

December 7, 2004

MINUTES

The Planning Commission meeting was called to order in the City Council Chamber at 7:16 p.m. by Chairman William Guglietta. Chairman Guglietta announced that this was Councilwoman O'Hara's last meeting and praised her support and years of service to the Planning Commission.

The following Commission members were present:

William Guglietta, Esq., Chairman
Paul M. Petit, Vice Chairman
Charles Rossi
Marco Schiappa
Jerome Baron
Stephen Devine
Councilwoman Ellen 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

The following members of the public attended:

Dack Patriarca	Ben Cerilli	Claire Giannamore
Ray Mooney	Robert Bounacorsi	Dennis Calderone
William Lane	Dennis Greco	Robert Murray
Carole Saraco	Diane Graves	P.K. Graves

MINUTES

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to approve the minutes of the November 9, 2004 meeting.

ORDINANCE COMMITTEE ITEMS

None

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Newbury Village Phase 1H – Master Plan
(Major Plat with private street extension)
Scituate Avenue
AP 36, Lot 10**

Informational Hearing

Attorney Dennis Grieco, representing A.J. Lane Development Corporation, explained the proposal to construct 13 condominium dwelling units in the B-2 zoned area of this site. The complex will have a total of 91 units, making it less dense and providing more open space than originally planned. The development will be serviced by public water and sewer systems. He pointed out there is wetland to the north of Phase 1H, the detention pond is in excess of what is needed, and driveway A (to the south of Phase 1H) has been widened to 20 ft. per the Fire Department request. An easement agreement exists to connect with the development to the west.

At this point in the meeting stenographer Nancy Simoes excused herself due to illness.

Attorney Robert Murray, representing Cove Road Development and Patriot Homes (owner to the west), stated his client has no objection to the proposed Master Plan.

Mr. DeLuca, Planning Department Staff, referred to his memorandum, dated December 2, 2004, which is a part of these minutes. He reiterated the staff's five *Conditions of Approval*.

Mr. Schiappa stated that the utility connection to Phase 2 may be relocated to Ashburton Drive. On the issue of corrections to existing sewer lines, he stated that he has received approval from Veolia Water, and the applicant has provided a performance bond to ensure the successful completion of this project.

Mr. Grieco questioned the staff's fourth condition "*That the City of Cranston shall be held harmless for any sewer deficiencies on site or in other Phase 1 connections.*" He stated his client has gone above and beyond what is required by regulations and

questioned this condition of approval. He stated it is his understanding that this is the responsibility of the developer and the homeowner's association.

Mr. Schiappa responded that his main concern is to note for the record that any existing deficiency will not be the City's responsibility in the future.

Mr. DeLuca stated that should it be necessary to bring utilities down Boylston Drive, this will require the submittal of a revised plan. He suggested the addition of a sixth condition of approval to reflect this possibility.

No members of the public offered testimony on this matter, therefore, the Commission moved to a vote. Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department staff findings as their own and recommend APPROVAL of this Master Plan subject to the following six conditions:

- 1) That the number of dwelling units (13) be considered a maximum that may be reduced if RIDEM Wetland approval, drainage regulations, or other constraints necessitating a design change lead to a reduced buildable area.
- 2) That all infrastructure onsite be owned and managed privately by the Homeowner's Association.
- 3) That the applicant secure Veolia Water approval for design of the sewer system.
- 4) That the City of Cranston shall be held harmless for any sewer deficiencies onsite or in other Phase 1 connections.
- 5) That the "connector road" be considered a necessity unless and until its removal is approved by the Planning Commission in concert with a review of the neighboring development to the west.
- 6) Should it be necessary to extend utilities through this section to serve Phase 2 to the west, a revised plan showing location and size of a utility easement shall be submitted.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Baron, Mr. Schiappa and Councilwoman O'Hara. There were no nay votes.

Replat of Pine Ridge Estates – Preliminary Subdivision *Public Hearing*
(Minor Plat with street extension)
AP 35, Record Lots 14, 15 & 16

Peter Alviti, Engineer, Hudson Place Associates, explained the applicant is seeking to merge and divide three record lots into two larger building lots at the end of a cul-de-sac and will reduce the length of the roadway by approximately 70 ft. The property is zoned A-80 and is located adjacent to the Alpine Estates subdivision.

Mr. DeLuca referred to his memorandum, dated December 1, 2004, which is a part of these minutes. Upon motion made by Councilwoman O'Hara, seconded by Mr. Baron, the Planning Commission unanimously voted to accept the Planning Department staff findings as their own and APPROVE this Replat of of Pine Ridge Estates Lots 14, 15 and 16 subject to the following conditions:

1. Compliance with all conditions of original plat approval dated August 11, 2004.
2. Completion of abandonment proceedings for the existing cul-de-sac bulb prior to final plat approval.
3. Quit claim transfer of old cul-de-sac bulb to applicant and new cul-de-sac to City with recording of final plat.
4. Revision of plans as necessary to address concerns of Veolia water staff.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Baron, Mr. Schiappa and Councilwoman O'Hara. There were no nay votes.

**Oreste Property Plat – Preliminary Plan
(Minor Plat with no street extension)
176 Terrace Avenue
AP 7/1, Lots 445, 453, 454 & 3133**

Attorney John Mancini, representing owner Maria Vallante, explained the proposal to merge and divide this 11,942 square foot parcel into two separate house lots in a B-1 Zone. The existing three family home would remain on 5,942 square feet and the new lot would be 6,000 square feet. The applicant proposed a single family home on the new lot. He presented the Commission with a memorandum explaining the existing conditions and radius map, which are a part of these minutes.

Mr. DeLuca, referring to his memorandum dated December 6, 2004, which is a part of these minutes, stated that the finding of his density analysis is one dwelling unit per each 3,600 square feet of land area. He stated that this property is listed presently taxed as a three-family home although the applicant asserts it is used as a two-family home.

No members of the public offered testimony on this matter, therefore, the Commission moved to a vote. Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department staff recommendations as their own and APPROVE this preliminary plan subject to the following conditions:

1. Existing structure shall be limited to 2 residential units.
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. Driveway width to be limited to 20 feet.
6. Repair or replace sidewalk following installation of utility extensions to City standard.
7. Delivery of any curbing removed from the site to the City Highway Dept.
8. Applicant to draft an encroachment easement for City approval to allow for continuation of the existing building encroachment.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Baron, Mr. Schiappa and Councilwoman O'Hara. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

Dirk Patriarca/Dack Trust, 62 Seaview Avenue Cranston RI 02905 (Own) and Dack Patriarca, 62 Seaview Avenue Cranston RI 02905 (App) have filed an application for permission to build a second story loft addition and a new 26' x 22' +/- SF addition and convert an existing legal non-conforming boathouse into a single family dwelling with restricted frontage and side yard setback on **Plat 1, Lot 452 Seaview Avenue**. AP 1, Lots 452 and 154, area 9515 +/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-13 Street Access, 30-14 Specific Requirements, 30-17 Schedule of Intensity.

Findings:

1. The entire building is located within the FEMA 100 Year Flood Plain, with a flood elevation of 17 ft. The proposed lowest habitable floor (bedroom) is at an elevation of 8 feet.
2. The building is within 200 ft. of the coastline, which falls under the jurisdiction of CRMC.
3. The property is located within the Pawtuxet Village National Register Historic District.
4. Lot #452 has 5' of street frontage, lot 154 has 50 ft. of frontage.(Total = 55 ft.)
5. There is a garage located on Lot #154, located within the 500 year and 100 year flood plains.
6. The existing boat house has a zero side-yard setback. The addition will have a 6 ft. side setback.
7. The architectural design of the renovated building is not consistent with the historic character of the National Register District.
8. At least three other zoning applications in the past on Fort and Seaview Ave. have been reviewed and approved by the Cranston Historic District Commission.

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

1. Prior to CRMC submission, submit the application to the Cranston Historic District Commission for an advisory recommendation on the design of the building.
2. The application must receive an approval from CRMC and the Rhode Island Historic Preservation and Heritage Commission.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

William and Dorothy Tirocchi, 30 South View Terrace, Cranston RI 02920-1418 (Own/App) have filed an application for permission to convert an existing legal non-conforming one family dwelling into a two-family dwelling with restricted front yard setback at **291 Station Street**. AP 3/3, Lots 66 & 67, area 10,000+/- SF, zoned M-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. All 8 houses on the block are two-family dwellings, except for the applicant's home. Six of those dwellings are on smaller lots than the applicant's
2. Industrial uses are across the street.
3. The applicant purchased the home in February, 2004, as a two-family.
4. The house has been taxed as a two-family since 1999.

Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL of this application subject to the following condition:

Provide 4 parking spaces on site.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

Hircania Garcia, 111 Pontiac Avenue, Cranston RI 02910 (Own/App) has filed an application for permission to build a 24' x 38' two-story single family home with 8' x 16' attached deck on an undersized lot with restricted frontage at **111 Pontiac Avenue**. AP 6/2, Lot 1553, area 5762+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity

Findings:

1. A 16 ft. x 20 ft. two-story rear addition is shown on the site plans, which contains a family room and bedroom.

2. The proposed single family meets all required yard setbacks.
3. The lot has frontage of 50 ft. (60 ft. required).
4. There is a significant drop in elevation from the front property to the back, which may not accommodate the design of the house submitted with the application.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

Dennis P. Calderone, 76 Packard Street, Cranston RI 02910 (Own/App) has filed an application for permission to leave an existing legal non-conforming two-family dwelling on an undersized (lot 2794) with restricted frontage, front and corner side-yard setback and build a new one story 24'x 32' single family dwelling on the abutting undersized (lot 2795) with restricted frontage and front yard setback at **76 Packard Street**. AP 6/3, Lots 2794 and 2795, area 6640+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-13 Street Access, 30-14 Specific Requirements, 30-17 Schedule of Intensity, 30-19 Sub-Standard Lots of Record.

Findings:

1. The proposed 2 family lot will have 3320 sq. ft.
2. The proposed new single family lot will have 3320 sq. ft.
3. The lot to the right of the applicant's lot is a single family on 6,640 sq. ft.
4. The corner lot across Jordan Street is a two-family on 6,400 sq. ft., built in 1939.
5. There are 2, two-family dwellings across the street on Packard St., each on 3,320 sq. ft. lots. One is a grandfathered use, and the other was given Zoning Board approval in 1967.
6. The two-family on 157-59 Jordan Street was built in 1965 on a 4,980 sq. ft. lot.

Based on the findings, the staff's recommendation was for denial of the application. Councilwoman O'Hara made a motion to accept the staff's recommendation. The motion failed because of the lack of a second to the motion. There was no motion to approve, therefore, upon motion by Chairman Guglietta, seconded by Mr. Petit, the Planning Commission unanimously voted to make no specific recommendation on this application. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine. Councilwoman O'Hara voted Nay.)

Reo Properties, Inc., 900 Park Avenue, Cranston RI 02920 (Own/App) has filed an application for permission to leave an existing legal non-conforming single family dwelling on a 5000 +/- SF undersized lot (780) with restricted frontage and front yard setback and build a new 20'x 28' two story home on the abutting 5000 +/- SF undersized

lot (779) at **42 Sumner Street**. AP 7/2, Lots 780 and 779, area 10,000+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

This application needs to be re-advertised. No action taken.

George and Sophia Tzanetos, 716 Reservoir Avenue, Cranston RI 02910 (Own) and Joseph and Roberta Winkleman, 716 Reservoir Avenue, Cranston RI 02910 (App) have filed an application for permission to operate a candy store from an existing legal non-conforming commercial building on an undersized lot with restricted front and side yard setback at **718 Reservoir Avenue**. AP 9/5, Lots 2920 and 2964, area 4844+/-SF, zoned C-4. Applicant seeks relief from Section 30-28 Variance, 30-18 (P) Off-Street Parking, 30-18 (R) Signage, 30-17 Schedule of Intensity.

Findings:

1. A travel agency and restaurant are located in the same building.
2. The site plan shows 4 existing parking spaces whose only means of egress is to back out onto Reservoir Avenue.
3. There is a driveway and garage at the rear of the building.
4. The existing commercial building has never had any legal off-street parking areas.
5. The candy store will be operating in the same floor space as the travel agency.
6. The proposed wall sign is 8 ft. x 2 ft. = 16 sq. ft.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL of this application. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

Jamison and Linda C. Monello, 2 Bennett Drive, Johnston RI 02919 (Own/App) have filed an application for permission to leave an existing legal non-conforming two family dwelling on a 5000+/- SF undersized record lot (94) with restricted frontage and front and side yard setback and build a new 24'x 30' two story home on the abutting 5000+/- SF undersized record lot (93) with restricted frontage at **38 Briggs Street**. AP 12/4, Lot 73, area 10,000+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-19B Merger of Substandard Lots.

Findings:

1. Both lots will have 50 ft. frontages.
2. Four other 2-family dwellings on the street are on 5,000 sq. ft. lots.
3. Six other single family dwellings on the street are on 5,000 sq. ft. lots.
4. The proposed single family dwelling meets all required setbacks.
5. The proposed side yard setback for the 2-family will be 4.3'.

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application as it conforms to the neighborhood, and with the condition that parking be provided for 4 cars on the two

family lot. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

O'Brien Family Trust, 225 Middle Road, East Greenwich RI 02818-0964

(Own/App) has filed an application for permission to operate a gymnasium from a portion of an existing building at **471 Atwood Avenue**. AP 12/4, Lot 3115, area 30,000+/- SF, zoned M-1. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Uses.

Findings:

1. 1,468 sq. ft. of the building will be used as a gym.
2. The Comprehensive Plan future land use map calls for Commercial and Services along this portion of Atwood Avenue.
3. Twenty nine parking spaces total are located on site.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend APPROVAL of this application as it conforms with the Comprehensive Plan, and with the following conditions:

1. Parking plan to be approved by the City's Traffic Engineer.
2. Install a minimum 5 ft. wide landscape strip along the Atwood Avenue property line, in the three areas on either side of the driveways.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

Palazzo Family Trust, 1130 Ten Rod Road, Wickford RI 02852 (Own/App) has filed an application for permission to relocate an existing one story 26' x 32' +/- SF single family dwelling to an undersized lot with restricted side yard setbacks on **Warman Avenue**. AP 15/2, Lots 289 and 290, area 4000+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. The Zoning Board denied a request for a 35 ft. wide single family on the same lot in April, 2003. The staff questions whether the application has changed substantially to warrant another review by the Zoning Board within 2 years.
2. The average lot size for 16 other single family dwellings on the street is 8,968 sq. ft.
3. The parcel has 40 ft. of frontage.
4. The proposed house is 26.17 ft. wide, leaving 6.92 ft. side yard setbacks.
5. The single family to the right of the applicant's lot is on a 10,000 sq. ft. lot. The single family to the left is on an 8,000 sq. ft. lot.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. Severe overcrowding.
2. Out of character with other single family dwellings in the neighborhood on substantially larger lots.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

Paul E. Mastrobuono C/O 3457 Post Road, Warwick RI 02886 (Own) and Rick Marini and Dennis Plante C/O 2220 Plainfield Pike, Cranston RI 02921 (App) have filed an application for permission to build a new 18,000+/- SF two story commercial/office and retail building with restricted rear yard setback at the **corner of Starline Way and Plainfield Pike**. AP 35, Lots 16, area 61,804 +/- SF, zoned M-1. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Uses, 30-18 (R) (2) (b) Signage, 30-17 Schedule of Intensity.

Findings:

1. The application has received pre-application approval with conditions from the Site Plan Review Committee.
2. In December, 2002, the Planning Commission recommended denial for a Zoning Board application for a commercial, wholesale and retail bakery across the street. The Zoning Board granted the request.
3. Findings relative to the Comprehensive Plan: The City's Comprehensive Plan call for industrial uses on this portion of Plainfield Pike.
 - Page 26 of the Plan states, "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion".
 - Also on Page 26, "Commercial and community services should be provided for existing and future residents of western Cranston without supplanting industrial opportunities."
 - Page 36 states, "...this area of Plainfield Pike has the potential for adverse impacts on Cranston's industrial area, resulting from the proposed commercial zoning in Johnston's Comprehensive Plan for the opposite side of the road." Cranston opposed Johnston's Comprehensive Plan for that reason.
 - Page 105, "Cranston has taken steps through its planning and zoning standards to prevent uncoordinated commercial development from occurring...along Plainfield Pike."
 - Page 113, Action Item ED-23 states, "Encourage the Town of Johnston to rezone the property on the north side of Plainfield Pike for industrial uses".
4. Wall signs = 5 @ 3' x 12' = 36 x 5 = 180 sq. ft.

Monument sign = 2.34' x 15' = 35.1 sq. ft.
 Nikki sign (2) = (12'x6) 2 = 144 sq. ft. for a total square footage of 359.1.
 45 sq. ft. total building signage is allowed by ordinance.
 300 sq. ft. total signage is allowed on the lot.

Upon motion made by Mr. Schiappa, seconded by Councilwoman O'Hara, the Planning Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. The application is in conflict with the City's Comprehensive Plan, which discourages commercial uses in this area of Plainfield Pike.
 Note: The Commission notes that there is a finite number of industrially zoned lots remaining in the city and strongly opposes a request for commercial uses on any of those lots.
2. No apparent hardship. The applicant can make reasonable use of this property with any uses allowed in an industrial zone.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa, Mr. Devine and Councilwoman O'Hara. No Nay votes.)

MISCELLANEOUS ITEMS

Mr. Flynn stated approximately 35 people attended each of the last two public Comprehensive Plan Update Workshops. All eight elements of the Comprehensive Plan have been covered at the workshops. We should have draft elements of the plan available in January or February. He stated he is satisfied with public turnout at the meetings, with approximately 75 different people attending the three workshops.

DATE AND TIME OF NEXT MEETING

Tuesday, January 4, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Councilwoman O'Hara, seconded by Mr. Petit, the Commission unanimously voted to adjourn at 9:25 p.m.

Respectfully submitted,

Michael J. DeLuca
 Secretary

