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 RECORDED Cranston, RI Pg 1 of 1
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Individuals requesting services for the hearing impaired
 must notify the Office of the Inspector of Buildings at least 48 hours
 in advance at 401-780-6012

OFFICE OF THE ZONING BOARD OF REVIEW

Allan W Fung
 Mayor

Stephen W. Rioles
 Secretary

Stanley Pikul
 Enforcing Officer

Regular meeting on
 Second Wednesday

CITY HALL
 869 PARK AVENUE
 Cranston Rhode Island 02910

Board Members

Chairperson
 Joy Montanaro
 Edward DiMuccio
 Curtis Ponder
 Frank Corrao III
 David Imondi

Alternate Members
 1ST Adam Sepe
 2ND Steven Minicucci
 3RD Christine Cole
 4TH Craig Norcliff

NOTICE OF DECISION

You are hereby notified that **THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O MICHAEL F RYAN PRESIDENT 280 MELROSE STREET PROVIDENCE RI 02907 (OWN) AND THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O DANIEL MCINTYRE PE 25 RESEARCH DRIVE WESTBOROUGH MA 01582 (APP)** have filed an application for permission to relocate two existing 115 kV transmission lines and the construction of a new 345 kV transmission line on a north-south right of way [4.2 miles X 250' Cranston portion] with height in excess of that allowed by ordinance west of **Interstate Route 295**. AP 22, lot 113, AP 23, lots 11,12, AP 24 lots 1, 2, 26, 66, 8, AP 27, lot 10, AP 28 lots 4, 6, 8, 25, 28, 31, 44, 47, 55, 57, 59, 61, 63, 65, 66, 72, 96, 98, 100, 132, 196, 197, AP 34, lots 10, 12, 14, 20, 53, 104, AP 36 lots 7, 33, 37, 96, 127, 128, 131, 133, area 127.28+/- acres, zoned A-20, A-80, B-2, M-1, M-2, S-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This Application was **APPROVED** with **CONDITION** on **2/11/09**.

Condition: Submittal of an Electromagnetic Field Study is to be completed by the Department of Health to the satisfaction of the Energy Facility Siting Board.

A full written decision is on file in the Office of the Inspector of Buildings 1090, Cranston Street, Cranston RI 02920. If you deem the Zoning Board's decision unfavorable, you may appeal it to the Providence County Superior Court within a period of twenty days.

By Order of the Zoning Board of Review
 Stephen W. Rioles Secretary

A meeting of the Cranston Zoning Board in the Cranston City Hall Council Chambers was called to order by Chairperson Joy Montanaro on **Wednesday February 11, 2009 at 6:30 pm.** Also present, David Imondi and Curtis Ponder, Frank Corrao, 1st alternate Adam Sepe, 2nd alternate Steven Minicucci, 3rd alternate Christine Cole and 4th alternate Craig Norcliffe. Edward DiMuccio, was not present. Attorney Stephen Marsella was counsel to the Board. The Board heard the following applications:

**CRAIG CRAWFORD AND JAMES RYZEK 33 TAYLOR STREET CRANSTON RI 02920 (OWN/APP)
CONTINUED TO 3/11/09.**

**MGMD REALTY GROUP LLC 1615 PONTIAC AVENUE CRANSTON RI 02920 (OWN/APP)
1027 Providence Street / New London Avenue CONTINUED TO 3/11/09.**

**AMALGAMATED FINANCIAL EQUITIES II LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919
(OWN/APP) 455 Meshanticut Valley Parkway**

OLD BUSINESS

**PHILLIPS MEMORIAL CHURCH INC RI 565 PONTIAC AVENUE CRANSTON RI 02910 (OWN) AND
OMNIPOINT COMMUNICATIONS INC 15 COMMERCE SUITE B NORTON MA 02766 (APP)
CONTINUED TO 3/11/09.**

FV LLC 41 COMSTOCK PARKWAY CRANSTON RI 02921 (OWN/APP) CONTINUED TO 3/11/09.

THOMAS MOONEY 108 MAYFIELD AVENUE CRANSTON RI 02920 (OWN/APP)

PLATTING BOARD OF REVIEW

**APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLANNING COMMISSION TO THE
CITY OF CRANSTON ZONING BOARD OF REVIEW SITTING AS THE PLATTING BOARD OF
REVIEW AN APPEAL IS TAKEN PURSUANT TO §45-23-66 AND §45-23-67 OF THE RHODE ISLAND
GENERAL LAWS, AS AMENDED AND SECTION XI ENTITLED "APPEALS" OF THE CITY OF
CRANSTON SUBDIVISION REGULATIONS (1995 AS AMENDED) FOLLOWING THE APPROVAL OF
THE PRELIMINARY PLAN FOR PHASE ONE OF THE SUBDIVISION ON LATEN KNIGHT ROAD
KNOWN AS LIPPIT FARM. Robert D Murray Esq. filed 7/8/08.**

PLATTING BOARD OF REVIEW

**STATE OF RHODE ISLAND C/O RI DEPARTMENT OF TRANSPORTATION TWO CAPITOL HILL
PROVIDENCE RI 02903 AND GLEN HILLS LLC TWO STAFFORD COURT CRANSTON RI 02920
(APPELLANT) has filed an appeal, pursuant to R.I.G.L. 45-23-66 et seq; Section XI Appeals, from the decision of
the Planning Commission on the denial of a minor three lot subdivision without a street extension on **Belvedere
Drive, Evans Way, Glen Hills Drive.** AP 16/1, lot 1286, area 28,287 +/- SF, zoned A-8. Robert D Murray Esq.
filed 10/3/08.**

**THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O MICHAEL F RYAN
PRESIDENT 280 MELROSE STREET PROVIDENCE RI 02907 (OWN) AND THE NARRAGANSETT
ELECTRIC COMPANY D/B/A NATIONAL GRID C/O DANIEL MCINTYRE PE 25 RESEARCH DRIVE
WESTBOROUGH MA 01582 (APP) west of Interstate Route 295**

**Stephen W. Rioles
Secretary, Zoning & Platting Boards**

**CRAIG CRAWFORD AND JAMES RYZEK 33 TAYLOR STREET CRANSTON RI 02920 (OWN/APP)
have filed an application for permission to build an 8' X 15' kitchen addition with restricted rear yard setback at **33
Taylor Street.** AP 17/3, lot 1251, area 6400+/- sq ft, zoned A-6. Applicant seeks relief from Sections; 17.92.010
Variance, 17.20.120 Schedule of Intensity. No Attorney. filed 1/2/09.**

CONTINUED TO 3/11/09.

MGMD REALTY GROUP LLC 1615 PONTIAC AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to construct 16 condominium units in the town of West Warwick accessed from a private right-of-way on a portion of the property located in the city of Cranston at **1027 Providence Street / New London Avenue**. AP 18/3, lot 1192, rea 11,238+/- sq ft, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses. John S DiBona Esq. filed 12/8/08. **CONTINUED TO 3/11/09.**

AMALGAMATED FINANCIAL EQUITIES II LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP) has filed an application for permission to convert the first floor storage area into one studio style apartment and convert 18 three bedroom units to 36 one bedroom units and convert 2 two bedroom units into 2 one-bedroom units and 2 studio style units with restricted off-street parking on an undersized lot in an existing legal non-conforming 50 unit apartment building at **455 Meshanticut Valley Parkway**. AP 16/4, lot 1257, area 108,892+/- sq ft, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.090 (A) Specific Requirements, 17.64.010 (I) (13) Off-Street Parking. John Parasault Esq. filed 8/4/08.

This application was **APPROVED** on a motion by F Corrao and seconded by A Sepe and so voted unanimously by the Board. E DiMuccio, S Minicucci, C Cole and C Norcliffe did not vote on this application.

Decision: The Board made the following findings of fact based upon the evidence presented:

1. The proposed land development and its resulting density of approximately 28 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
2. The proposed major land development received Master Plan approval from the City Plan Commission on December 2, 2008, with a condition that the "applicant shall receive the required variances for density and parking prior to filing the Preliminary Plan application with the Planning Department."
3. The multi-family formula in Section 17.20.090 the Cranston Zoning Code would permit 29 units on a lot that is 108,892 sq. ft. The building permit for the building was taken out in 1975. The City's Building Inspection's Department has no record of a Zoning Variance to construct the existing 50 units. However, the applicant does have a Zoning Certificate issued on June 8, 2005, by the Zoning Official, that states the use is legal, non-conforming.
4. The proposed conversion will add 21 units to the current, 50 units. The current density is one unit per 2,177 sq. ft. of land area. The proposal will result in a density of one unit per 1,534 sq. ft. of land area.
5. The proposed 71 units would require a total of 142 parking spaces for a conventional multi family development or 71 spaces for an elderly multi family development. The proposed site plan shows 65 parking spaces, and 20 garage spaces on the lot, for a total of 85.
6. The narrative submitted with the application states that the reason that all of the 3 bedroom apartments are being converted to 1 bedroom apartments is because the tenants are primarily elderly, and don't need 3 bedrooms.
7. Planning Commission unanimously voted to recommend *approval* of this application. Though the proposed density exceeds the maximum allowed in the Zoning Code, the staff recognizes that there is a need for smaller apartments to accommodate the needs of a changing older population, and therefore, recommends *approval* for the additional 21 units (71 total) and the proposed 65 parking spaces and 20 garage spaces on lot #1257.

In this case, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, is the least relief necessary, and further in granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. The Board further finds that based upon the testimony and circumstances presented, the Applicant met the requirements of the Zoning Code, Section 17.92.010, and additionally, relief from Section 17.20.090 (A) Specific Requirements and 17.64.010 (I) (13) Off-Street Parking, is hereby granted.

THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O MICHAEL F RYAN PRESIDENT 280 MELROSE STREET PROVIDENCE RI 02907 (OWN) AND THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID C/O DANIEL MCINTYRE PE 25 RESEARCH DRIVE WESTBOROUGH MA 01582 (APP) have filed an application for permission to relocate two existing 115 kV transmission lines and the construction of a new 345 kV transmission line on a north-south right of way [4.2 miles X 250' Cranston portion] with height in excess of that allowed by ordinance west of **Interstate Route 295**. AP 22, lot 113, AP 23, lots 11,12, AP 24 lots 1, 2, 26, 66, 8, AP 27, lot 10, AP 28 lots 4, 6, 8, 25, 28, 31, 44, 47, 55, 57, 59, 61, 63, 65, 66, 72, 96, 98, 100, 132, 196, 197, AP 34, lots 10, 12, 14, 20, 53, 104, AP 36 lots 7, 33, 37, 96, 127, 128, 131, 133, area 127.28+/- acres, zoned A-20, A-80, B-2, M-1, M-2, S-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. Peter V Lacouture Esq. filed 11/7/08.

This application was **APPROVED with CONDITION** on a motion by C Ponder and seconded by A Sepe and so voted unanimously by the Board. E DiMuccio, S Minicucci, C Cole and C Norcliffe did not vote on this application.

Condition: Submittal of an Electromagnetic Field Study is to be completed by the Department of Health to the satisfaction of the Energy Facility Siting Board.

Decision: The Board made the following findings of fact based upon the evidence presented:

1. The Comprehensive Plan does not specifically address public utilities, other than public sewer or public water, as those items relate to future development and lot size in the Western side of the City.
2. The existing power lines are a grandfathered use, as they existed since the 1950s, prior, to the current zoning code.
3. The City's GIS shows that much of the Narragansett Electric Company's transmission line is located on undeveloped land next to or in wetlands, over farmland, within the Western Cranston Industrial Park and through a private golf course. The application will require both DEM Wetlands and Army Corp of Engineer approval.
4. The existing 345kv double pole structures average 75' in height. The heights of the new 345kv monopoles will average 100' in height, with a range from 85' to 125', depending on topography. The new metal monopole structures that support the transmission lines will be placed 350' to 400' apart. The height of transmission line structures is a result of the design of the line and clearance requirements specified in the National Electrical Safety Code.
5. The Project is proposed on an existing transmission ROW that is presently occupied by three existing electric transmission lines. Therefore, the Project will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan.
6. The Planning Commission recommended unanimous approval of the application.

In this case, the Board further finds that the Application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the Applicant, that the hardship does not result primarily from the desire of the Applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan, and is the least relief necessary and further in granting the variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. Furthermore, the Board finds that the Applicant met the requirements of the Zoning Code, Section 17.92.010, and based upon the testimony and circumstances presented, relief from Section 17.92.120, is hereby granted.

OLD BUSINESS

PHILLIPS MEMORIAL CHURCH INC RI 565 PONTIAC AVENUE CRANSTON RI 02910 (OWN) AND OMNIPOINT COMMUNICATIONS INC 15 COMMERCE SUITE B NORTON MA 02766 (APP) have filed an application for a special permit to install wireless telecommunications facility / antennas within an existing church steeple at **565 Pontiac Avenue**. AP 9, lots 1027, area 101,059+/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.130 Schedule of Uses. Joseph A Giammarco Esq. filed 9/4/08

This application was **CONTINUED TO 3/11/09**.

FV LLC 41 COMSTOCK PARKWAY CRANSTON RI 02921 (OWN/APP) has filed an application for permission to maintain an existing monument sign with restricted setback at **41 Comstock Parkway**. AP 36, lot 62, area 105,415+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (7) Signs. John S DiBona Esq. filed 10/20/08. **CONTINUED to 3/11/09**.

THOMAS MOONEY 108 MAYFIELD AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to convert an existing attached garage into living space with restricted side and front yard setback on an undersized lot at **108 Mayfield Avenue**. AP 15, lot 1234, area 5116+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. No attorney. Filed 10/26/08.

This application was **APPROVED with CONDITION** on a motion by C Ponder and seconded by D Imondi and so voted unanimously by the Board. E DiMuccio, S Minicucci, C Cole and C Norcliffe did not vote on this application.

Condition: No windows on the garage gable end of the house.

Decision: The Board made the following findings of fact based upon the evidence presented:

1. The application's residential use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing 4-8 units / acre.
2. The building has a 19.2' existing front yard setback for the house, and a 21.4' front yard setback for the existing attached garage.

3. The existing side yard setback for the garage is 3.4', where 5' is required for an accessory building; however, the proposed conversion of the garage to living space would require a minimum side yard setback of 8 feet.
4. The house on the abutting lot to the west, has a 9.1' side yard setback, leaving only 12.5' between living spaces if the proposal were to be approved.
5. The plans show the proposed 12' x 22' garage conversion will be used as a single bedroom, located off of the existing kitchen.
6. The bedrooms are located at the other end (easterly end) of the ranch house, where the existing side yard setback is 15.8 ft., with a row of hedges along that side lot line.
7. The neighboring house that shares the easterly lot line, has a 17 ft. setback; therefore, there is 32.8 ft. of separation between the dwellings, which would be a more advantageous location to construct a bedroom addition on the applicant's house.
8. An analysis using the City's GIS shows that out of the 71 residential dwellings within the 400' zoning notification radius; only 4 (5.6 %) of the dwellings have a restricted side yard setback that is similar to the applicant's dimensions.
9. At the December 2, 2008 Planning Commission meeting, the Commission voted to table the application, to allow the applicant to consider the placement of a bedroom addition to the other end (easterly end) of the house, where there is a 17 ft. side yard setback, and re-submit a revised plan. The applicant has decided to proceed with the original application.

In this case, the Board has chosen not to accept the recommendation of the Planning Commission, and understands the need for a third bedroom as demonstrated by the applicant for a growing family. The Board further finds that the Application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the Applicant, that the hardship does not result primarily from the desire of the Applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan, and is the least relief necessary. Furthermore the Board finds that the Applicant met the requirements of the Zoning Code, Section 17.92.010, and based upon the testimony and circumstances presented, relief from 17.20.120 Schedule of Intensity, is hereby granted.

PLATTING BOARD OF REVIEW

STATE OF RHODE ISLAND C/O RI DEPARTMENT OF TRANSPORTATION TWO CAPITOL HILL PROVIDENCE RI 02903 AND GLEN HILLS LLC TWO STAFFORD COURT CRANSTON RI 02920 (APPELLANT) has filed an appeal, pursuant to R.I.G.L. 45-23-66 et seq; Section XI Appeals, from the decision of the Planning Commission on the denial of a minor three lot subdivision without a street extension on **Belvedere Drive, Evans Way, Glen Hills Drive**. AP 16/1, lot 1286, area 28,287 +/- SF, zoned A-8. Robert D Murray Esq. filed 10/3/08. See separate decision.

PLATTING BOARD OF REVIEW

APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLANNING COMMISSION TO THE CITY OF CRANSTON ZONING BOARD OF REVIEW SITTING AS THE PLATTING BOARD OF REVIEW AN APPEAL IS TAKEN PURSUANT TO §45-23-66 AND §45-23-67 OF THE RHODE ISLAND GENERAL LAWS, AS AMENDED AND SECTION XI ENTITLED "APPEALS" OF THE CITY OF CRANSTON SUBDIVISION REGULATIONS (1995 AS AMENDED) FOLLOWING THE APPROVAL OF THE PRELIMINARY PLAN FOR PHASE ONE OF THE SUBDIVISION ON LATEN KNIGHT ROAD KNOWN AS LIPPIT FARM. Robert D Murray Esq. filed 7/8/08. See separate decision.

Stephen W. Rioles
Secretary, Zoning & Platting Boards

Ron Ronzio took the stenographic records.

The meeting was adjourned at 12:30 AM