

June 8, 2004

**MINUTES**

Vice Chairman Paul Petit called the meeting to order in the City Council Chamber at 7:09 p.m. The following Commission members were present: Chairman Guglietta arrived at approximately 8:30 p.m.

William R. Guglietta, Esq., Chairman  
Paul M. Petit, Vice Chairman  
Councilwoman Ellen O'Hara  
Stephen Devine  
Jerome Baron

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

Many members of the public were also in attendance. Please refer to the Attendance Sheets that are a part of these minutes.

**MINUTES**

Upon motion made by Councilwoman O'Hara, seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the May 4, 2004 meeting.

**ORDINANCE COMMITTEE ITEMS**

None

**SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Greenfield Estates – Master Plan  
Greenfield Street  
AP 12, Lots 3158, 3166, 3167 & 3234**

*Informational Hearing-cont'd*

Vice Chairman Paul Petit reminded Commission members, as well as the public, that this hearing was continued from last month, May 4, 2004.

Mr. Phillip Mancini, engineer and land surveyor, explained that since last month he has been working to correct the concerns raised at that meeting. He reminded everyone that the project consists of ten (10) condominium units (in two cluster buildings-five buildings on site, each one level with attached garage) that will occupy five (5) acres of land. There are 1.6 acres of wetland in the area of the brook. The existing single family homes will remain on two of the new house lots. Greenfield Street will end in a cul-de-sac. The road will continue through the project and end in another cul-de-sac, per Fire Department mandate.

Mr. Mancini addressed the concern raised last month regarding the right-of-way that entered the property from Greenfield Street and ended in front of the property owned by Mrs. Mary Keegan. He stated that since the last meeting Mrs. Keegan has signed an agreement that she has accepted the elimination of the old right-of-way to be replaced by a passage to her lot along the street and the private way to her lot. He stated that this document is on file.

Mr. Mancini addressed the concern of traffic. He pointed out that this project generates less traffic than single family homes as most condominiums are occupied by elderly or single people.

Mr. Mancini stated that the dedicated street is graded so that it pitches down toward Greenfield Street. He asserts that there will be no increase in water runoff. He pointed out there will be three detention areas, that will have a series of catch basins that will go to the detention areas. Each detention area will have a solid surface access to service the detention basins. He stated that there will be zero runoff, with no excess water running into the brook. The entire project will be submitted to the RIDEM Wetlands Division at the time of Preliminary Review.

A sewer capacity analysis was requested at the last meeting. Mr. Mancini states that documentation of these findings are forthcoming. Providence Water Supply Board finds the necessity for a pumping station so that water pressure can be maintained, both for fire protection and domestic service. An additional fire hydrant will be installed 450 ft. from the existing hydrant on the dedicated street. The turning radius at the entrance to Greenfield Street has been changed to 25 ft.

Ms. Pamela Garelnick, 222 Whiting Street, mentioned problems with vandalism in the area. Mr. Perrotti reassured her that the development of the area should deter vandalism.

Ms. Cindy Okasheke, 28 Greenfield Street, asked for clarification of the change of right-of-way, possible egress to Scituate Avenue, and what can be done to alleviate abandoned cars during snowstorms due to current roadway grades. Mr. Mancini reiterated his proposal for the right-of-way to the landlocked Keegan property. He stated that the Greenfield Estates proposal has no control over access to Scituate Avenue. Regarding the grade of Greenfield Street and cars being abandoned during snowstorms, he stated that this is a Public Works Department issue. Mr. Flynn, on behalf of the Public Works Director who was not present at this meeting, stated that the City does have a protocol for sanding and plowing of hilly streets first. He stated that he would check with the Public Works Department to see if Greenfield Street is listed as one of these areas.

Marie Sweet, Cranston Conservation Commission, stated that the Commission has no concerns with the proposed development. She mentioned the Scituate View development and the Paliotta's (owners of Greenfield Estates) have agreed to a nature trail that will separate the two subdivisions.

Mr. DeLuca explained that the Master Plan level is intended to be a generalized review. He stated that some of the components raised will need further review. He stated that drainage plans are required at Preliminary, the next stage of review, and these plans will be reviewed by Engineering staff. We are anticipating an approved design plan from Providence Water Supply Board at the next stage of review. Mr. DeLuca's memorandum of June 8, 2004, is included in these minutes.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Devine, the Planning Commission unanimously voted to accept the staff's findings of fact as their own and APPROVE the proposed RPD Master Plan subject to the following conditions:

1. Show roadway/driveway detail on preliminary plan. Paved width to be consistent with that on the existing pavement on Greenfield Street.
2. Address in writing the applicant's rights as they relate to altering the right-of-way to AP 12, Lot 3208, (Keegan Land).
3. Provide fully engineered water and sewer system design plans at preliminary plan review for approval by PWSB staff and Veolia staff respectively.
4. Address concerns of Fire Chief, Public Works Director, Engineering staff, Veolia Water staff, Conservation Commission, Police Chief, Recreation staff, Providence Water staff and RIDEM staff as described in their correspondence to the Planning staff prior to preliminary plan application.

5. Provide Homeowners Association documents and open space conservation easement for staff review at preliminary plan stage.
6. RIDEM Wetlands approval at preliminary plan stage.
7. Show perimeter buffering on preliminary plan including area(s) of proposed tree preservation.
8. Applicant to secure any dimensional variance(s) that may be necessary prior to preliminary application (roof overhang and/or garages).

(Voting Aye: Mr. Petit, Mr. Devine, Mr. Baron and Councilwoman O'Hara. Voting Nay: None.)

Councilwoman O'Hara commended the developer for making the necessary revisions to the plan since it was originally presented last month.

**Newbury Village Phase 2-New Master Plan      *Informational Hearing***  
**Scituate Avenue**  
**AP 36, Lot 54**

Attorney Robert Murray, representing Mr. Armand Cortelessa, Patriot Home Development, gave a brief history of the development (formerly known as Village Green Estates). On August 6, 1997 the Planning Commission granted approval of the entire 37 acres. The site presently owned by Cove Road Development, which has not yet been developed, comprises approximately 18 ½ acres. The project was developed in various phases. The entire 37 acres is divided by split zoning. The North area is zoned B-2 (multi-family) and the Southern half of the site is zoned A-20 (residential dwelling/minimum lot size of 20,000 sq. ft.). The entire property was re-zoned in 1986, when it was owned by Cove Road Development. To the North is the Western Cranston Industrial area, which was re-zoned from M-2 (industrial zone) to the present B-2 zone; providing a transition from industrial to multi-family to the A-20 residential zone.

Mr. Murray then explained the *new* Master Plan. Initially, for the entire 37 acre site, the Master Plan that was approved was for 286 units, then referred to as Village Green Estates. The plan presented is for development of the property in two phases, 15 homes in the A-20 zone fronting Scituate Avenue (cluster development). To the rear, ten (10) structures containing 12 luxury apartment units each are proposed (totaling 120 units). The initial plan, in the A-20 zone, was for access between the two sites. The plan submitted to the staff recently showed a future potential connection in the B-2 zone. However, Planning Department staff felt a connection in that location was not the most appropriate, if there were to be a connection. Taking into consideration the neighbors concerns, the plan has been modified to provide for a connection in the A-20 zone.

Kevin Morin, Engineer, explained there are 2½ acres of open space—a wooded buffer abutting Scituate Avenue. Roadways are 26 feet wide with underground utilities. He stated Saccoccio’s preliminary design is for three level apartment buildings, with a club house in the central portion of the site. He stated that going forward approvals for City soil erosion, RIDEM wetlands, RIDOT Physical Alteration Permit and various utilities will be acquired (with underground utilities).

John Carter, Registered Landscape Architect, further explained that because the wooded buffer will remain and planting will be done at the entrance and circle, the Scituate Avenue appearance will not be altered.

The following Newbury Village residents expressed their concerns: Adele Foley, 37 Ashburton Drive, asked what the new buffer is between the proposed development and the existing Newbury Village; Mr. Keith Hiley, 106 Boylston Drive, asked if the Paolino project, known as Crossroad Condominiums, was on the table when the Village Green Estates plans were approved in 1997; Ms. Kathy McCambridge, 130 Boylston Drive, asked if a water pressure study was done, as most residents of Newbury Village do not have good water pressure now.

Mr. Dennis Greco, attorney representing Andrew J. Lane Development Corporation, developer of the property to the south, requested that any potential access only be in the A-20 zone (toward Scituate Avenue) rather than the B-2 zone (in the middle of the development).

In response to resident’s questions, Mr. Murray pointed out the buffer on the displayed on the graphic presentation. He stated that it is Mr. Cortelessa’s intention to build substantial homes for sale, not rental, in the first phase of the development. It is Mr. Cortelessa’s intention to maintain ownership of the apartment complex for long-term investment. With regard to the Crossroad Condominium development, Mr. Murray stated that in 1997, when Village Green Estates was approved, that location was Mike’s Vegetable stand. To Mr. Murray’s knowledge, the zoning did not allow for condominium development on that site at that time. He then thanked Mr. Greco and the Lane family for being good advocates for their project and for this development. His client supports the suggestion that an access be located in the A-20 zone.

Mr. Morin testified that hydroflow testing on Scituate Avenue revealed adequate water pressure. He stated that the apartments would be sprinklered. A booster pump will be needed for this project both for domestic use and fire service. A new water connection will be on Scituate Avenue, where Providence Water Supply Board will require a meter.

Mr. Flynn reiterated Mr. Murray’s understanding that the Crossroad Condominium project was not on the drawing board in 1997, nor was there as much traffic on Scituate Avenue from developments further west of this proposal. Mr. Flynn further explained that when this project was initially reviewed it was one project. Through change of ownership, it has now developed into two separate projects. The City is concerned with the functioning of the intersection of Scituate Avenue and Comstock

Parkway, which has a signal. The access in question was proposed by City staff. The City is also concerned about the impact of traffic on Comstock Parkway. We are in receipt of one traffic study, which was received the day of the meeting. It has not been reviewed by the City Traffic Engineer, and that study was done by the Lane Corporation. It did not look at the impact of the intersection of the new access road to Scituate Avenue. The project, as proposed, has only one point of access. The City is advising two points of access. Mr. Flynn explained that the Planning staff is recommending approval of this proposal, with conditions. He suggested that a decision on access be put off until all information is received and reviewed.

Mr. DeLuca gave the Planning Department staff's findings of fact (as stated in his memorandum dated June 8, 2004, which is a part of these minutes). The RIDEM wetland edge had not been verified when plans were originally submitted. Plans were revised to address a RIDEM staff required change that indicated a little more wetland on site. Determination of the wetland edge would have an impact on the number of dwelling units allowed. However, the applicant, in their most recent submittal, has shown the revised wetland and provided new calculations that justify the 120 units in the B-2 zone.

The Department of Public Works has some concern with the capacity of sewer lines on Comstock Parkway. Phasing may be imposed by the City, beyond what the applicant will be requesting, at the next stage of review. More input from the Department of Public Works and Veolia Water will be sought.

Upon motion made by Councilwoman O'Hara, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning staff's findings of fact as their own and APPROVE the Master Plan of Phase II of Newbury Village, subject to the following conditions:

- 1) That the number of dwelling units (120MFD's plus 15SFD's) be considered a maximum that may be reduced if RIDEM Wetland approval finds a greater area of wetland onsite than originally calculated.
- 2) That all infrastructure onsite be owned and managed privately by the Homeowner's Association.
- 3) Provide Homeowner's Association documents and Open Space easement for staff review at preliminary plan submittal.
- 4) That the applicant secure Veolia Water approval for design of the sewer system and ensure that sufficient capacity exists to accommodate the additional sewer flow. Should a capacity shortfall be indicated by Veolia staff, and confirmed by the Public Works Director, the Planning Commission reserves the right to invoke mandatory phasing at the preliminary stage of review.
- 5) That the City of Cranston shall be held harmless for any sewer deficiencies onsite or in the Phase 1 connections.
- 6) That the applicant address any comments made by the City Traffic Engineer relative to any traffic report that may be submitted, prior to preliminary hearing.

- 7) That the issue of the “connector road” be resolved following City Traffic Engineer’s review of the site and any traffic analyses that may be submitted. If deemed necessary, the “connector road” be relocated to the A-20 area and built to the eastern property line.
- 8) That the applicant receive a Physical Alteration Permit from RIDOT prior to preliminary hearing.
- 9) Location of fire hydrants and granite bounds per Fire Chief and City Engineer respectively.
- 10) Applicant pay all outstanding fees prior to preliminary plat submission.

(Voting Aye: Mr. Petit, Mr. Devine, Mr. Baron and Councilwoman O’Hara. Voting Nay: None.)

**Replat of Pleasant View Plat, Lots 110, 111 & 112      *Public Hearing***  
**Preliminary Plat with street extension**  
**Burton Street**  
**AP 12, Lots 979, 980 & 981**

Ms. Emily Vaziri, President and attorney for Alderbrook Builders, gave an explanation of the proposal. She explained that originally three 40’ x 100’ lots were merged into one 120’ x 100’ lot. Her proposal is for two 60’ x 100’ lots (minor subdivision) in the area that is zoned A-6. She explained that this proposal is a legal, conforming use.

Mr. Mancini, engineer and surveyor, explained that the property is on Burton Street, which extends and ends at the Springfield Apartments. The proposal is to extend the roadway 60 ft. at a 10% grade. He stated that the constraints of the project are that the grading is quite steep. The lot, from the roadway to the portion where the home will be placed, is about a 28 ft. climb, with ledge. Admittedly, Mr. Mancini stated that conditions are not the best. The driveway will be at street level, with a series of steps to access the dwelling. The proposal has the approval of the Providence Water Supply Board and for extension of the sewer. Excavation is necessary to extend the road. He explained that there is no drainage in the area whatsoever. All runoff runs by sheetflow over land, out to Randall Street and down to Atwood Avenue. The first visible catch basin is at the corner of Atwood Avenue and Randall Street. He has requested that drainage facilities be waived for the 60 ft. portion of road that will result in additional runoff from only one roof. He stated that there are approximately 100 homes in the area that have no drainage.

Mr. Mancini stated that the proposal is not for an extension of Burton Street, and that Burton Street already goes on an additional 193 ft. to its end, which is a platted street. The proposal is to construct an additional 60 ft. of it, therefore, he is under the impression that the requirement for a cul-de-sac does not apply to this proposal. Secondly, Mr. Mancini stated that the applicant does not have enough land to create a cul-de-sac. However, he pointed out that most of the streets in the existing plat do not

have sufficient space for a fire truck to turn around (Whiting St., Cornell St. or Burton St.).

Mr. Mancini pointed out that the developer is concerned with the expense of ledge removal to create a driveway, however, it is his feeling that this does not constitute a non-buildable lot.

Mr. Kevin Hogan, next door neighbor to the existing home, stated that French drains were never installed on that property, as he was informed would be by Mr. Kevin Burke, City Structural Inspector. He stated that runoff goes into his yard. He stated that ledge at the top of the property has a 14 ft. drop. A fence was supposed to be installed there and was never done. He stated that there were problems constructing the existing home due to ledge. He further stated that curbing was never installed in front of the existing home.

Ms. Martha Holden, 35 Burton Street, expressed concern with blasting of the ledge. When she bought her home, she was told by the real estate agent that the road would remain a dead end.

Ms. Vaziri responded that it is her belief that the ledge would be jack hammered out, not blasted. Mr. Mancini testified that the existing dwelling, owned by Mr. Megridichian, was constructed without blasting. He stated that it is not the intent of the applicant to blast.

There being no further public comments, Mr. DeLuca outlined his memorandum and Planning Department staff's findings of fact, dated June 4, 2004, which is a part of these minutes. Upon review of the documents and plans submitted, the staff recommended denial of this preliminary subdivision based on findings contained in the memorandum. In response to Mr. Mancini's comment regarding ledge not constituting an unbuildable lot, Mr. DeLuca stated that the staff disagrees with this comment.

Upon motion made by Councilwoman O'Hara, seconded by Chairman Guglietta, the Commission unanimously voted to accept the staff's findings of fact as their own and DENY this application. (Voting Aye: Mr. Petit, Mr. Baron, Mr. Devine, Councilwoman O'Hara and Chairman Guglietta. Voting Nay: None.)



**Replat of Oak Hill Terrace (Kevin's Plat)**  
**Preliminary Plat w/no street extension**  
**Chase Street**  
**AP 15/1, Lots 668 & 900**

Attorney Peter Ruggiero, representing the applicant David Cloxton and the Woodhaven Condominium Association, explained the proposal to merge and divide Lots 668 and 900 to create two house lots. He stated that the applicant is willing to work with the City regarding the roadway.

Richard Bzdyra, President, Ocean State Planners, Inc., a registered surveyor, testified that the area is surrounded by single family homes and condominiums. He stated that utilities, (water and sewer), service the three existing homes on Chase Street.

Ms. Jennifer Cullen, 25 Chase Street, is concerned that the street is not large enough to accommodate a parked car, a piece of equipment or even a turnaround. She stated that when she purchased her home, she was told that the land was part of an "open space act", as stated in the condominium documents when they were granted their permit. She stated that flooding is a major concern because the condominiums are flooded (2-3 ft. of water) when storms occur. She further stated that when the snowplows get to the end of Chase Street they plow her driveway in. The water flows down, and she is concerned that it will backup into her basement. She stated that the snowplows don't clear the way to the culvert.

Ms. Patricia Cursey, 19 Chase Street, stated that the Woodhaven Condominium project would be the end of construction. She stated that flooding is a major concern and that her basement is always flooded. She is concerned that more homes will increase the problem.

Gregory Leone, Laura Circle, stated that on April 9, 1981 the Woodhaven Condominium developers received a zoning variance that allowed 48 units, with no access to Chase Street. He further stated that it is his belief that this project is a major land development. He defined RI General Law 45-23-32 for minor subdivision as *a plan for subdivision of land consisting of five or fewer units, or lots, provided that the subdivision does not require waivers or modifications*. He stated that the total units proposed are 50, 48 existing, two proposed, which would require this to be a major land development project; subjecting the project to a greater level of review.

Mr. Leone further stated that according to the *City of Cranston Subdivision and Land Development Regulations*, if there are negative findings, the Planning Commission has grounds to deny the project. It is his belief there are many negative findings, citing specific criteria in the subdivision regulations. He stated that the parcels are included in a large watershed that includes Mulligan's Island. Water flows from Mulligan's to this parcel, and it remains wet for most of the winter. Further, he stated that this development does not conform with the Comprehensive Plan. He stated that his property is in an A-8

zone, did not require variances or proof of a hardship. He relied on recorded, approved decisions of the Planning and Zoning Boards, prior to purchasing his home. He asked the Commission to take his comments into consideration prior to rendering a decision.

Mr. Ruggiero mentioned that the applicant has a right to ask for relief, as there are no restrictions on the property other than those by prior decisions. Regarding the subject of major subdivision, he stated that no waivers or modifications, as proposed, are needed. In fact, the lots proposed exceed any other lot in the area in terms of area and frontage requirements.

Mr. Bzdyra explained that the site's high point is in the northeasterly corner (elevation 103), based on topography used. The lowest point of the site is elevation 94, in the rear of the Woodhaven Condominiums. There is drainage that goes down Chase Street into an existing 18 inch culvert that goes through the condominium project. He stated that some of the water from Mulligan's Island golf course does travel from the northeast corner down to the Woodhaven property. He states that the proposed development is downhill of existing homes. He states that the land pitches from the northeast to southwest, and it is up to the Woodhaven Condominium or the City of Cranston to maintain the culvert. He stated that no more roadway is proposed in this project. He stated that rooftop runoff can be mitigated by installing drywells, and the amount of driveway proposed is insignificant.

Chairman Guglietta asked Mr. Bzdyra if it is his opinion that drainage in the area is poor. Mr. Bzdyra stated that Chase Street is a flat road, with a large enough culvert to handle the slow flow of water. He stated that if the culvert is maintained, it should be able to handle the flow.

There being no further public comment, Mr. DeLuca gave the Planning Department staff's findings of fact and recommendations, as enumerated in his memorandum dated June 4, 2004, which is a part of these minutes. Upon review of the documents and plans submitted, the Planning Department recommended approval of this application.

Upon motion made by Chairman Guglietta, seconded by Mr. Devine, the Commission voted to APPROVE this preliminary subdivision subject to the following conditions:

1. Capital Facilities Impact Fee of \$1,186.92 (2 additional dwellings)
2. Performance guarantee of \$8,000 with a 2% administrative fee of \$160.
3. Receipt of necessary Zoning Board variances and permits to resolve discrepancies with 1981 Zoning Board decision prior to final plat application. Those conditions were: *1) Forty-eight units only (eliminate rear three buildings), 2) Forty foot natural buffer zone along Mayfield Avenue, 3) No access to Chase Street, 4) Forty foot natural strip along westerly and entire northerly side, and 5) Install a drainage system and holding ponds.*

4. Applicant to widen the paved width of Chase Street to conform with the average width of Hilltop Drive. Add curbing to the entire frontage along Chase Street.
5. Applicant to resolve any potential issues relative to “perfecting” the title of these parcels for this applicant and the remaining property owners in the Woodhaven Condominiums prior to recording of this plat.
6. Applicant to provide further analysis of soil qualities and water table prior to final plat application. Address these issues to the City Engineer and RIDEM staff (if necessary).
7. Correction of any stormwater drainage deficiencies along the frontage of said plat. Design of these corrective measures to be approved by the City Engineer.
8. Correct location of sewer tie-ins on preliminary submittal.

(Voting Aye: Mr. Guglietta, Mr. Devine, Mr. Petit and Mr. Baron. Voting Nay: Councilwoman O’Hara.)

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

**Benter LLC, 2121 Elmwood Avenue, Warwick RI 02886 (Own/App)** has filed an application for permission to add a fourth residential unit and operate a restaurant serving liquor on an existing legal non-conforming mixed use building on an undersized lot with restricted rear yard setback and off-street parking at **2214 Broad Street**. AP 1, Lot 22, area 2812+/-SF, zoned C-3. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-18 (I) Off-Street Parking and 30-8 Schedule of Uses.

The Commission reaffirms its decision of April 14, 2004.

#### **Findings:**

1. The plans submitted show the addition of 2 residential units, not one. The additional units will be on the second and third floors. (Plans submitted show a kitchen being added on the third floor.)
2. The building has no on-site parking and no arrangements for providing parking off site.
3. The building has 0 lot line setbacks on the front and both side lot lines, with a 6 ft. rear setback.
4. The plans submitted are confusing and conflicting as to how many residential units are existing. There is a history of unauthorized renovations over the years, which has resulted in additional residential units.
5. No plans were submitted for the restaurant use and other uses on the first floor, it is not known whether additional seats will be added for a bar.

Recommendation:

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission voted to recommend APPROVAL of this application with the condition that timing of the issuance of the liquor license coincide with the removal of the existing fourth illegal residential unit. (Voting Aye: Mr. Petit, Mrs. O'Hara, Mr. Devine and Mr. Baron. Voting Nay: Mr. Guglietta.)

*Note: The property lines depicted on the submitted site plan appear inaccurate, particularly along the western boundary (see Map and Profile of Broad Street from the City Line to the Pawtuxet River, drawn by J.A. Latham, dated May 1893 and Street Line and Grade Plan for Broad Street, dated December 1932).*

**Paul Griffin, R & P Empire Builders, LLC, 34 Spring Drive, Johnston RI 02919 (Own/App)** has filed an application for permission to build a 262+/- SF staircase/ entrance addition to an existing six unit residential building on an undersized lot with restricted frontage and off-street parking at **31 Commercial Street**. AP 1, Lot 366 and 362, area 3332+/- SF, zoned B-1 and C-3. Applicant seeks relief from Section 30-28 Variances, 30-8 Schedule of Uses, 30-14 Specific Requirements, 30-17 Schedule of Intensity, 30-18 (P) (2)(6) Off-Street Parking, 30-21 Extension of Non-Conforming Use and 30-23 Structure Alterations.

Findings:

1. The formerly approved 8' x 21' addition has a 2.94 ft. side yard setback. The proposed 9.5' x 42' addition will have a 1.42' (17") setback.
2. The proposed addition will be constructed of concrete block (over 30 ft. high) with no windows.
3. The proposed addition will contain a wider staircase and storage areas.
4. The south end of the proposed addition lines up with the end of the existing building, and is visible from Commercial Street.
5. The property lies within the Pawtuxet Village National Register District.

Recommendation:

Upon motion made by Mrs. O'Hara, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the following conditions:

1. Add decorative, non-functional windows to the wall, so that the addition is not a 30 ft. high solid concrete block wall, and so that fire code requirements can still be met.
2. Shorten the southerly end of the addition by a minimum of 5 ft so that there is a separation between the fluted corner boards of the building's new facade and the addition.
3. Review by the Cranston Historic District Commission for an advisory opinion on additional recommendations that will soften the look of the concrete block wall.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Barry and Marilyn Mulholland, 66 Euston Avenue, Cranston RI 02910 (Own/App)** have filed an application for permission to build an 11'x 12' +/- three season room addition on an existing legal non-conforming single family dwelling with restricted frontage, side-yard setback on an undersized lot at **66 Euston Avenue**. AP 5/4, Lot 2025, area 4000+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. The proposed rear addition will have a 6 ft. side yard setback. The existing house has a 5 ft. side yard setback.
2. The existing lot has 40 ft. of frontage.

Recommendation:

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

**Rita L. Holahan, 71 Euston Avenue, Cranston RI 02910 (Own/App)** has filed an application for permission to build a 17' x 18' addition to an existing legal non-conforming single family dwelling with restricted side yard setback at **71 Euston Avenue**. AP 5/4, Lot 2059, area 5581+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. The proposed rear addition will have a left side yard setback of 7.5 ft. The existing house has a 5 ft. setback on this side.
2. The right rear corner of the addition will be 3.5 ft. from the existing garage.
3. The existing lot has 40 ft. of frontage.

Recommendation:

Upon motion made by Mr. Baron, seconded by Mr. Petit, the Commission unanimously voted to recommend APPROVAL of this application with the condition that the space between the addition and the garage be increased from 3.5 ft., to a minimum of 5 ft. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Erol Nuay, c/o 317 Bald Hill Road, Warwick RI 02886 (Own/App)** has filed an application for permission to enclose an existing 10' x 24' patio and convert an existing legal non-conforming single family dwelling to a tailor shop and dry cleaning drop-off station with restricted frontage, front yard setback and off-street parking on an undersized lot at **465 Reservoir Avenue**. AP 6/4,

Lot 1010, area 3843+/- SF, zoned C-4. Applicant seeks relief from Section 30-28 Special Use Permit, 30-18 (P) Off-Street Parking, 30-17 Schedule of Intensity.

Findings:

1. The existing wood garage will be removed.
2. The existing 24' x 10' patio will be partially enclosed with a 16' x 9'-6" building. The remainder of the patio will have a roof only (over the rear door).
3. A handicap ramp will be constructed 3 ½ ft. from the Carlton Street property line. (Existing building setback at this location is 8 ft.)
4. Three off-street parking spaces are provided, with an insufficient 19 ½ ft. back up aisle (24' required).

Recommendation:

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the condition that the parking lot be reconfigured for perpendicular spaces along the right rear property line to allow for a 24 ft. backup aisle. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**John J. Pattera II, 873 Cranston Street, Cranston RI 02920 (Own/App)** has filed an application for permission to build an 8' x 16' remediation shed for an existing legal non-conforming gasoline station and convenience store with restricted front yard setback on an undersized lot at **873 Cranston Street**. AP 7/2, Lot 121, area 9146+/- SF, zoned C-5. Applicant seeks relief from Section 30-28 Variance, 30-18 (j) (2)(3) Gasoline Service Stations, 30-17 Schedule of Intensity.

Findings:

1. The proposed 8' x 16' shed will have a 6 ft. rear yard setback.
1. The remediation shed is required by RIDEM.
2. The shed does not eliminate any parking spaces.

Recommendation:

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

**Niantic Place LLC, 835 Taunton Avenue, East Providence RI 02914 (Own/App)** has filed an application for permission to build a 190' telecommunications tower with restricted setback at **333 Niantic Avenue**. AP 7/3, Lots 1110 & 1111, area 2.5+/- acres, zoned M-2. Applicant seeks relief from Section 30-29 Special Use Permit, 30-28 Variance, 30-18 Specific Performance Standards Telecommunications Facilities, 30-8 Schedule of Uses.

Findings:

1. The proposed tower is located less than 190 ft. from all property boundaries.
2. The proposed tower abuts the shoreline of Spectacle Pond.
3. The proposed fence enclosing the tower is less than 25' from all property boundaries.
4. Five other towers greater than 75 feet in height, are located within 2.5 miles of the proposed tower.

Recommendation:

Upon motion made by Paul Petit, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the condition that DEM issue a permit for construction within 50 feet of the pond's shoreline. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Raymond M. Cianci and Douglas C. Jeffrey, c/o 7 Albert Avenue, Johnston RI 02919 (Own/App)** have filed an application for permission to leave an existing legal non-conforming two family dwelling with restricted frontage and front yard setback on an undersized lot and build a new 26' x 46' single family dwelling with restricted frontage and front yard setback on the abutting undersized lot at **59 Lawrence Street**. AP 7/4, Lot 940 & 941, area 10,000+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Due to withdrawal the Planning Commission took no action.

**Action Mortgage Corp., 1120 Park Avenue, Cranston RI 02910 (Own/App)** has filed an application for permission to build a second story addition on an existing legal non-conforming commercial building with restricted front and side yard setback and off-street parking on an undersized lot at **1120 Park Avenue**. AP 9/4, Lot 2962, area 7744+/- SF, zoned C-1. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. The existing curb cut on Park Avenue will be closed.
2. Access and egress to the parking lot will be from Egan Road, where new curbing will be installed.
3. The proposed 2<sup>nd</sup> floor addition will add 1,612 sq. ft. of gross floor/office space, requiring 6 additional parking spaces (total need is 15 spaces-the plan shows 15 spaces).
4. The existing building has a 4 ft. rear yard setback.
5. The City Traffic Engineer has approved the parking plan layout.

Recommendation:

Upon motion made by Mr. Baron, seconded by Mr. Petit, the Commission unanimously voted to recommend APPROVAL of this application with the condition that the applicant install curbing on Egan St., as indicated on the proposed parking plan. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Vincent MacAteer and Linda Thornton MacAteer, 15 Lilly Drive, Cranston RI 02920 (Own/App)** have filed an application for permission to build a 15'x 20' addition and 8'x 20' sundeck to an existing single family dwelling with restricted rear yard setback at **15 Lilly Drive**. AP 11/5, Lot 4012, area 7853+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

The proposed addition and deck will continue the 19 ft. right side yard setback. The proposed rear deck will have a 7 ft. rear yard setback (20 ft. required). The proposed addition will have a 15 ft. rear yard setback.

Recommendation:

Upon motion made by Mr., seconded by Mrs. O'Hara, the Commission unanimously voted to recommend APPROVAL of the addition only, excluding the deck. The Commission noted that a rear yard setback of only 7 ft. for a deck is insufficient, given the density of the neighborhood. There is no hardship. The deck could be relocated to the left of the addition, and continue the 15 ft. rear yard setback of the addition. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Michael L. and Penelope F. Balasco, 206 Meshanticut Valley Parkway, Cranston RI 02920 (Own/App)** have filed an application for permission to build a 487+/- SF family room addition on an existing legal non-conforming single family dwelling with restricted corner side-yard setback at **206 Meshanticut Valley Parkway**. AP 11/5, Lot 3361, area 12,185+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. The property has three street frontages.
2. The addition will have a Greening Lane setback of 14'-6 ¾". The existing building setback is 20'-0 ¾"
3. The addition will not encroach on the Meshanticut Valley Parkway setback.
4. There is a 15'-5 ¼" sidewalk on Greening Lane.
5. The site plan shows a 6 ft. tall wood fence, with an approximate 7 ft. encroachment into the right-of-way for Jonathan Way.

Recommendation:

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

**Roy Ragge, 63 West Blue Ridge Road, Cranston RI 02920 (Own/App)** has filed an application for permission to build a 400+/- SF family accessory apartment addition on an existing single family dwelling at **63 West Blue Ridge Road**. AP 16/2, Lot 620, area 9114+/- SF, zoned A-8. Applicant seeks relief from Section 30-20 Special Use Permit, 30-18 (O) Accessory Family Apartment, 30-17 Schedule of Intensity.



Findings:

1. The 20'-6"x 8'-6" proposed front garage addition will have a 26.64 ft. front yard setback (10 ft. required) and 12.50' sideyard setback.
2. The 20'x 34'-6" addition will be constructed at the right rear of the house.
3. The proposed in-law accessory apartment will have approximately 1066 +/- sq. ft. of living space.
4. Once the additions are constructed, the in-law will be about 38% of the total living space of the entire house (no more than 25% is allowed per the ordinance).
5. An additional new front door will be installed, which has direct access to the accessory family apartment. The accessory apartment will also have two side doors.

Recommendation:

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. The accessory family apartment is almost twice the total square footage of the maximum allowed for an in-law.
2. An additional (new) front door is not allowed for an in-law.
3. An in-law that is 38% of the total living space is excessive.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**John & Lori Wolanski, One Quartz Knob Road, Cape Elizabeth, Maine 04107 (Own) and John Veltri, 55 Campbell Avenue, North Providence RI 02904 (App)** has filed an application for permission to build a new 40'x 60' single family dwelling on an undersized lot on the northwest corner of **Pippin Orchard Road and Scituate Avenue**. AP 34, Lot 21, area 28,862+/- SF, zoned A-80. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. The proposed house will have a 60 ft. front yard setback from Scituate Avenue (75 ft. required) and 42 ft. front yard setback from Pippin Orchard Road (40 ft. required).
2. The 60'x 40' house will face Pippin Orchard Road.
3. The vacant property is on the Cranston Historic Scenic Farm Route and is the site of the former Pippin Orchard School (a one-room schoolhouse built in 1898).
4. The Comprehensive Plan calls for this area to be developed as a village center.
5. The plans submitted do not indicate whether there is public water or sewer available at the site.
6. No approved locations for a private well and septic system are shown on the plans.
7. No approvals from RIDEM or the RI Department of Health were submitted with the application.
8. The lot was created in 1922 for the school house.
9. The City sold the lot to Theodore Wolanski in 1981, the applicant took possession of the lot in 1999.

Recommendation:

Upon motion made by Mr. Devine, seconded Mrs. O'Hara, the Commission unanimously voted to recommend Denial of this application for the following reasons:

1. The application is not consistent with the Comprehensive Plan.
2. There is a low probability that the property will receive approvals for an ISDS and public drinking water (well) on a 28,862 sq. ft. lot.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Baron and Mrs. O'Hara. Voting Nay: None.)

**Goldman Properties LLC, 2 Circuit Drive, Cranston RI 02905 (Owner) and Sidney I. Goldman, Circuit Drive, Cranston RI 02905 (Applicant) and JMJ Enterprises, 38 Wolfe Road, Narragansett RI 02852 (Lessee)** have filed an application for permission to operate an ice cream stand from an existing legal non-conforming building with restricted front yard setback at **2032 Plainfield Pike**. AP 36/1, Lot 7, area 584,520+/- SF, zoned M-2. Applicant seeks relief from 30-28 Special Use Permit, 30-8 Schedule of Intensity.

Findings:

1. The existing building has a 35 ft. front yard setback.
2. The building, constructed in 1981, has been vacant for at least 3 years, and was previously used as an ice cream shop.
3. The building is 500 sq. ft., requiring two off-street spaces.
4. There are 38 parking spaces next to the proposed ice cream shop; 82 total, on site.
5. The primary business on the lot is Greylawn Foods, a refrigerated warehouse and distribution center. Milk, cheese and other dairy products are stored here, as well as other foods.
6. The Dept. of Transportation has determined that a P.A.P. is not necessary for the ice cream shop.
7. No relief from signage was requested.

Recommendation:

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

**Gino A. Mazzenga, 571 Union Avenue, Providence RI 02909 (Own/App)** has filed an application for permission, pending minor administrative subdivision, to leave an existing single family dwelling on a proposed 20,829+/- SF lot with restricted frontage and build a new single family home on the remaining proposed 21,298+/- SF lot with restricted frontage at **510 Hope Road**. AP 24, Lot 202, area 42,227+/- SF, zoned A-20. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

No action could be taken on this application until the Planning Commission takes action on the Preliminary Subdivision which is pending review in July 2004.

## **PERFORMANCE GUARANTEES**

Glenham Park Estates – bond reduction

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to:

Phase I	Reduce Bond by	\$260.000
	Leaving a balance of -	\$89.000
Phase II	Reduce Bond by	\$213.000
	Leaving a balance of -	\$71.000
Phase III	Reduce Bond Amount by	\$74.000
	Leaving a balance of -	\$25.000

## **MISCELLANEOUS ITEMS**

Comprehensive Plan Update

Kevin Flynn announced that the first public workshop on the Comprehensive Plan will be held on June 23, 2004, in the cafeteria at Cranston High School West. He stated that there will be a press release.

Secondly, Mr. Flynn brought up the subject of the donation of the Midwood Street home for affordable housing use. He stated it is his opinion that the Planning Commission took the right approach on the matter. He also credited Councilwoman O'Hara, who was one of two votes at the City Council Meeting, to support the house moving.

## **DATE AND TIME OF NEXT MEETING**

Tuesday, July 13, 2004 at 7 p.m.

## **ADJOURNMENT**

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted to adjourn the meeting at 12:15 a.m.

Respectfully submitted:

Michael J. DeLuca, Secretary