



**City of Central Falls  
Planning Board  
Public Meeting  
Thursday, August 13, 2015  
6:00 PM  
In the City Council Chambers  
City Hall  
580 Broad Street  
Central Falls, R.I. 02863**

The following case was heard before the City of Central Falls Planning Board at a legally noticed public meeting on August 13, 2015 in the City Hall Council Chambers, 580 Broad St., Central Falls, RI 02863.

**Case number:** 7-16-15-1

**Applicant:** Amit Anand 984 Charles Street, North Providence, RI

**Subject Property Owner:** “

**Property Address:** 39 Cleveland Street, Central Falls, RI

**Plat Map:** 9

**Lot:** 43

**Requested action:**

Applicant seeks Preliminary Approval for a Minor Subdivision to his property.

**Board Members Present at the hearing:** Chairman Mike Lester, Vice-Chair Maria Ines Lopez, and Tateana Baena.

**The following individuals spoke at the meeting in support of the request:**

-Amit Anand, applicant

-Alexander Scungio, a professional land surveyor retained by the applicant

**The following individuals spoke at the meeting in opposition to the request:**

-None-

**Documents and other material submitted in regard to the subject petition:**

- Completed application and attachments (received July 16, 2015)
- Completed zoning application and attachments (received July 27, 2015)
- Administrative recommendation from the Office of Planning and Economic Development

- Notice of a public hearing for August 19, 2015 at the Zoning Board of Review meeting for a dimensional variance for this property
- Copy of the notice letter sent to the applicant (dated August 11, 2015) and property owners within the notice area (dated July 31, 2015)
- Proof of open meetings posting on website of Secretary of State (dated August 11, 2015)
- The written and recorded minutes of the August 13, 2015 Planning Board meeting

FINDINGS OF FACT IN A DECISION OF PRELIMINARY APPROVAL OF A MINOR  
SUBDIVISION OF THE PLANNING BOARD

The "City of Central Falls Land Development and Subdivision Review Regulations" requires that *prior to approval of any subdivision or land development project, the Board shall make positive findings on all of the standards listed below:*

*(1) The proposed development is consistent with the City of Central Falls Comprehensive Community Plan, as amended, and/or has satisfactorily addressed the issues where there may be inconsistencies;*

Element 1 of the Central Falls Comprehensive Community Plan outlines the City's Goals and Policies. State Goal 6, Municipal Goal 1 urges the city to "Establish and enforce land use regulations which provide for development and redevelopment that is compatible with current uses." This proposed subdivision provides for development that is compatible with current uses, as the two lots to be created will be comparable in size to existing neighboring lots.

*(2) The proposed development is in compliance with the standards and provisions of the City of Central Falls' Zoning Ordinance;*

This subdivision will comply with the Zoning Ordinance, if a dimensional variance is granted by the Zoning Board of Review.

*(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval.*

This subdivision does not propose any development of the site that would be under the purview of a minor or major development and thus subject to the "Land Development and Subdivision Review Regulations."

*(4) Subdivisions, as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;*

The creation of this subdivision "will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable."

*(5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Both proposed lots will have adequate and permanent physical access to a public street.

CONCLUSIONS IN A DECISION TO APPROVE AN APPLICATION TO THE  
PLANNING BOARD FOR A PRELIMINARY AND MASTER PLAN

Upon a motion made by Ms. Baena and seconded by Vice-Chairwoman Ines Lopez,

After due consideration of the Application and the entire record presented to the City of Central Falls Planning Board, the Board makes the following decision:

to approve the Preliminary Plan for Minor Subdivision subject to the following condition(s):

- (1) Contingent upon the approval of a dimensional variance from the Zoning Board of Review.

*Votes In favor*

*Votes against*

Tateana Baena  
Maria Ines Lopez  
Michael Lester

-None-

SO ORDERED

\_\_\_\_\_  
Michael Lester, Chairman

Date \_\_\_\_\_



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## **MINUTES OF THE MEETING**

### **I. Call to Order**

The meeting was called to order at 6:15 p.m. by Maria Ines Lopez, the longest-serving Board Member present.

### **II. Roll Call**

Maria Ines Lopez, Tatiana Baena, and Michael Lester, present. Andres Hincapie, absent. *Peter Friedrichs (Planning and Economic Development), Mathew Jerzyck (Legal), and Nick Hemond (Legal) staffed the meeting.*

### **III. Election of Officers**

#### **a. Chair**

Mr. Lester was nominated by Ms. Ines Lopez. Ms. Baena seconded. A roll call vote was taken: Mr. Lester, Ms. Ines Lopez, Ms. Baena, yes. Mr. Lester elected chair.

#### **b. Vice-Chair**

Ms. Ines Lopez was nominated by Chairman Lester. Ms. Baena seconded. A roll call vote was taken: Chairman Lester, Ms. Ines Lopez, Ms. Baena, yes. Ms. Ines Lopez elected Vice-Chair.

### **IV. Approval of Minutes**

A motion was made by Vice-Chairwoman Ines Lopez to accept the minutes. The motion was seconded by Ms. Baena, and the vote unanimous.

### **V. New Business**

#### **a. Public Informational Meeting**

##### **Case #2015-04-06-1**

Director Friedrichs recused himself from the case citing a possible conflict of interest due to his status as a tenant of an Urban Smart Growth property.

City Solicitor Jerzyk presented the case to the Planning Board on behalf of the Planning Department.

Major Development: Urban Smart Growth LLC of 1005 Main Street Unit 1201, Pawtucket, RI, applicant regarding property owned by M & L Secured Storage LLC, 318 North Carson Street #208, Carson City, NV at 430 Pine Street (Plat 8, Lot 327), seeks Master Plan Approval for 26 Live Work Units.

Mr. Gazdacko presented the proposed project to the Planning Board.

John Chambers, Architect testified in support of the project.

Kevin Demures, Senior Project management for Deprete Engineering testified in support of the project.

Chairman Lester opened the period to

Phil Riskowitz, owner of 535 pine St. and Lenard Riskowitz former Vice Chair of the Central Falls Planning Board and co-owner of 535 Pine St., testified in support of the project.

Jerry Barzykowski testified in support of the project.

Urban Smart Growth legal counsel kale Heval clarified that there would not be any requests and that the tax plan is in effect and will hopefully have all outstanding taxes on all properties owned by urban Smart growth paid in the next year.

Ms. Baena made a motion to approve urban Smart Growth's master Plan.

The motion was seconded by Vice-Chairwoman Ines Lopez.

The motion was unanimously approved, and urban Smart Growth's Master Plan was approved.

b. Consideration of Preliminary Plan Approval

**Case 2015-07-16-1**

Amit Anand of 984 Charles Street North Providence applicant and property owner of 39 Cleveland St plat 10 lot 4 for Preliminary Plan Approval for a minor Subdivision, and land surveyor, Mr. Alexander Scungio presented the project.

Mr. Scungio testified in support of the subdivision.

Director Friedrichs read the staff recommendation.

Ms. Baena motioned to approve the preliminary plan for minor subdivision, contingent upon the approval of a dimensional variance by the Zoning Board of Review.

The motion was seconded by Vice-Chairwoman Ines Lopez.

The motion passed unanimously

Ms. Baena also motioned to delegate final approval to the administrative officer.

The motion was seconded by Vice-Chairwoman Ines Lopez.

The motion passed unanimously.

c. Staff Report

i. **Administrative Subdivision LSDR 107**

Director Friedrichs submitted to the Board for an administrative subdivision filed by the Narragansett Bay Commission for their information.

ii. **Update to the Comprehensive Community Plan**

Director Friedrichs informed the Planning Board that the city is required to bring a new comprehensive Community Plan into consistency with State wide planning by June 1<sup>st</sup> of 2016.

He reported that the city will be looking to hire a consultant to help with the process.

Motion to accept the Director's report was made by Ms. Baena

The motion was seconded by Vice-Chair Ines-Lopez.

The Motion passed unanimously

**VI. Adjournment**

Ms. Baena motioned to adjourn the meeting.

Vice-Chair Ines-Lopez seconded the motion.

The motion passed unanimously

The Planning Board meeting was adjourned at 7:35 PM

Respectfully submitted,



Peter Friedrichs

Director

Department of Planning and Economic Development

**CITY OF CENTRAL FALLS  
OFFICE OF PLANNING +  
ECONOMIC DEVELOPMENT**



# ADMINISTRATIVE RECOMMENDATION TO THE PLANNING BOARD

CASE 2015-07-16-1 (39 CLEVELAND STREET)



## SUMMARY

**Application Type:** Minor Subdivision

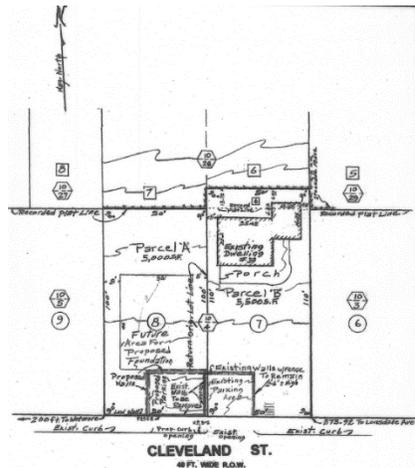
**Address/AP/Ward:** 39 Cleveland Street; Assessor's Plat 10, Lot 4; Ward 5

**Applicant:** Amit Anand

**Property Owner:** “

**Parcel Size:** 10,500 SF

**Zoning:** R-3



## Project Description

The applicant is requesting preliminary approval for a subdivision of his 10,500 sf property. This lot is the merger of lots 7 and 8 from the F.E. Tucker Plat, as well as a 10' x 50' portion of lot 6 from the S. Perry Plat. The applicant has proposed a recreation of lot 8 and an expanded lot 7 as two new lots, “4A” and “4B.” The portion of lot 6 from the S. Perry Plat will be retained as part of lot 4B, partially due to the fact that the existing structure extends into this previous lot.

The existing structure was also built prior to the Zoning Ordinance is not in compliance for minimum rear or (east) side yard setback. The proposed subdivision would recreate the lot line between F.E Tucker Plat Lots 7 and 8, creating a nonconforming (west) side yard setback of 5'. Any future development of lot 4A will easily conform to the requirements of the Zoning Ordinance (maximum buildout shown on survey).

## ***Discussion***

Prior to approval of any land development project, the Board is required to make positive findings on Section 3 F of the “Land Development and Subdivision Review Regulations.”

Element 1 of the Central Falls Comprehensive Community Plan outlines the City’s Goals and Policies. State Goal 6, Municipal Goal 1 urges the city to “Establish and enforce land use regulations which provide for development and redevelopment that is compatible with current uses.” One could effectively argue that this proposed subdivision provides for development that is compatible with current uses, as the two lots to be created will be comparable in size to existing neighboring lots.

This subdivision is will not comply with the Zoning Ordinance, as it creates a side yard setback of less than the requirement. Any decision by the Planning Board should be contingent upon the approval of a Dimensional Variance by the Zoning Board of Review.

This subdivision does not propose any development of the site that would be under the purview of a minor or major development and thus subject to the “Land Development and Subdivision Review Regulations.”

The creation of this subdivision “will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. The submitted survey demonstrates the large footprint of the maximum allowed improvement.

Both proposed lots will have adequate and permanent physical access to a public street.

## ***Recommendation***

Based on the above discussion, staff recommends that the requested preliminary approval be given an advisory recommendation and conditional approval, contingent upon approval of a Dimensional Variance from the Zoning Board of Review. Due to the straightforward nature of this application, staff additionally recommends that final approval be delegated to the Administrative Officer.