will be connected to the main house by a new 15'-2" x 19'-3" rear addition that overlaps the garage by 7'-7".
3. The rear property line abuts the bike path.
4. The building is a duplex.
5. The garage will be converted to a bedroom and full bathroom with washer and dryer (538 sq. ft.).

Upon motion made by Mr. Schiappa, seconded by Councilwoman O'Hara, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend APPROVAL of this application.

**PETER SACCOCCIO 4 ANGEL LANE SCITUATE RI 02857 (OWN/APP)** have filed an application for permission to convert a former fire station into a single family dwelling at **145 Main Street**. AP 30, lot 203, area 32,762+/- SF, zoned A-20. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-23 Structural Alterations.

Findings:

1. The building has been vacant for several years.
2. The existing building has a 12.1 ft. side yard setback (15 ft. required).
3. The existing building meets all other yard setbacks.

Upon motion made by Mr. Devine, seconded by Councilwoman O'Hara, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None.) to recommend APPROVAL of this application.

**JAMES E AND BRENDA DIKO 75 THOMAS LANE CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build an 18' x 19' addition for a family accessory apartment with restricted front-yard setback at **75 Thomas Lane**. AP 27, lot 203, area 20,038+/- SF, zoned A-20. Applicant seeks relief from Section 30-29 Special Permit, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings:

1. The plan shows an 18' x 18' front addition to be used as the kitchen/dining room for the family accessory apartment.
2. The apartment will be 605 sq. ft. (600 ft. max is allowed).
3. The entrance to the apartment is through a new exterior door on the right side of the kitchen addition.
4. The proposed front yard setback is 30.49 ft. (30 ft. required).

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine

and Councilwoman O'Hara. Voting Nay: None) to recommend APPROVAL of this application.

**MINH HUYNH 187 CONCORD AVENUE CRANSTON RI 02910 (OWN/APP)** has filed an application for permission to build a 10' X 53' kitchen addition to an existing legal non-conforming building with restricted rear and side yard setback and off-street parking at **1096 Park Avenue**. AP 9/4, Lot 2924, area 6960+/- SF, zoned C-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-18 Off-Street Parking.

**Findings:**

1. The building currently has a 22 ½ ft. rear yard setback. The addition will leave a 12 ½ ft. rear yard setback.
2. The dumpster will be located next to the parking area on Spenstone Road and enclosed with a concrete block wall.
3. The applicant's property abuts a single family house and a residential A-6 zone.
4. The cooler and freezer will be located in the area of the addition that abuts the dumpster pad, minimizing noise impact on the abutting single family dwelling.
5. Eight of the 14 existing parking spaces require vehicles to back out on to Spenstone Road.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. Voting Nay: None) to recommend APPROVAL of this application with the following condition: Install a 6 ft. high arborvitae evergreen buffer along the rear property line, next to the stockade fence, abutting the residential use.

**MISCELLANEOUS ITEMS**

a) Comprehensive Plan-Survey

Mr. Flynn announced that, to date, 253 Comprehensive Plan Update Surveys have been returned. (9 from the website)

A date has not been set for the next Comprehensive Plan Update public meeting. The agenda for that meeting will be a status report on all of the action items in the current comprehensive plan: many of which have been accomplished.

b) Johnson & Wales

Mr. Flynn informed the Commission that the Planning Department is in receipt of three ordinances regarding the Johnson & Wales dormitory expansion project. They were

initially introduced last year and then tabled at the request of Johnson & Wales. The proposal has changed substantially, although it is still to build apartment-style dormitories at the Field's Point location, approximately for the same number of students. This matter will be before the Commission in November.

Ms. O'Hara informed the Commission that she received a call from Attorney Andrew Teitz stating that a neighborhood meeting will be held prior to the start of the Johnson & Wales project.

Chairman Guglietta called attention to the special date of the next meeting.

**DATE AND TIME OF NEXT MEETING**

Tuesday, November 9, 2004 at 7 p.m. (*Please note special date*)

**ADJOURNMENT**

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to adjourn the meeting at 9:14 p.m.

Respectfully submitted,

Michael J. DeLuca  
Secretary