

**CITY PLAN COMMISSION  
June 1, 2021**

**MINUTES**

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. via Zoom.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Robert Strom, Kathleen Lanphear, Joseph Morales, Ann Marie Maccarone and Robert Coupe.

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

Also attending: Steve Marsella, Assistant City Solicitor

**APPROVAL OF MINUTES**

Ms. Lanphear stated that on page five, the 'Marie Properties' matter, should have stated that there should be dedicated resident parking. The correction will be made. Upon motion made by Ms. Lanphear and seconded by Mr. Mason, the Commission voted 5/0 (Mr. Morales and Mr. Strom abstained) to approved the minutes of the May 4, 2021, meeting as amended.

**SUBDIVISIONS & LAND DEVELOPMENTS**

**145 Wayland Avenue**

Preliminary Plan – Minor Subdivision with street extension with waivers

2-lot minor subdivision:

One new duplex on 12,350 s.f., & one existing house (Wayland Ave.) on 13,650 s.f.

Terminus of Elmhurst Avenue - AP 12/5, Lots 294-299

The applicant proposes to replat the six existing A-6 zoned record lots into 2 lots - one conforming lot (13,650 ft<sup>2</sup>) where the existing residence at 145 Wayland Avenue would remain, and a second lot (12,350 ft<sup>2</sup>) to the rear where a duplex is proposed. Elmhurst Avenue would be extended 46 feet to create street frontage for vehicular access to the duplex. The new buildable lot will require zoning relief for the use (two-family), substandard frontage and substandard street access and requests waivers from the Subdivision Regulations for frontage, dead-end streets, curbs and sidewalks. The existing residence will require relief from the newly created rear setback. Retaining walls are proposed on the northern and eastern property lines. The proposed new lot will be serviced by public water and sewer.

Attorney Robert Murray, on behalf of the property owner, Mr. White, stated that he met with the neighbors and their overriding concern was that Elmhurst Street not be extended to Wooddale Avenue. There was also some concern with the duplex condominiums proposed, however, Mr. Murray explained to them that there could also be two single family homes (resulting in the same density) and would require a more extensive extension of Elmhurst Avenue. The neighbors were satisfied with this proposed outcome.

Mr. Joseph Casale, P.E., gave a powerpoint presentation of the proposal that reiterated Mr. Berry's presentation. He stated that a hammer head is proposed, at the request of Public Works, for ease of

snow removal. New plantings are proposed at the condominium driveway entrance. A retaining wall is proposed, spanning from five feet down to two feet, then one foot to zero, to preserve the existing tree line.

Mr. Mark Oliver, 66 Elmhurst Avenue, stated that he wanted assurances in writing that the roadway would only be extended 46 feet. Attorney Marsella reminded everyone that only the City Council can abandon a road, therefore, Mr. Oliver's suggestion cannot become a condition of approval. Mr. Mason stated that the Public Works Department has no desire to extend the road, further stating that it probably would not meet City standards due to the grade.

Upon motion made by Mr. Morales and seconded by Mr. Mason, the Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan with waivers for provision of sidewalks, curbing, frontage on improved streets and dead-end streets and cul-de-sacs as requested; subject to the following conditions.

### **Findings of Fact**

An orderly, thorough and expeditious technical review of this Preliminary 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 5/19/21 and the meeting agenda has been properly posted.

Staff has reviewed this Preliminary 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 density of the proposed subdivision is 5.03 units per acre which is consistent with the density prescribed by the City of Cranston Comprehensive Plan Future Land Use Map (FLUM) 7.26 to 3.63 unit per acre.
2. The Future Land Use Map allocation calls for single-family residential whereas the proposal includes a two-family residential building. This inconsistency is satisfactorily addressed by the amount of land area (sufficient for 4 units and only 3 are proposed), the site conditions (slopes, unimproved roads), and the benefits to the City by not fully extending the public roads and utilities.
3. As mentioned in the Planning Analysis section of this memo and as discussed in greater detail in the Planning staff memo specific to the variance application, the proposal is consistent with the Comprehensive Plan. The proposed site layout offers attributes that have been identified as desired elements found in conservation subdivisions such as but not limited to more efficient/less sprawling development, minimizing disturbance, and programming public roadways and utilities.
4. Significant cultural, historic or natural features that contribute to the attractiveness of the community have **not** been identified on site.

*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.”*

5. Relief is being requested for the necessary deficiencies under the City's zoning ordinance. Staff is in support of these requests so that the subdivision design can minimize impacts to the

environment, neighbors and public resources.

6. The proposal will not substantially alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code, but offers a balance between the development rights of the property owner and minimizing the impacts to the abutters and city resources.

*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)*

7. This finding pertains specifically to the final plan, however, no significant environmental impacts are anticipated. The proposed layout is specifically designed to eliminate the need to construct new roads and cause further impacts.
8. The project will be subject to all state and local regulations pertaining to environmental impacts.
9. 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.”*

10. 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.

*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.”*

11. Proposed Parcel B will have adequate permanent physical access to Elmhurst Avenue. The existing single-family dwelling on proposed Parcel A has existing physical access to Wayland Avenue.
12. The proposed subdivision has been reviewed by the Fire Department and Bureau of Traffic Safety and provides for safe and adequate local circulation for vehicular traffic.

### **Conditions of Approval**

1. The applicant shall obtain relief from the Zoning Board of Review, as applicable, and shall include the decision letter as part of the Final Plan application.
2. The applicant shall obtain approval from Veolia Water for the sewer design and include the approval letter as part of the Final Plan application.
3. The applicant shall pay the Eastern Cranston Capital Facilities Impact Fee in the amount of \$1,186.92 (\$593.46 per new unit) at the time of Final Plan recording.
4. The applicant shall limit tree disturbance within the City’s public right-of-way to the greatest practical extent.

### **Cranston Highlands**

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

2 lot minor subdivision:

One new single-family home on 4,574 s.f. and one existing two-family on remaining 6,626 s.f.

15 Connecticut Street – AP 8/1, Lot 2311

Mr. Berry explained that the applicants are proposing to subdivide the existing 11,200 ft<sup>2</sup> B-1 zoned lot into 2 lots – Parcel 'A' (6,626 ft<sup>2</sup>) and Parcel 'B' (4,574 ft<sup>2</sup>) as shown in the powerpoint site plan presentation. There is an existing two-family residence that is to remain on Parcel 'A' which will require zoning relief for substandard lot area (8,000 ft<sup>2</sup> required). Parcel 'B' will require zoning relief for substandard lot frontage, lot width and lot area. The proposed new lot will be serviced by public water and sewer.

Attorney John DiBona, on behalf of the Muccio's, added that a zoning analysis, done by Ocean State Planners, showed many two family homes on substandard lots. He mentioned that the Comprehensive Plan calls for this type of in-fill development.

Mr. Joe Agresti, 176 Florida Avenue, stated that he is against the proposal as it does not conform to the neighborhood. He stated that "this is monetizing" vacant land.

Ms. Deanna Agresti, (there were some problems with the audio) stated that she would like to keep the "open feel".

Another neighboring homeowner stated that "this will set precedent for the neighborhood by building on undersized lots".

Joe Carpentieri, nephew of a neighboring homeowner, stated that the street is congested and used as a cut-thru. He stated that the area "is known to be quaint".

Councilman Christopher Paplauskas, 14 Highland Street, stated that he is in opposition as reflected by his constituents.

Ms. Lanphear stated that she believes that housing issues in the Comprehensive Plan do apply, however, there are other concerns. She stated that there is pride in the area, There are competing goals and policies in the Comprehensive Plan.

Based on the findings that the proposal is inconsistent with both the Comprehensive Plan and the character of the surrounding neighborhood, upon motion made by Ms. Lanphear and seconded by Ms. Ms. Maccarone, the Plan Commission voted 5/2 (Mr. Coupe and Mr. Strom voted nay) to *deny* this preliminary plan submittal.

### **ZONING BOARD OF REVIEW - RECOMMENDATIONS**

BRYAN WHITE (OWN) and GARY WHITE (APP) have filed an application to waive the requirement for the public street to extend the full frontage of a lot and to allow a two family dwelling to be built at 0 Elmhurst Ave, A.P. 12, lots 294, 295, and 296, area 11,160 s.f. zoned A6. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.080 – Street Access; 17.20.030- Schedule of Uses.

BRYAN WHITE (OWN) and GARY WHITE (APP) have filed an application to leave an existing single family home with restricted rear yard setbacks after sub-dividing to create two new parcels at 145 Wayland Ave, A.P. 12, lots 297, 298, and 299, area 12,840 s.f. zoned A6. Applicant seeks relief per 17.92.010 Variance; Section 17.20.120 Schedule of Intensity Regulations.

LUCY M. CABRAL (OWN/APP) has filed an application to make legal an expanded garage with restricted side and rear setbacks constructed without benefit of permit at 162 Lexington Ave., A.P. 9 lot 1294, area 4,000 s.f. zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Section 17.20.120 Schedule of Intensity Regulations.

ANGELO E. MUCCIO and ROSE M. MUCCIO (OWN/APP) have filed an application to sub-divide an existing lot and to leave an existing two family dwelling on an undersized lot at 15 Connecticut Street, A.P. 8, lot 2331, area 6,625 s.f. zoned B1. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.

ANGELO E. MUCCIO and ROSE M. MUCCIO (OWN/APP) have filed an application to sub-divide an existing lot and to construct a new single family dwelling on an new undersized lot at 0 Connecticut Street, A.P. 8, lot 2331, area 4,574 s.f. zoned B1. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.

LIPPITT LAND INVESTMENTS, LLC (OWN/APP) has filed an application to construct a new single family dwelling with an Accessory Family Dwelling Unit exceeding the allowable square footage at 39 Lantern Hill Drive A.P. 30, lot 273; area 80,000 s.f. zoned A80. Applicant seeks relief per 17.92.010 Variance; Section 17.24.010 (F.) Specific performance standards.

HODSELL 45 INVESTMENT & DEVELOPMENT, LLC (OWN/APP) have filed an application to convert an existing legal non-conforming building into a two family residential dwelling with reduced area at 45 Hodsell Street. A.P. 5, lot 526; area 5,355 s.f.; zoned B1. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.

### **PLANNING DIRECTOR'S REPORT**

City Plan Commission Policy Manual (Draft 4) – Mr. Pezzullo stated that previous comments on the policy guide have been compiled into this draft, which also includes the traffic policy. He urged the commissioners to send him any further comments/suggestions.

Regarding last month's ordinance for "substandard lots", Mr. Pezzullo informed everyone that the City Council passed the ordinance.

Mr. Pezzullo then informed everyone that a consultant for the Hazard Mitigation Plan has been hired. He also expressed a desire to have a joint workshop meeting with the City Council. June 22, 2021, seemed to be a date that worked for most of the commissioners, therefore, a meeting will be scheduled.

### **ADJOURNMENT**

Upon motion made by Ms. Lanphear and seconded by Mr. Morales, the Commission unanimously voted (7/0) to adjourn at 8:35 p.m.

**NEXT REGULAR MEETING** – Tuesday, July 6<sup>th</sup> – 6:30 PM (Venue TBD)