

Memo

To: Cranston Planning Commission  
 From: Gregory S Guertin, MA – Senior Planner  
 Date: November 15<sup>th</sup>, 2022  
 Re: **“Orchard Meadows”** – Master Plan - Major Subdivision

**I. Applicant/Proposal**

This proposed subdivision will create four (4) additional lots on four parcels designated as Assessor’s Plat 28, Lots 31, 45, 86, and 10. Lot’s 31, 45, and 86 (located at 1489 Pippin Orchard Road) are owned by NKC Investments LLC, Cerosoimo Construction LLC, and S&S LLC of 121 Terre Mar Dr, North Kingstown, RI, 02852. Lot 10 (located at 1459 Pippin Orchard Road) is owned by the William D Kearney Estate. The applicant is Pippin Orchard Investors. The combined existing parcels of land contain 1,180,476 +/- square feet (25.1 +/- acres). The parcels are zoned A-80 residential for single-family dwellings.

The applicant proposes to retain the two existing houses at 1489 and 1459 Pippin Orchard Rd (Lots 5 & 6) and the cemetery lot. The remaining acreage will be subdivided into four (4) new residential lots for single-family homes and Open Space (Areas A & B). See proposed site plan snippet on the back of this page. The proposed subdivision is a use allowed by-right within the Cranston Zoning Code and is consistent with the Comprehensive Plan – Future Land Use Map which designates this area as “Residential, less than 1 unit per acre.”

LOT/AREA	SIZE (ACRES)	SIZE (SQ FT +/-)	USE	WATER	SEWER
Lot 1	0.80	34,971	Single Family Home	Public	Public
Lot 2	0.74	32,149	Single Family Home	Public	Public
Lot 3	0.99	43,239	Single Family Home	Private Well	Public
Lot 4	1.16	50,484	Single Family Home	Private Well	Public
Lot 5	3.61	157,390	Existing Home	N/A	N/A
Lot 6	2.27	88,836	Existing Home	N/A	N/A
Area A	2.13	92,979	Open Space	N/A	N/A
Area B	12.71	553,886	Open Space	N/A	N/A
Cemetery Lot	.14	6,208	Cemetery	N/A	N/A

All the proposed lots will conform to the A-80 (200’ of frontage with 80,000 square foot minimum lot size) zones when designed as an RPD. The subdivision is consistent with the Cranston Comprehensive Plan – Future Land Use Map and will be serviced by a mix of public water, public sewer, private wells and OWTS.

## **II. Documents which are part of the application**

1. Master Plan application signed by Mr. Michael T, Saccocia (Managing member of Pippin orchard Investors) dated 10/11/2022.
2. Filing fee in the form of check #149, in the amount of \$950 (Master Plan), from Pippin Orchard Investors 10/13/2022.
3. Filing fee in the form of check #149, in the amount of \$220 (Pre-Application Fee), from Pippin Orchard Investors 11/8/2022.
4. Major Subdivision/Master Plan Subdivision plan set entitled "Orchard Meadows" prepared by DiPrete Engineering dated 11/8/2022.
5. 100' radius map, list of abutters and copies of the mailing labels.
6. Master Plan Narrative and Supporting Materials prepared by DiPrete Engineering dated October 2022.
7. Availability Letter for Public Sewer from Veolia Water
8. Availability Letter for Public Water from Providence Water Supply Board
9. Municipal Lien Certificates (MLCs)

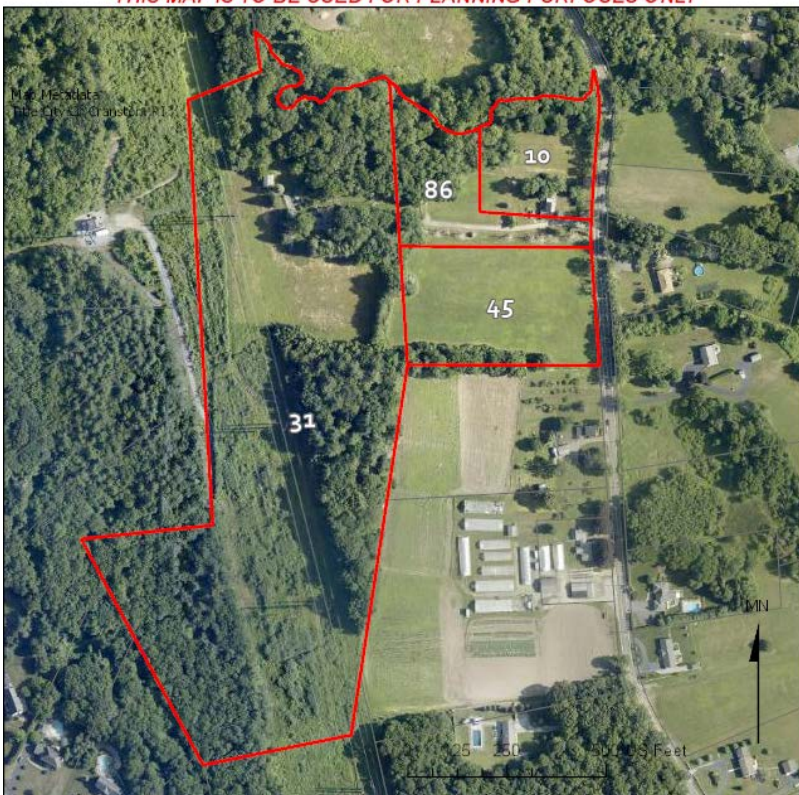
## **III. Surrounding land use and context**

*Analysis using the City of Cranston Geographic Information System indicates that:*

1. The subject parcel is in western Cranston, situated between Hope Road and Scituate Avenue.
2. The surrounding neighborhood is a mix of A-80, A-20 and Open Space. Most of the homes are single-family.
3. The subject parcel is relatively flat, has extensive areas of wetlands and all newly proposed lots are outside of any regulated floodplains or historic/cultural districts.

### AERIAL VIEW

THIS MAP IS TO BE USED FOR PLANNING PURPOSES ONLY



### Legend

- Orchard
- Meadows Parcels
- Citywide Parcels

### ZONING

THIS MAP IS TO BE USED FOR PLANNING PURPOSES ONLY



### Legend

- Orchard
- Meadows Parcels
- Zoning
  - A80
  - A20
  - S1

### 3-D AERIAL VIEW (facing West)



### STREET VIEW





(Pippin Orchard Road near proposed subdivision entry road)



# FUTURE LAND USE

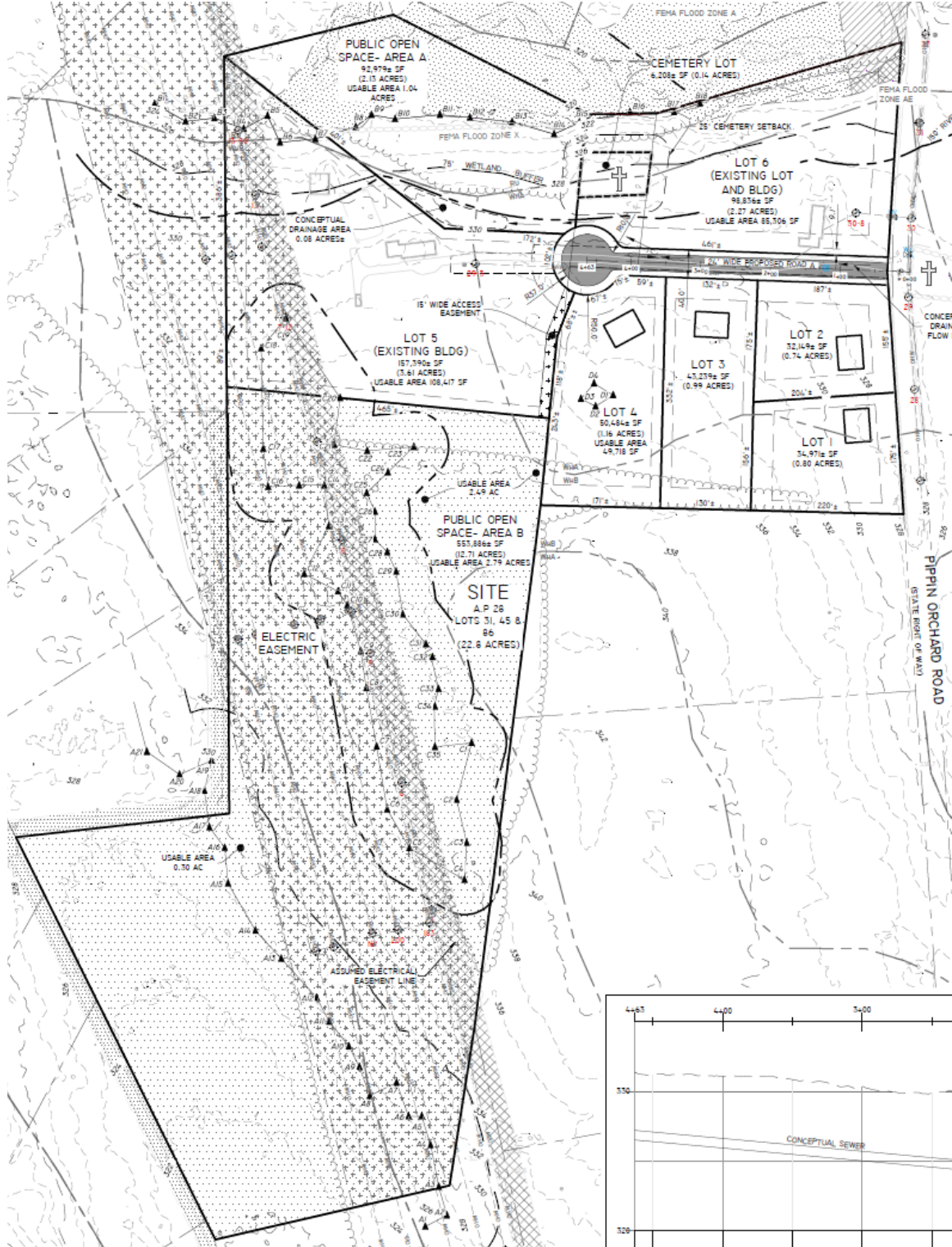
*THIS MAP IS TO BE USED FOR PLANNING PURPOSES ONLY*

## Legend

- |   |  |  |
|---|--|--|
|  Orchard<br>Meadows<br>Parcels |  Single Family<br>Residential 3.63<br>To 1 Unit Per<br>Acre |  |
| <b>Future Land Use</b>  |  Governmental/<br>Institutional                             |  Single Family<br>Residential Less<br>Than 1 Unit Per<br>Acre |
|  Open Space                    |  |  |



# SITE PLAN (screenshot)



#### IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to the Providence Water Supply Board, Veolia Water, Public Works Department / Engineering Division, Building and Zoning Department, and the Fire Department. Additionally planning staff met with members of the technical review committee on 11/14/22 to review these plans. Responses are as follows:

1. **The Providence Water Supply Board** – Has provided a letter regarding water availability.
2. **Veolia Water** – Has provided a letter regarding sewer availability.
3. **Public Works Department**
  - **Engineering Division** – Stated that they would not be in favor of providing a waiver for curbing requirements on the proposed public right of way. The applicant originally requested a waiver from the required curb requirement. The applicant has since retracted this request and excluded it from the Master plan proposal.
  - **Traffic Safety Division** – Reviewed the plan with planning staff and has no concerns at this time.
4. **Fire Department** – Reviewed the plan with staff and has no concerns at this time.
5. **Building and Zoning Department** – Reviewed the plan with staff and has no concerns at this time.

#### IV. Interests of Others

None to report currently.

#### VI. Planning Analysis

##### *Residential Planned District (RPD)*

The applicant proposes to subdivide four (4) existing parcels, totaling 25.1 +/- acres when combined, into 6 (6) individual parcels as an RPD. A yield plan was submitted as part of the plan set to qualify the 6 lots that would be allowed under a conventional subdivision consistent with the A-80 zoning designation.

Staff views the use of the RPD regulations (colloquially known as a “cluster” subdivision) as a beneficial tool for achieving the City’s open space goals. These regulations allow for compact development and open space preservation without increasing the overall density allowed on the project site. The results of compact development are that it creates an opportunity for deed restricted permanent open space, it minimizes onsite disturbances, it reduces impervious surface coverage, and it maximizes potential wildlife habitat areas. Staff views this immediate application as an excellent use of the RPD regulations due to the irregular shape of the lot and the presence of several different wetland areas that warrant careful consideration of siting the development areas. Additionally, this subdivision is dedicating approximately 60% of the site as open space when the regulations only require a minimum of 25%. This subdivision will result in approximately 14.8+/- acres of forested land in western Cranston being permanently deed restricted as open space.

The subdivision is less dense than the Comprehensive Plan Future Land Use Map allocation of Single Family Residential Less Than 1 Unit Per Acre with a proposed density of 0.24 units per acre. The proposed use (single-family residential) and density of the proposed new lots are both consistent with the Comprehensive Plan. Additionally, there are several goals and policies listed within Natural Resources and the Open Space and Recreation Elements of the Cranston Comprehensive Plan that are supportive of the proposed subdivision due to the percentage of open space being preserved and the additional buffers being provided to wetland resources.

### *Wetlands and Open Space*

However, it should be noted that the current calculation for the required open space area that is suitable for development is 3.2 acres, the total amount of open space area that is suitable for development included in this proposal is 3.8+/- acres. The proposed amount of open space area that is suitable for development is reliant on the accuracy of the wetland edges that have yet to be verified by a RI DEM official. The wetlands located on-site and the 100' riverbank buffer for the brook identified are important considerations for this proposal. The wetland edge has been identified and delineated by Avizini's Environmental Services. A RIDEM Freshwater Wetlands Insignificant Alteration Permit must be obtained by the applicant prior to submittal of a Preliminary Plan application.

This is a by-right subdivision with 3 requested waivers/variances. All six of the proposed lots meet the minimum required dimensional standards for an RPD in the A-80 zone. As Plan Commission members know, the master plan stage of review is generally limited in scope to whether the proposed land use and concept are appropriate at this location and are consistent with the Zoning Ordinance the Comprehensive Plan.

### **VII. Waivers and Variances**

A "temporary" waiver of the RI DEM verified wetlands approval has been requested at this time due to anticipated delays in the permitting process. The wetlands on site have been flagged by Avizini's Environmental Services Inc. The applicant will be required to provide full RI DEM permitting prior to submitting the Preliminary Plan Application for this project.

A Waiver from the sidewalk requirement has been requested. The applicant has proposed that no sidewalks need be constructed on this local road as it will only be used by residents of this subdivision. The applicant has cited RIDEM's general request to reduce impervious areas to the greatest extent possible and to request waivers when applicable.

A variance for the setback requirement has been requested. The existing residential home located on AP 28 Lot 10 will not meet the front yard setback and will be approximately 9' from the property line.

Staff have met with representatives from Fire, Public Works/Engineering, and Traffic. At that time, it was determined that the requested sidewalk requirement waiver and setback requirement variance would be appropriate for this scale of this development.



## VIII. Findings of Fact

An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail, a display advertisement was published in the Cranston Herald on 11/23/22 and the meeting agenda has been properly posted.

Staff has reviewed this Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

*RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”*

1. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan Future Land Use Map (FLUM). The proposed resulting density of approximately .24 units per acre is less dense than and thereby consistent with the FLUM's designation of the subject parcel as “Single Family Residential Less Than 1 unit per acre.”
2. There are several goals and policies listed within Natural Resources and the Open Space and Recreation Elements of the Cranston Comprehensive Plan that are supportive of the proposed subdivision due to the percentage of open space being preserved.

*RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”*

1. The proposal is substantially in compliance with all zoning standards, with the exception from one requested variance for the setback requirement for an existing home located on AP 28 Lot 10. The proposed roadway layout results in a front setback dimensional variance which shall be resolved prior to Preliminary Plan application. Planning staff believe that this proposal with the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (Emphasis added)*

1. This finding pertains specifically to the final plan; however, no significant environmental impacts are anticipated.
2. The project will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
3. The Rhode DEM's Natural Heritage map shows that there are no known rare species located on the site.

*RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with 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.”*

1. The proposed 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.
2. The design and location of building lots, utilities, drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion, details of which will be reviewed during the Preliminary Plan phase of the application.

*RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”*

1. The properties in question will have adequate permanent physical access to a public city street through the creation of a new roadway being proposed on the subject property that will connect to Pippin Orchard Road.
2. The proposed subdivision provides for safe and adequate local circulation for vehicular traffic.

## **IX. Recommendation**

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the findings of fact documented above and **approve** the Master Plan submittal subject to the condition denoted below.

## **X. Conditions of approval**

1. Prior to submittal of the Preliminary Plan application, the applicant shall obtain all necessary state permits and approvals for this proposed subdivision.
2. Proposed lot 6 shall obtain all necessary relief from the Zoning Board of Review **prior** to submitting the Preliminary Plan application.