

CITY PLAN COMMISSION - July 6, 2021

DRAFT MINUTES

Chairman Smith called the City Plan Commission Meeting to order at 6:30 p.m. via Zoom. He stated that the June minutes will be held until the August meeting.

All Commissioners were present for the meeting: Chairman Smith, Ken Mason, Kathleen Lanphear, Frederick Vincent, Ann Marie Maccarone, Joseph Morales, Robert Strom, Robert DiStefano, and Robert Coupe.

The following Planning Department members were in attendance: Jason M. Pezzullo, Planning Director, Douglas McLean, Principal Planner, Joshua Berry, Senior Planner and J. Resnick, Sr. Clerk.

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

SUBDIVISIONS & LAND DEVELOPMENTS

“The Preserve at Pippin Orchard”

Master Plan - Residential Planned District (RDP) Cluster Development
Major Subdivision with street extension with waivers - 8 new single-family house lots
Pippin Orchard Road – AP 34, Lot 51 – Zoned A-80

Mr. McLean, Principal Planner, presented the staff recommendation via a PowerPoint presentation. He explained that frontage lots along Pippin Orchard Road have already been subdivided and contain single-family homes. The owner/applicant proposes to subdivide an existing 19.89 +/- acre lot into eight (8) individual parcels as a Residential Planned District (RPD) while leaving approximately 60% of the site to be preserved as permanent open space. A yield plan was submitted to validate that eight new house lots could be developed into a conventional subdivision. The property is currently undeveloped, vegetated and has a few separate wetlands complexes as well as a brook and associated riverbank buffer. As an RPD, the proposed lots must be a minimum of 20,000 ft² and meet A-20 dimensional standards for lot frontage and building setbacks. All eight of the proposed lots meet or exceed the required dimensional thresholds. The proposed subdivision will be serviced by public water and public sewer. The proposed roadway on the subject property will be a public (City) right-of-way.

Attorney Robert Murray, representing Narragansett Partners, LLC, the applicant, added that there is more State level permitting to be done prior to Preliminary Plan submittal.

Mr. Eric Prive, P.E., DiPrete Engineering presented for the applicant via PowerPoint. He stated that the site is at the corner of Scituate Avenue and Pippin Orchard Road. The surrounding area is zoned A-80 and there is no increase in density using the RPD. He stated that reduced frontages are proposed consistent with the RPD regulations. The proposed roadway will be eleven hundred linear feet in total. RIHPHC (RI Historic Preservation and Heritage Commission) found that there were “sensitive areas” but the Phase I archeological study conducted by the applicant concludes that no further study is needed. A Physical Alteration Permit from RIDOT is required for this development. He noted that an open space

area is proposed at the entrance. He also stated that a waiver for sidewalk provision will be requested at the Preliminary Plan stage and curbing width will be determined by the City's Public Works Department.

Ms. Pauline DeRosa, 97 Cypress Drive, asked how many trees would be removed. Attorney Murray stated that he does not have an exact number but reiterated that less trees will be cleared with the proposed RPD cluster subdivision. He stated that sixty percent of the site is to remain open space. He also stated that additional landscaping may be proposed in the future.

There was some discussion, prompted by Mr. Vincent's concern over the roadway width proposed (24 ft. with Cape Cod berm) and lack of sidewalk provision. Mr. Prive stated that elimination of sidewalks results in less storm water runoff. Mr. McLean noted that the public right-of-way may be connected at some time in the future as there is developable land behind this development. Mr. Vincent stated that due to the narrow width of the road, he would like sidewalks for pedestrian safety, at least on one side of the road. Attorney Murray pointed out that there are no sidewalks on Pippin Orchard Road to connect to. Mr. McLean pointed out that a waiver for provision of sidewalks will not be required until the Preliminary Plan stage.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted (8/0 – Mr. Strom abstained) to adopt the Findings of Fact denoted below and *approve* this Master Plan subject to the following condition:

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 6/24/21 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 0.4 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 and the additional buffers being provided to wetland resources.
3. Significant cultural, historic or natural features that contribute to the attractiveness of the community are being identified and the development footprint is being located to avoid disturbance with these features.

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."

4. The proposal is in compliance with all zoning standards and 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)*

5. This finding pertains specifically to the final plan, however, no significant environmental impacts are anticipated.
6. The project will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
7. The Rhode Island November 2018 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.”

8. 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.
9. 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.”

10. 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.
11. The proposed subdivision provides for safe and adequate local circulation for vehicular traffic.

Condition 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

“Garden City School” (no vote taken)

Pre-Application – Major Land Development

87,000 +/- square foot redevelopment of the Garden City School on 5.75-acre parcel

70 Plantation Drive – AP 10, Lot 709 – Zoned A-8

Mr. Ed Collins, Director of School Buildings, stated that the School Department and the RIDE evaluated all of the districts schools and formulated a five-year plan which the City Council approved. Mr. Sam Gianet, of Building International, gave a detailed PowerPoint presentation for the benefit of the Plan Commission. He stated that the new school will be larger to consolidate students from the Waterman School to be closed. The existing school will be demolished to accommodate a two-story building as the present structure cannot accommodate a two-story

load. A gymnasium is proposed that does not exist now. There will be two “learning communities”, will be a “model that accommodates 21st century learning”.

Mr. Mike Nevalia, P.E., did the storm water design. He presented a PowerPoint of the proposed exterior features. The existing ball field will be preserved. The memorial playground will be preserved, as will the memorial brick walkway with a bench and trees. Presently there are two ADA parking spaces that do not conform to ADA but will remain. He stated that there are no parking restrictions on the streets. The “loading area” will remain on Neptune Street. A dedicated bus lane and four ADA parking spaces are proposed. There will be a one-way driveway for student drop off on Magazine Street. New sidewalks are proposed surrounding the entire school block. A twenty-four space parking lot is proposed on Neptune Street. The City’s Zoning Code requires one parking space for every two employees. About 90 staff are proposed for this building therefore a zoning variance for insufficient parking is being sought from the Zoning Board of Review. Thirty-six on-street parking spaces can be accommodated on Neptune Street. Mr. Nevalia also stated that stormwater management has exceeded the RIDEM requirements as the site will generate less run-off than it currently does. He stated that normal traffic counts were not done due to the pandemic, and that this will be discussed further with the DPR Committee.

Mr. Morris Bochner. City resident, expressed concern with certain safety issues regarding the design and materials used in constructing the new school (i.e, bullet-proof glass, “evacuation areas, etc.) He stated that he has sent letters to the School Department and copied the Mayor on them and has not had his questions answered. Representatives of the School Department disputed these statements and stated that all of Mr. Bochner’s concerns have been addressed. Commissioner Vincent stated that he would like additional information regarding Mr. Bochner’s safety concerns. As a result, Mr. Bochner will forward his correspondence to Principal Planner, Doug McLean.

Mr. Gianet reassured everyone that all access and safety standards for this project have been achieved.

Ms. Pauline DiRosa, 97 Cypress Drive, stated that the school population is projected to go from 342 students to 575 students. She asked where the additional students will be coming from. She also asked how many cars (stacking) can be accommodated in the drop off area. Mr. Collins responded, stating that the students from the Waterman School will be consolidated into the new Garden City School. Mr. Zevalia stated that 15-16 vehicles can be safely stacked in the drop-off area.

As this matter was a pre-application presentation for public information only, no vote was taken by the Plan Commission.

ZONING BOARD OF REVIEW - RECOMMENDATIONS (votes taken on all recommendations)

NICHOLAS J. GUADAGNO (OWN /APP) has filed an application to legalize an existing basement unit to create a three family dwelling at **142 Chestnut Hill Avenue**, A.P. 8, lot 1443; area 4,800 s.f.; zoned B1. Applicant seeks relief per 17.92.010-Variance; Sections 17.20.090- Specific Requirements; 17.20.120- Schedule of Intensity Regulations; 17.20.030- Schedule of Uses.

Due to the finding that the proposed density and land use are inconsistent with the Cranston Comprehensive Plan Future Land Use Map, but finding that the housing is consistent with Comprehensive Plan policies and relief would not have negative impact and is compatible with the surrounding area, upon a motion by Mr. Vincent seconded by Mr. DiStefano, the Plan Commission voted (7-1 – Ms. Lanphear voted nay, Mr. Strom abstained) to forward **no specific recommendation** on this application to the Zoning Board of Review.

PHOENIX PROPERTIES, LLC. (OWN/APP) Has filed an application to construct a 3,300 s.f. addition to an existing Motor Vehicle Repair and Service facility at **86 Calder Street**, A.P. 11, lot 2064; area 20,480 s.f. zoned M1. Applicant seeks relief per 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations.

Due to the finding that the application is consistent with the Cranston 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. Coupe seconded by Mr. Vincent, the Plan Commission voted unanimously (8-0 - Mr. Strom abstained) to forward a **positive recommendation** on this application to the Zoning Board of Review.

DAVID A. RUSSO (OWN/APP) has filed an application to install an in ground pool on a corner lot at **32 Yard Street**, A.P. 12, lots 1979, 1980, 1981, area 12,000s.f. zoned A8. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010(D) - Accessory Uses.

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 (fence) to reduce visual impacts and maintain the aesthetic character of the neighborhood, upon a motion by Ms. Lanphear seconded by Mr. Vincent, the Plan Commission voted unanimously (8-0 - Mr. Strom abstained) to forward a **positive recommendation** to the Zoning Board of Review. The Plan Commission further recommends that the ZBR consider including a condition as part of its decision that the existing fence (or equivalent replacement fence of similar height and opacity) be maintained for the life of the swimming pool.

JENNIFER MINUTO (OWN/APP) has filed an application to construct an accessory structure for personal storage and a music studio use at **169 Bluff Avenue**, A.P. 2, lot 3775, 9,610 s.f., zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Section 17.60.010 -Accessory Uses; 17.20.030- Schedule of Uses.

Due to the findings that the application is generally consistent with the Cranston Comprehensive Plan and that no negative impacts are anticipated, upon a motion by Ms. Lanphear seconded by Mr. Morales, the Plan Commission voted (8-0 – Mr. Strom abstained) to forward a **positive recommendation** on the application to the Zoning Board of Review on the condition that the accessory structure shall not be utilized as a dwelling or for commercial purposes.

MICHELE L. CAPRIO (OWN/APP) has filed an application to allow a sign company and print shop business to operate in a residential zone at **68 Gansett Avenue**, A.P. 7, lot 2036; area 5,628 s.f.; zoned B1. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.030- Schedule of Uses; Section 17.20.120- Schedule of Intensity Regulations; Section 17.64.010- Parking, Section 17.72.010- Signs.

Although the proposed use is inconsistent with the Cranston Comprehensive Plan Future Land Use Map, the Commission finds the proposal (with the recommended conditions) to be consistent with its policies, and finding that no negative impacts are anticipated by the use or signage, upon a motion by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission voted (7-1 – Mr. Smith voted nay, Mr. Strom abstained) to forward a **positive recommendation** on the requested relief to the Zoning Board of Review.

Should the Zoning Board of Review approve the variance requests, the Plan Commission respectfully requests that the Zoning Board consider the following conditions:

1. The dumpster must be removed from the site and all trash must be managed internally.
2. The parking shall be striped as shown on the site plan titled “68-70 Gansett Avenue Cranston, Rhode Island A.P. 7-5, Lot 2036” by Joe Casali Engineering dated 6/9/21.
3. The signs shall not be illuminated.

BRUCE D. LANE and MINDY B. LANE (OWN/APP) have filed an application to leave a single family dwelling and a non-conforming accessory structure on an existing under-sized lot merged in accordance with 17.88.010 (B) at **76 Myrtle Avenue**, A.P. 9, lot 1861, area 4,000 s.f., zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record; Section 17.60.010 -Accessory Uses.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan Housing Element policies, and due to the finding that the proposal generally conforms to the neighborhood, upon a motion by Mr. DiStefano seconded by Mr. Morales, the Plan Commission voted (6-2 Ms. Lanphear and Mr. Vincent voted nay, Mr. Strom abstained) to forward a **positive recommendation** on the application to the Zoning Board of Review.

BRUCE D. LANE and MINDY B. LANE (OWN/APP) have filed an application to construct a new single family dwelling on an under-sized lot merged in accordance with 17.88.010 (B) at **0 Myrtle Avenue**, A.P. 9, lot 1860, area 4,000 s.f. zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan Housing Element policies, and due to the finding that the proposal generally conforms to the neighborhood, upon a motion by Mr. DiStefano seconded by Mr. Coupe, the Plan Commission voted (6-2 Ms. Lanphear and Mr. Vincent voted nay, Mr. Strom abstained) to forward a **positive recommendation** on the application to the Zoning Board of Review.

HAZARD MITIGATION PLAN UPDATE - City Plan Commission appointment

Mr. Pezzullo informed the Commission that he is putting together the advisory committee for the Hazard Mitigation Plan update. He stated that there will probably be about 5 or 6 meetings of this committee. Carissa Lorde, of VHB, is the hired consultant and was involved in the last Plan update. He stated that the contract has been signed. Commissioner Ken Mason, Public Works Director, will be the Commission's representative as he is already a required member of this committee.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that the next Plan Commission Meeting (August 3, 2021) will be an in-person meeting with no requirement of a hybrid. The Governor's Emergency Order for the pandemic is not being extended.

He also informed the Commission that the Department has received a grant of \$125,000 from the Commerce Corporation for the Comprehensive Plan update. He stated that the existing plan is very outdated. He would like the consultant to work from a revised draft plan. The department is currently reviewing the old plan in preparation for a new draft plan.

Mr. Pezzullo addressed the amount of time the Department spends each month in their review and formulation of the recommendations provided on the Zoning Board of Review matters. He urged the Commissioners to attend a ZBR meeting in the hopes that a more streamlined approach can be achieved.

Mr. Pezzullo mentioned that the Plan Commission Policy Guide needs to be finalized. He urged the Commissioners to submit their comments on the draft they received.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Coupe, the Commission unanimously voted to adjourn at 10:30 p.m.

NEXT REGULAR MEETING – Tuesday, August 3rd – 6:30 p.m. in the City Council Chamber