

MINUTES

January 4, 2005

Chairman William Guglietta called the Planning Commission meeting to order at 7:12 p.m. in the City Council Chamber. The chairman welcomed new commission member Paula McFarland, City Council Representative.

The following Commission members were in attendance:

William Guglietta, Chairman

Paul Petit, Vice Chairman

Charles Rossi

Stephen Devine

Marco Schiappa

Councilwoman Paula McFarland

Also present were: Kevin Flynn, Planning Director

Michael DeLuca, Principal Planner

Lynn Furney, Associate Planner

Jared Rhodes, Senior Planner

Joanne Resnick, Senior Clerk

Nancy Simoes, Stenographer

Michael Glucksman, City Solicitor

Members of the public in attendance were:

**Ken Buckland Peter Alviti Don Ledversis
Prescott Rose John DiBona**

MINUTES

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the December 7, 2004, meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

**John Prescott Farms – Preliminary Plan Public Hearing
Burlingame Road
AP 23, Lots 5 & 55**

Mr. Peter Alviti, Engineer, representing Prescott Rose, explained the proposal for a seven lot subdivision on this 34 acre site. The subject site is bordered by Cranston Country Club to the north, a vacant farm to the south and open farmland to the west. Each lot has a minimum buildable area of two acres, with the homes being serviced by septic

systems and wells. He explained that the soil has been tested in the presence of RIDEM and was approved for single family homes and well water supply. Drainage will be accomplished with a water quality channel. Impact of stormwater runoff will be minimal, with a 30 hour detention time. No stormwater will be discharged onto adjacent properties. Part of the existing stonewall will be dismantled and reconstructed on the westerly side of the new roadway to preserve the rustic quality of the area. The majority of construction will be located in the two existing meadows. Water supply should be more than adequate, based on data derived from Mr. Rose's onsite well and a projection of each dwelling using approximately 300 gallons of water per day. The project has received approval from RIDEM Wetlands and ISDS divisions.

Mr. Schiappa questioned groundwater levels and recommended the drainage system be extended into the cul-de-sacs. Mr. Alviti stated that groundwater levels in the area are 2-3 ft. therefore, he will extend the drainage system.

Mr. Flynn raised a concern about the submitted well data. He stated that the planning staff does not accept the extrapolation that because the well serving the existing residence is adequate that there is sufficient water supply in the area for seven new residential wells. There was a discussion on the issue of having the applicant provide a hydro-geologist report. He mentioned that staff has recommended a condition of approval be placed on this subdivision that drilling and

RIDEM certification of each well be completed prior to permitting for the house location. Mr. Alviti raised no objection to this condition of approval.

Mr. Don Ledversis, 272 Burlingame Road, claimed that Mr. Alviti has not addressed the concerns he raised last year during Master Plan review, which are: 1) underground utilities, 2) location of the northerly house lot well too near his leach field, and 3) insufficient water supply, as he has problems topping off his in-ground pool.

Mr. Alviti explained that the developer has not yet made a decision regarding underground utilities. This will depend on the cost of such an arrangement. He further explained that the proposed well site for the property that abuts Mr. Ledversis' is over 200 ft. away from the Ledversis septic system.

Chairman Guglietta asked if testimony from a hydro-geologist would be adequate to backup the applicant's claim that sufficient water supply does exist. Mr. Flynn responded that it would be useful, building permits should not be issued until the well is in place, and this would be for each house lot. He noted that this would be the first time the Commission has placed such a stipulation for approval.

Mr. Ledversis asked what criteria the well must meet to be approved. Mr. Schiappa responded that the Department of Health would certify adequate water supply. Mr. Ledversis then asked where water would

come from in the event of a fire. He claims the current plan is for the Fire Department to use water from the neighboring golf course pond, however, he pointed out that the water level in the summer months is quite low. He further asked to see hard data for criteria for the wells.

Chairman Guglietta assured Mr. Ledversis that the City is taking every precaution to assure that future homeowners will have adequate water supply and existing homeowners will not be affected.

Mr. DeLuca presented the Planning staff's findings of fact and recommendations. Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to accept the staff's findings as their own and APPROVE this Preliminary Plan subject to the following conditions:

1. The roadway right-of-way and pavement to be 40 feet and 28 feet respectively.
2. That applicant provide a report from a licensed hydro-geologist assessing the quality of the groundwater resource on this land and affirming the use of the site for residential development in the proposed density.
3. In addition, the applicant shall record an appropriate document in the land evidence records that the City shall not be held responsible for any lot not meeting the minimum water supply standard to be deemed a "buildable lot".

- 4. That lawn irrigation systems be prohibited without a public source of drinking water or a site specific well analysis by a licensed hydro-geologist indicating sufficient reserves exist onsite to serve non-drinking water needs.**
- 5. That the development of each resulting lot in this plat be initiated with drilling and certification of the well prior to permitting for the house location.**
- 6. Performance Guarantee of \$305,000.**
- 7. 2% Administrative Fee of \$ 6,100.**
- 8. Capital Facilities Impact Fee of \$9,726.50**
- 9. Western Cranston Water District Fee of \$9,464.00.**
- 10. Designation of Lot 8 as a non-buildable utility lot to be dedicated to the city for drainage purposes.**
- 11. Extend drainage system into cul-de-sacs to capture and channel groundwater in those areas to the water quality channel.**
- 12. Show base flood elevations for all new house locations proposed in this plat.**

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

At this time, Chairman Guglietta introduced newly appointed City Solicitor Michael Glucksman to the Commission and public and welcomed him to the Planning Commission meeting.

COMPREHENSIVE PLAN UPDATE

Presentation of Draft Findings and discussion

- Ken Buckland, The Cecil Group

Mr. Buckland presented an outline of The Cecil Group's findings thus far. A copy of his presentation graphics is included in these minutes.

He stated that Cranston is much like other cities with a colonial past, in that growth started along the coastline and has extended to the rural areas of Western Cranston over time. He pointed out several accomplishments of the 1992 Comprehensive Plan including redevelopment of the Narragansett Brewery site and Boy's Training School, implementation of Site Plan Review regulations, reactivation of the Conservation Commission, acquisition of 350 acres of open space, development of the West Bay Bike Path, and construction of the Community Youth Center to name a few.

He also noted a several objectives that were not achieved, such as Fields Point redevelopment, a western Cranston village center, a comprehensive septic management program and establishment of new local historic districts.

Regarding objectives not met, Mr. Buckland also noted that little has been done in the way of affordable housing. He suggested the City may need to focus greater energy on this issue in the future. He pointed out that Cranston has great potential for redevelopment projects targeted to affordability.

Mr. Buckland went on to discuss the results of two public workshops centered on the “Got Ideas” theme. These workshops coupled with a visioning workshop held last summer provided many comments and suggestions for future City priorities. His presentation highlighted those that received the greatest support.

Under land use he suggested the city work toward application of “smart growth” principles and “conservation design” standards. He added site specific needs for key development and re-development sites ought to be a high priority. Proposals for economic development centered on key revitalization projects, matching jobs and workers and improvements to the city’s business climate.

The housing outlook focused on strategies to enhance affordability such as inclusionary requirements and proposal of an affordable housing task force. The natural resources section targeted ways to establishing watershed management plans, adopting low impact development standards and creating restoration plans for degraded river banks. He mentioned the EPA has many grant opportunities available for restoration of degraded river banks.

While discussing the historic element of the update, Mr. Buckland mentioned the need to not only think about protecting historic homes but protecting the landscape of cultural and historic importance as well.

Under open space and recreation Mr. Buckland highlighted the need to make capital improvements to several playgrounds and parks. He added the idea of amending the zoning and subdivision regulations to provide land for expanded open space corridors as well as utilizing partnerships to facilitate preserving open space.

The primary concern of the circulation element was addressing traffic congestion and accidents on east-west arterials. Mr. Buckland mentioned future possible rail service expansion to alleviate commuter traffic congestion. In the commercial areas the major issues involved inadequacy of parking and consolidation of curb cuts.

The primary objectives of the services and facilities element were providing a western Cranston service center and upgrading capital facilities across the board following several years of below average spending due to budget constraints.

In conclusion he described eight key policy initiatives that derive from their work and the public workshops from which the City can create a vision for the future. These initiatives will serve as overriding principles to ensure internal consistency of many complementary measures proposed in the chapters of the new plan

Mr. Flynn stated that future public meetings will be held in early

spring to review the continued progress of the Comprehensive Plan update.

ZONING BOARD OF REVIEW ITEMS

Maria C Vallente, 176 Terrace Avenue, Cranston RI 02920 (Own/App) has filed an application for permission, pending minor subdivision, to leave an existing 2-family dwelling on a proposed 5942+/-SF undersized lot with restricted front and corner side yard setback (parcel 2) and build a new 30'x 38' 2-story single family dwelling on the remaining 6000+/-SF (parcel 1) at 176 Terrace Avenue. AP 7/1, Lots 445, 453, 454 and 3133, area 11,942+/-SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings of Fact:

- 1. The minor subdivision has received a preliminary approval from the Planning Commission.**
- 2. The proposed single family will be built on a legally sized lot and meets all yard setbacks.**
- 3. The applicant's existing dwelling is not a 2 family but taxed as a 3 unit (since 1954) per the City's Tax Assessor's Office (3 story building). The application states the request is for dimensional relief from Section 30-17, which requires 8,000 sq. ft. for a multi-family dwelling. In actuality, only two-family dwellings are allowed on 8,000**

sq. ft. in a B-1 Zone. In the correct zone (B-2), 14,000 sq. ft. is required for a three family.

4. The abutting property at 156 Terrace Avenue has a 3 family on 7,337 sq. ft. (double lot).

5. Directly across the street, at 161 Terrace Avenue, is a 2 family on 8,823 sq. ft.

6. Within 300 ft. of the applicant's lots on Terrace there are five 3 family dwellings on lots that average 5,869 sq. ft.

7. The existing 3 family building encroaches 1.1 ft. onto the Bailey Street right-of-way.

8. The application's site plan proposes a 2 ft. wide encroachment easement.

9. The existing parking area for the existing 3 family is only 10 ft. in from the property line, requiring 1/2 of any vehicle to park on the City's sidewalk right-of-way.

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

1. Remove the third unit in the applicant's existing house at 176 Terrace Avenue.

2. Draft and record the 2 ft. wide encroachment easement in the City's Lane Evidence Records prior to final approval of the minor subdivision.

3. Pave a parking area for the existing multi-family that is at least 20

ft. deep from the street property line.

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

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 3978 +/- SF undersized lot (780) with restricted frontage and front yard setback and build a new 20'x 28' two story home on the abutting 4111 +/- SF undersized lot (779) at 42 Sumner Street. AP 7/2, Lots 780 and 779, area 8089+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

The attorney representing the applicant said the application will be withdrawn.

Vincent R and Carolyn T. Volpe, 25 Joy Street, Johnston RI (Own) and NEMO Auto Sales, Inc., 952 Plainfield Street, Johnston, RI 02919 (App) has filed an application for permission to operate an auto sales and auto repair business from an existing legal non-conforming building with restricted front and side yard setback at 1400 Cranston

Street. AP 8, Lots 2740 and 2765, area 35,427+/- SF, zoned M-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Intensity, 30-18 (f), (P) Parking Requirements and 30-18 ® Signage.

Findings of Fact:

- 1. On June 5, 2001, and August 5, 2003, the Planning Commission recommended denial for the same use variance, stating the Comprehensive Plan calls for industrial use of this property; and the request was inconsistent with the Comprehensive Plan.**
- 2. The Zoning Board approved the August, 2003, application with the restriction that auto repair only be allowed; no auto sales, auto-body repair or paint shop.**

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

- 1. The request is still the same as the previous two applications. The application was then, and remains today, inconsistent with the Comprehensive Plan.**
- 2. No apparent hardship – the applicant could make reasonable use of the property with either an industrial use, or the previously approved zoning variance.**

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine, Mr. Schiappa and Ms. McFarland.

There were no nay votes.

Note: The previous Zoning Board approval for auto repair only, was consistent with the former use of the property as a gasoline station with auto repair.

Minh Huynh, 187 Concord Avenue, Cranston RI 02910 (Own/App) has filed an application for permission to build a 10' X 53' kitchen addition with second story 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 of Fact:

- 1. The Planning Commission recommended approval with conditions for the original Zoning Board application for a one-story addition of the same dimensions on October 5, 2004.**
- 2. The proposed second story addition will be 5 ft. higher than the existing restaurant's roofline height.**
- 3. The second floor will only be over the proposed addition.**

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL of this application, with the previous condition that a 6 ft. high dense arborvitae evergreen buffer be planted 3 ft. on center along the rear property line, starting at the property corner and proceeding 60 ft. toward the street. (To be planted along the stockade fence.)

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

Richard and Deborah Campopiano, 176 Florida Avenue, Cranston RI 02920 (Own/App) have filed an application for permission to convert the loft of an existing detached two-car garage to a one bedroom apartment with restricted rear and side yard setback on an undersized lot at 121 A Street. AP 11/3, Lot 2819, area 7481+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses and 30-12 More Than one Dwelling Structure on any Lot Prohibited.

Findings of Fact:

- 1. In March, 2001, the Planning Commission and Zoning Board recommended approval for an apartment over the garage. The apartment was never built.**
- 2. The assessor's plat shows the area of the lot is 7,110 sq. ft.**
- 3. The lot currently has a single family on it on the corner of Atwood**

Avenue.

- 4. The proposed apartment will have a 5 ft. side yard setback (8 ft. is required) and 10.34 ft. rear yard setback (20 ft. is required).**
- 5. The apartment has frontage on A Street.**
- 6. There are two-family properties next door and across the street.**
- 7. The lot is 519 sq. ft. short of the minimum lot size for a two-family house.**

Upon motion made by Mr. Petit, seconded by Ms. McFarland, the Planning Commission unanimously voted to recommend APPROVAL as the garage's frontage on A Street removes the fire and rescue safety issue.

Condition: Obtain a street/house number from the Public Works Department.

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

Kimco Realty Corporation, 3333 New Hyde Park Rd., Suite 100 New Hyde Park NY 11042 (Own) and The Academy of Hairdressing, LLC, 225 Broadway, Providence RI 02903 (App) and The Academy of Hairdressing, LLC, 1400 Oaklawn Avenue, Cranston RI 02920 (Lessee) have filed an application for permission to operate a trade school from a portion of an existing shopping plaza at 1400 Oaklawn Avenue.

AP 18/3, Lot 1030, area 8.87+/- acres, zoned C-4. Applicant seeks

relief from Section 30-28 Variance, 30-8 Schedule of Uses.

Findings of Fact:

- 1. The 62'8"x 120' commercial unit will be used as a hairdressers school (formerly Gateway Computers).**
- 2. Seventy two (72) parking spaces have been designated for the school's use.**
- 3. The Comprehensive Plan calls for commercial and services for this area of the city.**

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend APPROVAL of this application.

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

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 21,398+/- 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 minor subdivision has been submitted.

PERFORMANCE GUARANTEES

Replat of Pleasant View Plat – Bond Recall/Extension

Review of correspondence and disposition of case

Mr. DeLuca stated that the present Letter of Credit for the Pleasant View Plat will expire on January 23, 2005. Mr. Skorupski, Engineering Division, has recommended no bond reduction. The bond amount is \$19,000.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted no bond reduction at this time. (Voting aye: Mr. Petit, Mr. Guglietta, Mr. Rossi, Mr. Schiappa, Mr. Devine and Ms. McFarland. There were no nay votes.)

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to authorize the Public Works Director and the planning staff to either 1) grant an extension of the Letter of Credit for six months, or 2) provide a report of outstanding tasks and to withdraw the remaining \$19,000 from Mr. DeFusco's letter of credit to finish the project. (Voting aye: Mr. Petit, Mr. Guglietta, Mr. Rossi, Mr. Schiappa, Mr. Devine and Ms. McFarland.

There were no nay votes.)

Chairman Guglietta asked that planning staff report to the Commission next month on the status of this decision.

CAPITAL BUDGET FOR FISCAL YEAR 2005-2006

Mr. Flynn informed the Commission that departmental request forms have been sent out. January 21, 2005, is the deadline for their return. Departmental “wishlists” will be presented at the February meeting. He stated that with the recent revelation of a city surplus, the bond rating should go up; allowing the city to undertake long-awaited capital purchases and improvements.

SCHEDULE OF MEETINGS FOR 2005

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to adopt the proposed 2005 Planning Commission Meeting Schedule, which is a part of these minutes. (Voting aye: Mr. Petit, Mr. Guglietta, Mr. Rossi, Mr. Schiappa, Mr. Devine and Ms. McFarland. There were no nay votes.)

ELECTION OF OFFICERS

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted to adopt the following slate

of Planning Commission officers for 2005:

Chairman William Guglietta

Vice Chairman Paul Petit

Secretary Michael DeLuca

Liaison to Recreation Commission Stephen Devine

Administrative Officers Michael DeLuca, Lynn Furney

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

MISCELLANEOUS ITEMS

Comprehensive Plan Update-

Discussion of Survey Results

Mr. Flynn stated that 1,000 surveys were sent to residents and businesses in August, 2004. Twenty eight percent responded in all (four percent of which were businesses), with a slightly higher response from the western side of the city. Eighteen internet surveys were returned. A high percentage of respondents were elderly.

The survey also showed residents devotion to the city, with many residents having grown up here and remaining in the city.

DATE AND TIME OF NEXT MEETING

Tuesday, February 1, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the meeting adjourned at 9:36 p.m.

Respectfully submitted,

Michael J. DeLuca

Secretary