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Robert Strom
Kathleen Lanphear
Ann Marie Maccarone
James Donahue
Robert Coupe

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

DRAFT MINUTES

Tuesday, December 7th, 2021 – 6:30PM

869 Park Avenue, 3rd Floor – City Council Chamber

CALL TO ORDER

Chairman Michael Smith called the City Plan Commission Meeting to order at 6:36 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, Ken Mason, Ann Marie Maccarone, Robert Strom, James Donahue, and Robert Coupe. Kathleen Lanphear was absent. (Currently the City Planning Commission has two unfilled vacancies.)

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director; Douglas McLean, AICP, Principal Planner; Joshua Berry, AICP, Senior Planner; and Alexander Berardo, Planning Technician.

Also attending: Steve Marsella, Esq., Assistant City Solicitor.

APPROVAL OF MINUTES

Upon motion made by Commissioner Mason, and seconded by Commissioner Maccarone, the City Plan Commission voted 5 to 1 (Comm. Donahue abstained) to **approve** the regular City Plan Commission meeting minutes of 11/2/21.

▪ **“Comstock Industrial” (vote taken)**

PUBLIC INFORMATIONAL MEETING

Master Plan - Major Land Development
Construct 2 new buildings on the 17.31-acre property for the purpose of large-scale industrial, manufacturing, warehousing and trucking activities
Zoned M-1 (Restricted Industrial)
Comstock Parkway – AP 36, Lot 46

Continued from the 11/2/21 Agenda

Principal Planner Douglas McLean gave the staff presentation and recommendation. He reminded the Commission that the meeting for Comstock Industrial LLC's major land development project was continued

from the previous month's meeting and remains at the master plan phase. He said the applicant wants to construct two buildings for a total of 270,000 ft² with access on Comstock Parkway, across from Western Industrial Drive; the existing M-1 zoning is consistent with the Future Land Use Map; and that the proposed uses are consistent with the zone, making it a by-right proposal. Mr. McLean further noted that a peer review of the traffic study and associated public comments received by Dec. 1st are available for review on the City's website.

Atty. Robert Murray, representing the applicant, then asked permission to supplement the testimony from last month's meeting with additional comments from the development team. He re-introduced John Walsh (principal of Comstock LLC), Edward Pimentel (planning expert), Leonard Bradley, P.E. (of DiPrete Engineering, who was present at the November meeting but did not testify), Paul Bannon, P.E. (traffic consultant), and John Carter, P.L.A. (landscape architect). Atty. Murray said Planning Director Jason Pezzulo told him months ago that a traffic study would be a key element to the proposal, and that a peer review of Mr. Bannon's traffic study was done by Fuss & O'Neill, which agreed with many of Mr. Bannon's positions. Finally, Mr. Murray reiterated that the applicant was not asking for any zoning relief. The proposed buildings are proportional to the large size of the parcel, and while the precise end user is not yet known, it will be oriented toward warehousing.

Atty. Murray also submitted for the record a recent Providence Business News article discussing the dearth of warehousing space in RI as well as a packet of meeting minutes which showed the origins of the residential abutters were rooted in relief being granted. City Solicitor Steve Marsella said neither exhibit had any relevance to the Commission's decision on this particular matter. Mr. McLean added that written materials (including public comments) needed to be submitted by Dec. 1st to be in the record, per departmental policy.

Chairman Smith then opened the matter to public comment.

- Al Cantessa, of 12 Sweet Corn Dr., Voiced his displeasure on the fact that information surrounding the tenants is vague at this point and that the developer can decide which tenant will occupy the building after he receives approval to build. He asked when information would become known regarding hours of operation, number of trucks per day, and levels of noise and lighting. He further named a few articles the Commissioners might read for more information; one said that the proposal is a heavy industrial center, not just a distribution center, given number of parking and loading docks.
- William Duarte, of 18 Sweet Pea Drive and President of Crossroads Condominium Association, said he delivered a petition with 120 signatures in opposition to the project. He was especially concerned with traffic impacts and felt the accuracy of the traffic studies are unknowable right now. He also thought the concept of "by-right" was unfair in cases of large developments and felt they should be put up to a political vote instead.
- Steven DiSchillo, of 9 Sweet Pea Dr, said he thought the traffic study's projection of 46 tractor trailer trucks is a significant underestimate. He compared the loading bay to floor area ratio of the proposed Comstock facility (26 bays per 100,000 ft²) to the Fall River Amazon fulfillment facility (1 bays per 100,000 ft²). Assuming an average unloading time of 3 hours per truck, Mr. DiSchillo said the site could handle 552 trucks a day. He wondered if trucks would park along Comstock while they wait to access the facility and said the size of the buildings should be reduced so they can't accommodate so many trucks and generate so much traffic.
- State Sen. Frank Lombardi, D-Dist. 26, said he'd fielded a number of calls from constituents and had concerns about the project's impacts on traffic on Comstock. He thought the Commission has a duty to look beyond what's allowed by right and think about what the effects would be of allowing the project to be built. He also called for greater accommodation of the residential abutters' concerns.
- Vincent Masino, of 14 Sweet Pea Dr., said he was opposed due to potential increases in traffic, noise, and air pollution. He emphasized that non-industrial uses also exist in the vicinity and that the City's comprehensive plan is outdated, so he hoped to see a more harmonious use proposed for the site.
- Karen Belli, of Country View Condos, worried about the project's impacts on her quality of life and property values as well as the Pumpkin Patch Academy daycare facility.

- Atty. Amy Gowins, representing Crossroads Condos, reiterated the hope she expressed during the November meeting: to impose key restrictions on various aspects of the project (hours of operation, noise mitigation, landscaping, and relocation of the building) up-front to protect the residents nearby.
- Peter Friedrichs, a planner retained by Crossroads, said provisions should be made now for traffic signal optimization to ease the project's traffic impacts. He cited several Land Use Goals in the city's existing comprehensive plan to argue that the development is too large and that it requires a larger buffer on the southern end. He also read into the record the section of his letter that Atty. Murray cited in his intro.
- Debra [redacted], of 141 Boylston Drive, said she was told there would be no work done before 6:00am but she can hear trucks through closed windows at 4:00am. She also said the size of the building could be problematic for noise and air pollution.

Atty. Murray then returned to the podium to invite Mr. Walsh to speak to his vision for the site again. Mr. Walsh said he understands the neighbors' concerns but considers the project well-designed from a developer's perspective, particularly as it keeps truck traffic on the north side, away from the condominiums to the south. He challenged the idea that a smaller building would result in less traffic, and also argued that the larger building will function as a more effective sound barrier. Finally, he said the level of detail the neighbors want to dig into won't become clear until next phase.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Strom, the City Plan Commission voted unanimously to **close** the public comment portion of the Public Hearing.

Comm. Maccarone asked Mr. Walsh to expand upon his earlier statement that a sound wall wouldn't be aesthetically pleasing. He said he thought it would look better to have a vegetated berm but acknowledged it was a personal opinion. Comm. Coupe asked if there would be truck bays on the southern side. Mr. Walsh said the question probably was in reference to a plan from last month showed a truck circulating in the back just to show there was space enough for it – but there would be no bays on that side.

Mr. McLean then addressed some of the points raised in public comments. He said the most frequently mentioned concerns were traffic increases, higher noise levels, reduced air pollution, and aesthetic impacts. He noted that RIDEM, not the City, regulated air quality impacts. However, the project does need to comply with the City's noise ordinance (55 decibels during the day, 50 decibels at night). Mr. McLean said staff will take a close look at noise once a noise study is submitted at the next phase of the application. He agreed with Mr. Walsh's statement that the building will serve to mitigate noise – he said most of the noise will likely come from outdoor activity to the north of the building, on the opposite side from the residential abutters. He said lighting plans would be reviewed at the next stage of the application as well. For landscaping, Mr. McLean said Crossroads Condominiums planted evergreen trees early on and they now form a large buffer, except for a few thin areas that will be examined along with a peer-reviewed study at the next stage.

Specifically addressing traffic, Mr. McLean said the applicant provided a traffic study, which was peer reviewed and reviewed by City traffic bureau staff. He reported the finding that there would not be major traffic impacts. He noted that Traffic Engineering staff also agreed and said that the City relies on expert testimony to make its decisions. Regarding consistency with the Comprehensive Plan, Mr. McLean said the subject parcel is designated Industrial, so to develop this property outside of Industrial uses would actually be inconsistent. Staff finds that the FLUM and the Comp Plan policy framework both point to this proposal being appropriate and consistent with Comp Plan, and since all aspects so far meet zoning standards, it's a by-right proposal.

Mr. McLean asked the Commissioners if they disagreed with any of the staff findings. Comm. Maccarone asked how he knew for sure that there wouldn't be noise coming from inside the building as well as outside (HVAC). Mr. McLean said the greatest impact will be from outdoor activities, namely backup alarms of trucks, and that shifting the building to the north would bring that noise closer to the residential abutters.

Mr. McLean then gave the planning staff's final advisory recommendation (from PowerPoint presentation):

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 documented findings of fact and **approve** the Major Land Development Master Plan application.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Mason, the City Plan Commission voted 5 to 1 (Commissioner Maccarone voted Nay) to **approve** the Major Land Development Master Plan application.

▪ **"Trolley Barn Plaza" (vote taken)**

PUBLIC INFORMATIONAL MEETING

Master Plan - Major Land Development
Proposed bank with drive-thru, gas station / mini mart with drive-thru, drive-thru restaurant, retail auto parts / warehouse distribution on 6.61-acre site
Zoned M-2 (General Industry),
777 Cranston Street – AP 7, Lot 1

**Continued from the 11/2/21 Agenda
SUBDIVISION & LAND DEVELOPMENTS**

- **9-21-01** Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston, as amended 2012 (777 Cranston St.). Amend the Future Land Use Map Designation from **Special Redevelopment Area** to **Highway Commercial/Services**. Amend the Comprehensive Plan to remove references to the Trolley Barn Special Redevelopment Area. **(vote taken)**

**Continued from the 11/2/21 Agenda
ORDINANCE RECOMMENDATION**

- **9-21-02** Ordinance in amendment of Ch. 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 777 Cranston St.). Amend the zoning from **M-2 General Industrial** to **C-5 Heavy Business, Industry with conditions**. **(vote taken)**

**Continued from the 11/2/21 Agenda
ORDINANCE RECOMMENDATION**

Senior Planner Joshua Berry presented the Major Land Development master plan and related ordinances together. He noted that the project is still conceptual at this point as it is at the master plan stage. The applicant proposes to build a 35,000 ft² AutoZone, a drive-thru bank, a drive-thru fast food restaurant, and a gas station with mini-mart component. Ordinance 9-21-01 would amend the Special Redevelopment Area designation to Highway Commercial Services and would remove references in the Comprehensive Plan encouraging Mixed-Use Development for the site. Ordinance 9-21-02 would rezone the site from M-2 to C-5 with conditions.

Mr. Berry showed a zoning map of the site and surroundings which showed that C4 and C5 abut the property to the south, so it would not be inconsistent with the character of the neighborhood to rezone to C5 with conditions. He showed the site plans and said major deliveries would happen prior to normal business hours. He noted one modification to the landscape plan: moving a street tree back from the sight lines at the access point onto Cranston Street. Signage was also slightly downsized based on staff feedback and will incorporate a trolley symbol to pay homage to the site's historical use. Public outreach drew only two people at the joint site walk, who were not opposed to the project, but rather advocated for bike path connectivity. Mr. Berry noted the City of Providence also expressed interested in traffic impacts and the bike path extension.

Atty. Nicholas Goodier then spoke on behalf of the applicant. He said master plan review began in October and that beyond the City's review, Fuss & O'Neill supplied the City with a report as well. He noted that sign

feedback has been incorporated but contended that the sign on the AutoZone is large on its own, but justifiably-sized since the building will also be large and set far back from the road.

Nicole Riley, DiPrete Engineering, added that the AutoZone store is proposed to be set back about 331ft from Cranston St. and that they are currently proposing more parking than City code requires for each of the four businesses on-site (AutoZone would have 90 spaces vs. the minimum 55 spaces; the others exceed their respective parking minimums by fewer than 10 additional spaces).

Comm. Mason asked if any progress had been made on the environmental site plan. Atty. Goodier said that the Phase 1 report was supplied and Phase 2 was required as a condition of approval, but it's also almost completed.

Further addressing the question of the AutoZone sign, Atty. John Mancini noted AutoZone would be the plaza's anchor tenant, and since they are so far back from the road, they need a big sign for sufficient visibility.

Upon motion made by Commissioner Strom, and seconded by Commissioner Mason, the City Plan Commission voted unanimously to **close** the public comment portion of the Public Hearing.

Mr. Berry then said staff found the project consistent with Comp Plan goals for economic development, especially since the project could bring dozens of jobs to a site that has been vacant or underutilized for decades. He said staff also finds that highway commercial development in a C-5 zone is appropriate, the extension of the bike path is a benefit, and the site far exceeds landscaping requirements.

Mr. Berry then reviewed some negative findings as well, particularly the 250-foot wall sign, which is not consistent with zoning. He said staff feels that the freestanding sign at the road should offer sufficient visibility to indicate an AutoZone is there. He noted a potential conflict between gas station and residential and wondered if the applicant would explore the feasibility of swapping the location of the gas pumps and mini-mart. He said the issue of over-parking could be addressed at the preliminary plan phase. Finally, Mr. Berry noted that while the Comp Plan prefers smart-growth style development with a good synergy of uses and incorporation of sustainability elements, these are aspirations as opposed to required standards.

Regarding the two ordinances, Mr. Berry said staff finds both consistent with the Comprehensive Plan (provided 9-21-01 is amended to remove references to mixed-use at the site) but only 9-21-01 was found to be consistent with zoning. Staff seeks fulfillment of the following terms as grounds for a full positive recommendation:

- 9-21-01: Remove references to mixed-use development for the Trolley Barn Plaza site in the Comp Plan.
- 9-21-02: Reduce the size of the AutoZone wall sign from 250ft² per side to 150ft² per side.

Comm. Mason asked to know the area of the text portion of the AutoZone sign (excluding the symbol portion of the logo). Mr. Berry said he did not know that number because the zoning code describes the calculation of signage area to include symbols along with words. The applicant said it would be roughly 150ft².

Comm. Strom said the Edge Fitness Club off Garfield Avenue was fairly comparable, since it has a large sign and is set far back from the road. Mr. Berry said he asked zoning officials if they knew of any similar signs but they could not think of any. He also reminded the Commission that the submittal was received with little time for staff review. Director Pezzullo said he thought it was unnecessary to look for comparable signage because the AutoZone will already have their name listed on the large roadside monument sign, so their signage needs would be met working within the existing code.

Mr. Berry then gave the planning staff's final advisory recommendation on the minor subdivision (from the PowerPoint):

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 documented findings of fact and **approve** the Major Land Development Master Plan application, subject to the following conditions:

- Prior to submittal of the Preliminary Plan application, the applicant shall obtain approval from the City Council for the zone change and Comprehensive Plan Amendment, Ordinances #9-21-01 and #9-21-02.
- A Phase II Environmental Site Assessment Report shall be provided along with a remediation plan approved by RIDEM, as applicable, as part of the Preliminary Plan application to the Development Plan Review Committee and City Plan Commission.
- Under the provisions of the City of Cranston Subdivision Regulations Section III (C)(9) Professional Review Fees, a professional landscape architect will be hired by the City and paid for by the applicant to conduct an independent review on any and all buffer plans proposed.
- The applicant shall explore the feasibility of incorporating solar energy systems on the roofs of the proposed buildings and parking areas. The applicant shall address this issue in the narrative for the Preliminary Plan submittal.
- The applicant shall explore the feasibility of incorporating electronic vehicle charging stations on site. The applicant shall incorporate their findings into the narrative as part of the Preliminary Plan submittal during the preliminary plan phase.
- The applicant shall coordinate with the Cranston Planning Department and Providence Department of Planning and Development to connect the bike path, which may include the applicant granting an easement (roughly 15' wide) in a location similar to Route/Option #2 as identified in the letter addressed to Jason Pezzullo from Bonnie Nickerson of the Providence Department of Planning and Development, dated 10/19/21.
- The applicant shall consider redesigning the site as to relocate the fuel pumps so that they are behind the convenient store interior to the site. The applicant shall provide a site plan (either as the primary site plan or as an alternate site plan) showing this configuration as part of the Preliminary Plan submittal.
- The applicant shall resolve any potential conflict between the temporary easement in the southeast corner of the subject property and the anticipated easement for the future bike path connection.

Chairman Smith asked if the Commission ought to move forward with ordinance 9-21-02 even though there were negative findings. Mr. Berry said the findings are forwarded with the recommendations, so the Commission could vote for a positive recommendation but note its concerns to alert the City Council to aspects that may require further consideration.

Comm. Coupe felt that swapping the gas pumps and mini-mart was an unnecessarily onerous request. Mr. Berry said the gas station would be located about 100 feet away from a residential area and that moving the gas pumps to the other side of the mini-mart would mitigate aesthetic and sound impacts. Comm. Coupe said he remained unconvinced of the request's practical value since there was a police station nearby that probably produced more noise than the gas station would.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Mason, the City Plan Commission voted 5 to 1 (Comm. Donahue abstained) to strike the condition about relocating the gas pumps from the staff recommendation on the Major Land Development Master Plan.

Upon motion made by Commissioner Strom, and seconded by Commissioner Coupe, the City Plan Commission voted 5 to 1 (Comm. Donahue abstained) to make a **positive** recommendation to the City Council – Ordinance Committee on ordinance 9-21-01.

Regarding ordinance 9-21-02, Comm. Coupe asked if a happy medium could be found between the 30-foot sign length allowed in the code and the 250-foot sign length proposed by the applicant. John Mancini spoke and felt they could limit the sign to 150 ft² as a compromise. Director Pezzullo said he and staff would support that compromise.

Upon motion made by Commissioner Strom, and seconded by Commissioner Coupe, the City Plan Commission voted 5 to 1 (Comm. Donahue abstained) to make a **positive** recommendation to the City Council – Ordinance Committee on ordinance 9-21-02.

Finally, upon motion made by Commissioner Mason, and seconded by Commissioner Strom, the City Plan Commission voted 5 to 1 (Comm. Donahue abstained) to **approve** the Major Land Development Master Plan as amended.

▪ **“Elite Drive Subdivision” (vote taken)**

PUBLIC HEARING

Preliminary Plan – Minor Subdivision w/o street extension with waivers
4-lot minor subdivision (4 additional single-family residences)
Zoned A-20
Terminus of Janet Drive and Elite Drive - AP 26, Lot 50

Senior Planner Joshua Berry gave the staff presentation. He said this application would ordinarily be a minor subdivision but the applicant wanted zoning relief at the master plan level. The site is in an A20 zone, so no further relief is needed. The applicant wants to develop four single-family lots, two with private driveways off Elite Drive, and two with private driveways off of Janet Drive. Mr. Berry noted a waiver for sidewalk construction has been included in the application, as well as a letter from RIHPHC confirming no impacts to historic resources and a letter from RIDEM deeming a Freshwater Wetlands Permit unnecessary for the project. A Class 1 preliminary subdivision plan has been provided as well.

Mr. Berry said the lots far exceed minimum lot sizes for the zone, which minimizes the amount of utility extension needed. He said staff supports the waiver for sidewalks and the Dept. of Public Works wants to see the existing curbing and pavement extended 20 feet south for snow plowing. One issue to be determined is whether this extension will also create a need for a stormwater runoff retention swale.

Atty. Robert Murray then spoke on behalf of applicant, saying the applicant took title to the property in September. He also said he’s aware of the Staff condition proposed on approval and is fine with it.

Eric Prive, a registered P.E. with DiPrete Engineering, conducted soil evaluations and noted there are dry wells on the site. He also relayed that infiltration trenches will be located along the driveways and reiterated that RIDEM reviewed the presence of wetlands on the site and found there were no permits required.

Chairman Smith then opened the meeting to public comment:

- Marc Spirito, of 18 Ann Court, said he was concerned about increased noise levels in the neighborhood as a result of the project.
- Walter Lanni, of 25 Ann Court, worried about drainage because the ground in the neighborhood is largely ledge and does not drain well.

Upon motion made by Commissioner Donahue, and seconded by Commissioner Strom, the City Plan Commission voted unanimously to **close** the public comment portion of the Public Hearing.

Mr. Berry said staff finds the proposal consistent with City regulations, so it is a by-right proposal. He also said the proposal is less dense than the FLUM prescribes and believed that sound impacts would be worse if the site had been developed to the extent it could be. Mr. Berry then gave the final recommendation (from the PowerPoint):

*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 documented findings of fact and **approve** the Preliminary Plan application, with waivers for curbing and sidewalks, subject to the conditions denoted below.*

- 1. Payment of the Western Cranston Capital Facilities impact fee in the amount of \$5,558 (\$1,389.50 per unit) shall be submitted at the time of final plat recording.*
- 2. Payment of the Western Cranston Water District fee in the amount of \$12,284 (\$3,071 per unit) shall be submitted at the time of building permit.*
- 3. The existing concrete curb in the cul-de-sac of Janet Drive shall be cut out for driveway openings and appropriate curb returns shall be installed.*

Upon motion made by Commissioner Strom, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously to **approve** the Preliminary Plan application.

▪ **“Caprarelli Plat” (vote taken)**

PUBLIC INFORMATIONAL MEETING

Preliminary Plan – Minor Subdivision w/o street extension with waivers

2-lot minor subdivision

Replat of six record lots into two new lots to contain an existing three-family and create one new lot for single-family residential development.

Zoned A-8

Yeoman Avenue & Harmony Street – AP 12, Lots 2184 – 2189

SUBDIVISIONS & LAND DEVELOPMENTS

- VINCENT AND CHRISTINE CAPRARELLI (ON/APP) have applied to sub-divide six lots into two, leaving an existing 3 family residence on an under-sized lot at **156 Yeoman Avenue**, A.P. 12, lots 2184-2189; 8,238 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.20.090 (A)- Specific Requirements.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

- VINCENT AND CHRISTINE CAPRARELLI (ON/APP) have applied to sub-divide six lots into two, to construct a single-family house with reduced lot frontage at **0 Harmony Street**, A.P. 12, lots 2184-2186; 8,484 s.f. area; zoned A8. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

Senior Planner Joshua Berry gave the staff presentation. He said the applicants have made two variance requests for their property, which is located in an A-8 zone, and has a FLUM designation that is also residential. For 156 Yeoman Ave, the applicant wants to combine/subdivide six lots into two, leaving an existing nonconforming 3-family dwelling on an undersized lot (code requires 14,000 ft² for 3-family residential). They also seek relief for the fact that the existing nonconforming house would encroach 10 feet into the 20-foot rear setback, as well as for maintaining the existing parking configuration, which requires drivers to back into the road. For 0 Harmony St, the applicant seeks to create a new buildable lot which will have reduced frontage.

Mr. Berry continued by noting the proposed single-family home is consistent with the density, but the 3-family house isn't – but it's a pre-existing, legal, non-conforming use. He also noted that the minimum

required number of parking spaces for the multifamily house exists, so relief is only needed for the configuration of the parking. As for the restricted frontage, Mr. Berry said that Woodside Street is a paper (unimproved) road so it can't count toward frontage on Lot B/0 Harmony Street. Finally, he said that sewer utilities will have to be relocated and water will need to be extended, and that staff supports the applicant's request for a waiver for sidewalks.

Atty. Joseph Sciacca, representing the applicant, then introduced himself. No members of the public stepped forward to comment.

Upon motion made by Commissioner Donahue, and seconded by Commissioner Coupe, the City Plan Commission voted unanimously to **close** the public comment portion of the Public Hearing.

Mr. Berry then offered the staff analysis. He said staff found that parking condition was pre-existing and felt asking for a variance for it was perhaps overly-cautious, and furthermore the traffic board didn't consider the existing layout a risk. He also said staff was unconcerned about the setback encroachment because the house is located on a corner lot, so it should be considered a side setback (which requires only 10 feet) and not a rear setback. Since the use of the legal, nonconforming structure isn't going to change, no issues are presented. The proposed Lot B is currently unimproved and unused, so its reuse and development would not harm the residents on Lot A. Staff believes that granting relief should not have a negative impact on the neighborhood. The proposal is consistent with the Housing element of the comprehensive plan but inconsistent with the FLUM for housing density, but again, that's because of the legal, nonconforming structure.

Mr. Berry then gave the planning staff's final advisory recommendation on the minor subdivision (from the PowerPoint):

*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 documented findings of fact and **approve** the Preliminary Plan application, with waivers for sidewalks, subject to the conditions denoted below.*

- 1. The applicant shall obtain all necessary relief from the Zoning Board of Review prior to submittal of a Final Plan.*
- 2. Payment of the Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 (1 new unit) must be submitted at the time of final plat recording.*

Mr. Berry said staff is also recommending positive recommendations on both ordinances.

Upon motion made by Commissioner Donahue, and seconded by Commissioner Coupe, the City Plan Commission voted unanimously to **approve** the Minor Subdivision Preliminary Plan application.

Upon motion made by Commissioner Strom, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously to make a **positive** recommendation to the Zoning Board of Review on the subdivision at 156 Yeoman Avenue.

Upon motion made by Commissioner Strom, and seconded by Commissioner Coupe, the City Plan Commission voted unanimously to make a **positive** recommendation to the Zoning Board of Review on the subdivision at 0 Harmony Street.

- **“Pelli Minor Subdivision” (vote taken)** **PUBLIC INFORMATIONAL MEETING**
Preliminary Plan – Minor Subdivision w/o street extension
2-lot minor subdivision on a lot that contains 1 existing single-family dwelling, no new housing units proposed.
Zoned A-8

1365 New London Avenue – AP 18, Lot 1026

SUBDIVISIONS & LAND DEVELOPMENTS

- EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to subdivide an existing lot into two; leaving an existing single family residential house on a new lot with a reduced front yard corner setbacks from a proposed future road at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.20.090 - Specific Requirements.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

- EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to subdivide an existing lot into two; creating a new lot with less than the required frontage at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

Principal Planner Douglas McLean gave the staff presentation. He said the proposal is a two-lot subdivision that needs variances for frontage and front setback relief. The subdivision would create a new lot line which will create a new frontage for the lot. He pointed out that existing conditions – namely vegetation – will provide adequate screening for the pool that would find itself within a front setback. Mr. McLean also said that the frontage relief being requested is essentially temporary because a future roadway will be constructed over much of the front lot line, creating sufficient frontage for the lot by virtue of the new street.

City Solicitor Steve Marsella said he did not like the term “temporary relief” because the Commission needs to grant relief based on the merits of the present situation and not an anticipated future phase. He didn’t see how relief could be granted for a street that does not yet exist.

Atty. Murray provided further context on the matter. He said Parcel B is anticipated to be developed as a subdivision in compliance with A-8 zoning. He said that the applicant’s brother lives in the house behind his and currently has the right to pass over “Pelli Dr,” but would ultimately access his house by the new street. Atty. Murray also explained that the 50-foot frontage relief is only temporary in the sense that it becomes irrelevant once new frontage along the new street is established. The applicant’s lot will become a corner lot in the A-8 zone, so relief is sought for the setback issues it will create.

Solicitor Marsella asked whether it would be an issue that variances time out after a year; Atty. Murray replied that the applicant would begin work as soon as possible and noted that Stan Pikul recommended the course of action the applicant is pursuing. Planning Director Jason Pezzullo acknowledged it was a strange case, but called it an “imaginary subdivision” in the sense that nothing physically changes in the area as a result of approval and therefore it does no harm to neighbors.

Atty. Jeremy Rix, representing Cheryl Ursillo of 1360 New London Avenue, said his client’s house would be located directly across from the new street’s intersection with New London Avenue and raised concerns about headlights shining directly into her windows at night, as well as general noise increases from I-295 if the wooded lot were later cleared for development. He also argued that relief was sought primarily for financial gain as opposed to a genuine hardship, and since the property currently conforms, it should not be subdivided so as to create nonconforming lots. He felt approving development proposals piecemeal would set a bad precedent.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Strom, the City Plan Commission voted unanimously to **close** the public comment portion of the Public Hearing.

Mr. McLean said the practice of the Commission is not to review specific standards of zoning – that’s the zoning board’s domain. Instead the Commission makes recommendations concerning Comp Plan

consistency, etc. He reiterated that under this application, Parcel A will be left with an existing single family dwelling, while Parcel B would be left vacant. The existing private right-of-way easement will be held to ensure access isn't interrupted, and no new development is included in this application.

Mr. McLean then gave the final staff recommendations (from the PowerPoint):

RECOMMENDATION ON MINOR SUBDIVISION PRELIMINARY PLAN:

*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 documented findings of fact and **approve** the Preliminary Plan application, subject to the condition denoted below.*

- *The applicant shall receive approval for all required relief from the Zoning Board of Review prior to submission of the Final Plan application.*

RECOMMENDATION ON SETBACKS ON PARCEL A:

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the applicant is providing a mitigation element (bushes) to reduce visual impacts and maintain the aesthetic character of the neighborhood, staff recommends the Plan Commission forward a positive recommendation to the Zoning Board of Review. Staff further recommends that the Plan Commission consider including a condition as part of its recommendation that that the existing bushes (or equivalent replacement) be maintained for the life of the swimming pool.

RECOMMENDATION ON FRONTAGE ON PARCEL B:

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the proposal will not detract from the character of the neighborhood, and due to the finding that the substandard frontage is anticipated to be a temporary condition until a public right-of-way is formally proposed, staff recommends the Plan Commission forward a positive recommendation to the Zoning Board of Review.

Comm. Donahue asked Mr. McLean if staff would still make these recommendations without being aware of the ultimate vision for Lot B. Mr. McLean said yes, approving the application would still make sense based on density requirements and not detracting from the character of the community.

Chairman Smith asked if would be wise to remove references to the variance as a "temporary" condition in the recommendation on Parcel B. Mr. McLean said it could be removed since it was not addressing the relief being sought in this application.

Upon motion made by Commissioner Donahue, and seconded by Commissioner Strom, the City Plan Commission voted unanimously to strike the relevant clause ("*and due to the finding that the substandard frontage is anticipated to be a temporary condition until a public right-of-way is formally proposed*") from the recommendation on frontage on Parcel B.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously to **approve** the Minor Subdivision Preliminary Plan application.

Upon motion made by Commissioner Strom, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously to make a **positive** recommendation to the Zoning Board of Review on setbacks on Parcel A.

Upon motion made by Commissioner Strom, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously to make a **positive** recommendation to the Zoning Board of Review on frontage on Parcel B as amended.

ZONING BOARD OF REVIEW - RECOMMENDATIONS (votes taken for all ZBR items)

- VASQUEZ PROPERTIES, LLC (OWN) and MARISELA VASQUEZ have filed an application to allow signage installed without benefit of a permit exceeding the allowable square footage to remain at **455 Reservoir Avenue**, A.P. 6, lot 1011 zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (C) (4) Table 17.72.010 (5) Signs.

Continued from the 11/2/21 Agenda

Senior Planner Joshua Berry said the applicant is requesting relief for sign area that exceeds the maximum prescribed in the code. He said staff acknowledges the applicant's investment in the property is a benefit to the city but said the sign on the of the building facing Reservoir Avenue was larger than necessary.

Atty. Nicholas Hemond, representing the applicant, said his client designed the sign to mirror the scale of an earlier sign that had been located in the same spot before she renovated the property.

Peter Casali echoed Atty. Hemond's comments and added that the applicant felt a large sign was necessary since the building was set back from the road.

Chairman Smith asked whether previous conditions had any bearing on the Commission's decision; Solicitor Marsella said no.

Mr. Berry presented the staff recommendation:

*The Comprehensive Plan does not provide specific guidance related to the request, however, finding that the wall sign facing Reservoir Avenue is disproportionately large, staff recommends that the Plan Commission forward a **negative recommendation** on this application to the Zoning Board of Review.*

Comm. Coupe felt that a No Recommendation was more appropriate because he felt the matter was a zoning enforcement issue, to which Comm. Maccarone agreed.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Maccarone, the City Plan Commission voted unanimously to make **No Recommendation** to the Zoning Board of Review.

- WILLIAMS I. PENEFIEL and LESBIA SANTOS (OWN/APP) Have filed an application to legalize a third living unit in an existing two family dwelling at **234 Garden Street**, A.P. 5, Lot 345; area 5,000 s.f. zone B1. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.090(A) Specific Requirements; 17.20.120 Schedule of Intensity Regulations.

Continued from the 11/2/21 Agenda

Upon motion made by Commissioner Mason, and seconded by Commissioner Coupe, the City Plan Commission voted unanimously to forward a **positive** recommendation on the application to the Zoning Board of Review.

- ALBERT CASALI and THE ALBERT CASALI REVOCABLE LIVING TRUST (OWN/APP) have filed an application to construct an addition encroaching into the required rear yard setback at **1776 Cranston Street**, A.P. 11, lots 275, 276; area 14,962 s.f.; zoned C5. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations.

Due to the finding that the application is consistent with the Comprehensive Plan, and due to the finding that the application will not negatively impact the general character of the surrounding neighborhood, upon a

motion by Mr. Donahue, and seconded by Mr. Coupe, the Plan Commission voted (6-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

- VEREIT REAL ESTATE L.P (OWN) and VOLTA CHARGING, LLC (APP) have applied to install electronic sign kiosks at 2 proposed electric vehicle charging stations at **275 Warwick Avenue, A.P. 4, lot 2659; 7.46 ac. Area; zoned C5.** Applicant seeks relief per Section 17.92.010- Variance; 17.72.010 (6)- Signs.

Due to the finding that the proposal is consistent with Comprehensive Plan goals and policies and finding that relief would not have negative impact, but rather a positive impact to the city, upon a motion by Mr. Donahue, and seconded by Mr. Mason, the Plan Commission voted (6-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

PLANNING DIRECTOR'S REPORT

- Findings of Fact – Vote required by Commission on Findings prior to rendering decisions moving forward
- City Plan Commission Policy Guide – Comments on Final Draft in December, expected adoption by Commission expected in January 2022

Planning Director Jason Pezzullo said he wants to finalize the Commission Policy Guide at the January meeting and that he wants to refocus on preparing a first draft of the Comprehensive Plan during the first half of the new year.

ADJOURNMENT / NEXT REGULAR MEETING – Tuesday, January 4th – 6:30 PM – 869 Park Avenue, City Hall Council Chamber (**vote taken**)

Upon motion made by Commissioner Donahue, and seconded by Commission Strom, the City Plan Commission voted unanimously to adjourn the meeting at 11:25 p.m.