

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP – Principal Planner / Administrative Officer
Date: September 2, 2022
Re: **“The Preserve at Pippin Orchard”** Preliminary Plan - Major Subdivision with Street Extension

Owner/App: Pippin Orchard Partners, LLC
Location: Near intersection of Pippin Orchard Road and Scituate Avenue, AP 34, Lot 51
Zone: A-80 (Single-family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single Family Residential Less Than 1 unit per acre

I. Proposal

The owner/applicant proposes to subdivide an existing 19.89 +/- acre lot into eight (8) buildable parcels as a Residential Planned District (RPD). Based on the utilization of the RPD regulations, the lots are allowed to meet the A-20 dimensional requirements despite the property's A-80 zoning designation. All eight (8) of the proposed lots will exceed the required dimensional thresholds. In order to use the RPD tool, the applicant must set aside a minimum of 25% of the lot be protected as open space. This subdivision is dedicating approximately 60% of the site as open space, and therefore this project is viewed as exceeding the intended purpose of the RPD regulations to further assist the City in achieving its open space goals.

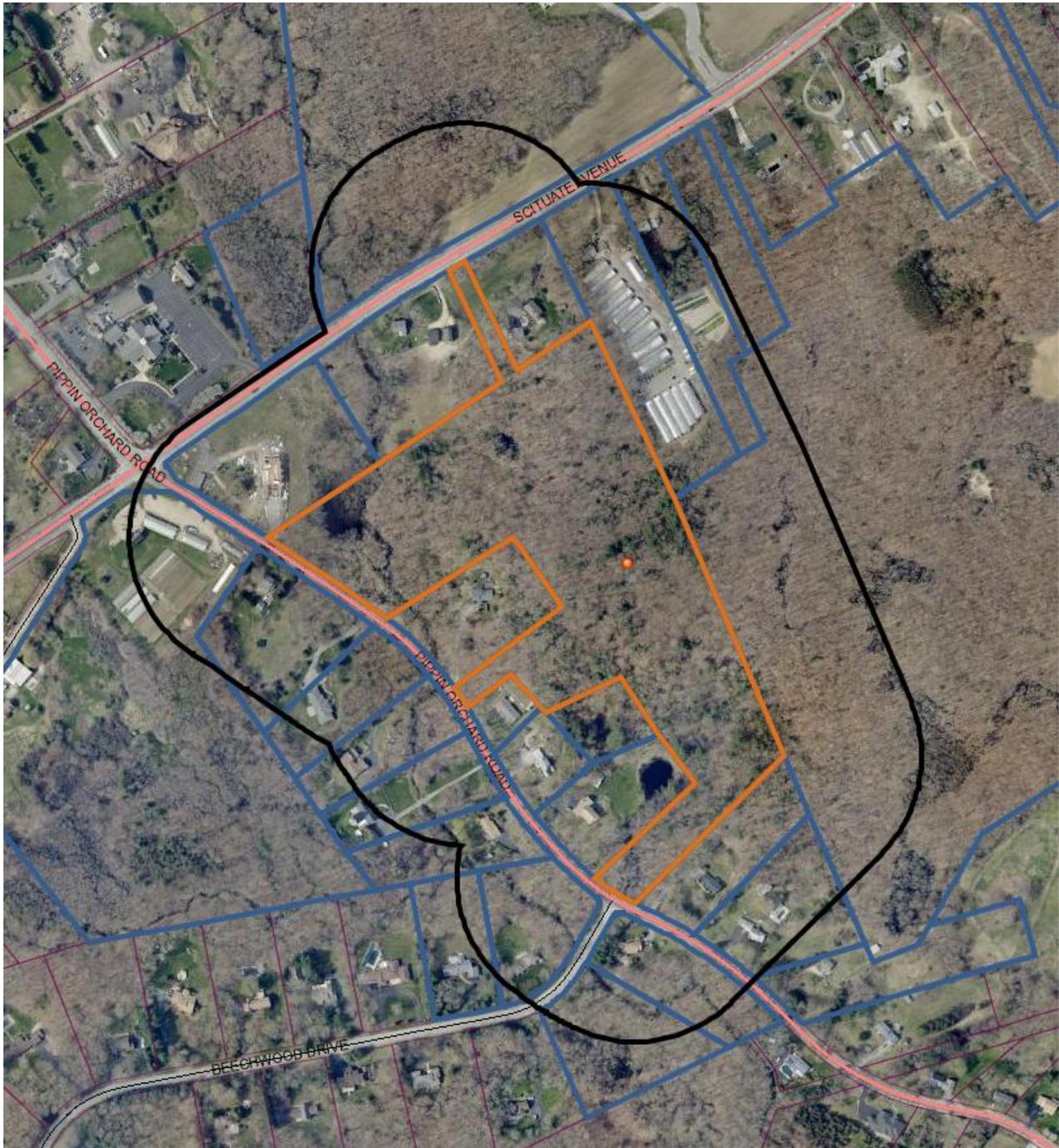
The property is currently undeveloped, vegetated and has a few separate wetlands complexes as well as a brook and associated riverbank buffer. The proposed subdivision will be serviced by public water and public sewer. The proposed new roadway on the subject property will become a public (City) right-of-way. This is a by-right subdivision with no requested variances.

II. Documents which are part of the application

1. Preliminary Plan application;
2. Application filing fees;
3. Subdivision plan set entitled “The Preserve at Pippin Orchard,” prepared by Kevin Demers, PE and Robert G. Babcock PLS of DiPrete Engineering with a last revised date of 7/13/22.
4. Preliminary Plan checklist;
5. Project Narrative signed by Eric Prive, PE dated 7/15/22;
6. Stormwater Report prepared by Kevin Demers, PE of DiPrete Engineering, dated 4/25/22;
7. Stormwater System Operation and Maintenance Plan prepared by DiPrete Engineering, dated 1/5/22;
8. Soil Erosion and Sediment Control Plan prepared by Kevin Demers, PE of DiPrete Engineering, dated 1/5/22;

9. RIDEM Wetlands Insignificant Alteration Permit signed by Nancy Freeman, dated 5/6/22;
10. RIDOT letter regarding the proposal's design conformance and itemizing final administrative documents needed to achieve a Physical Alteration Permit, dated 5/12/22;
11. RIHPHC letter regarding a finding of no effect on significant cultural resources, dated 7/21/21;
12. Letters regarding sewer availability and water availability;
13. Certificate of Municipal Leans;

AERIAL VIEW



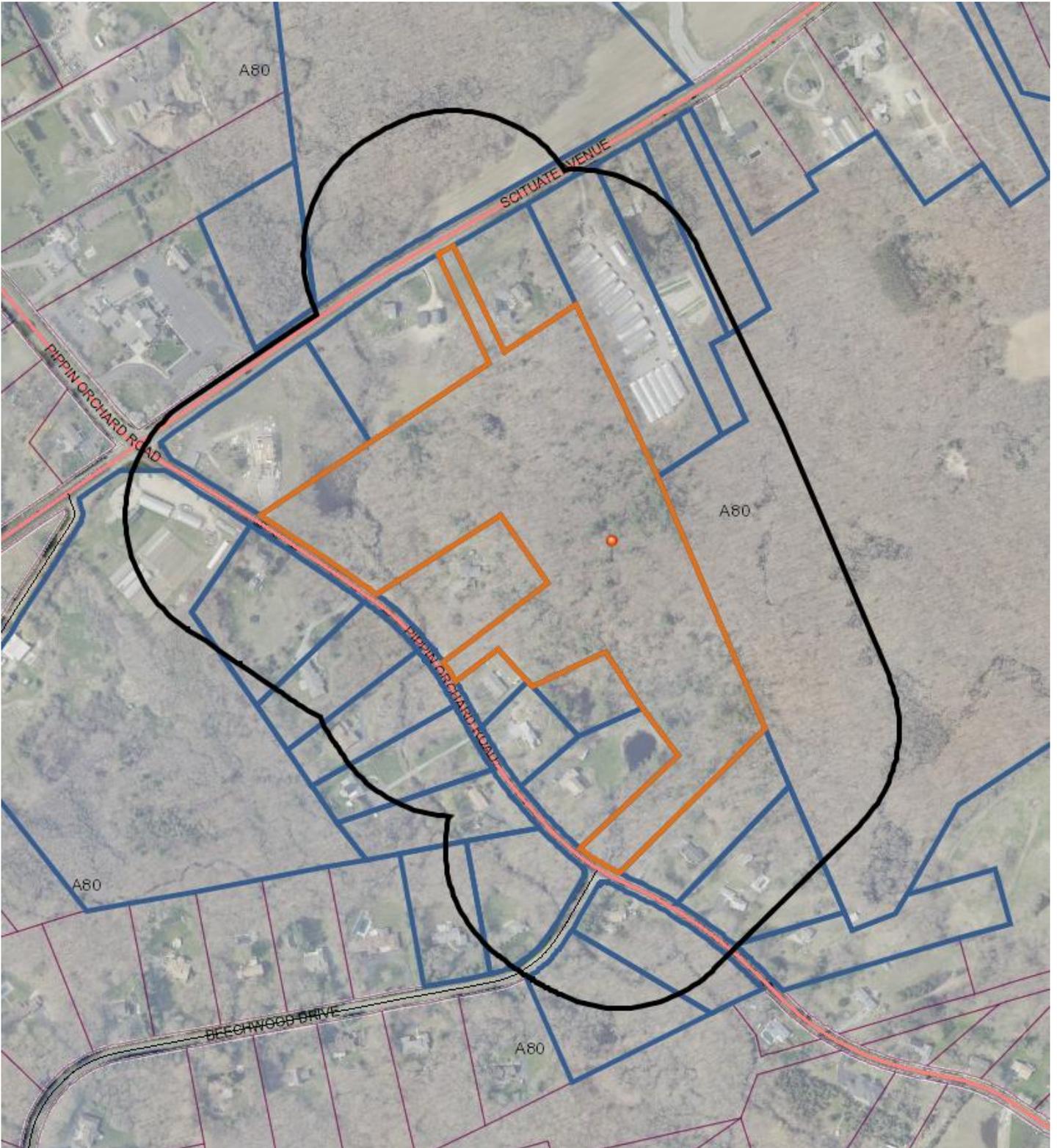
3-D AERIAL VIEW (facing east)



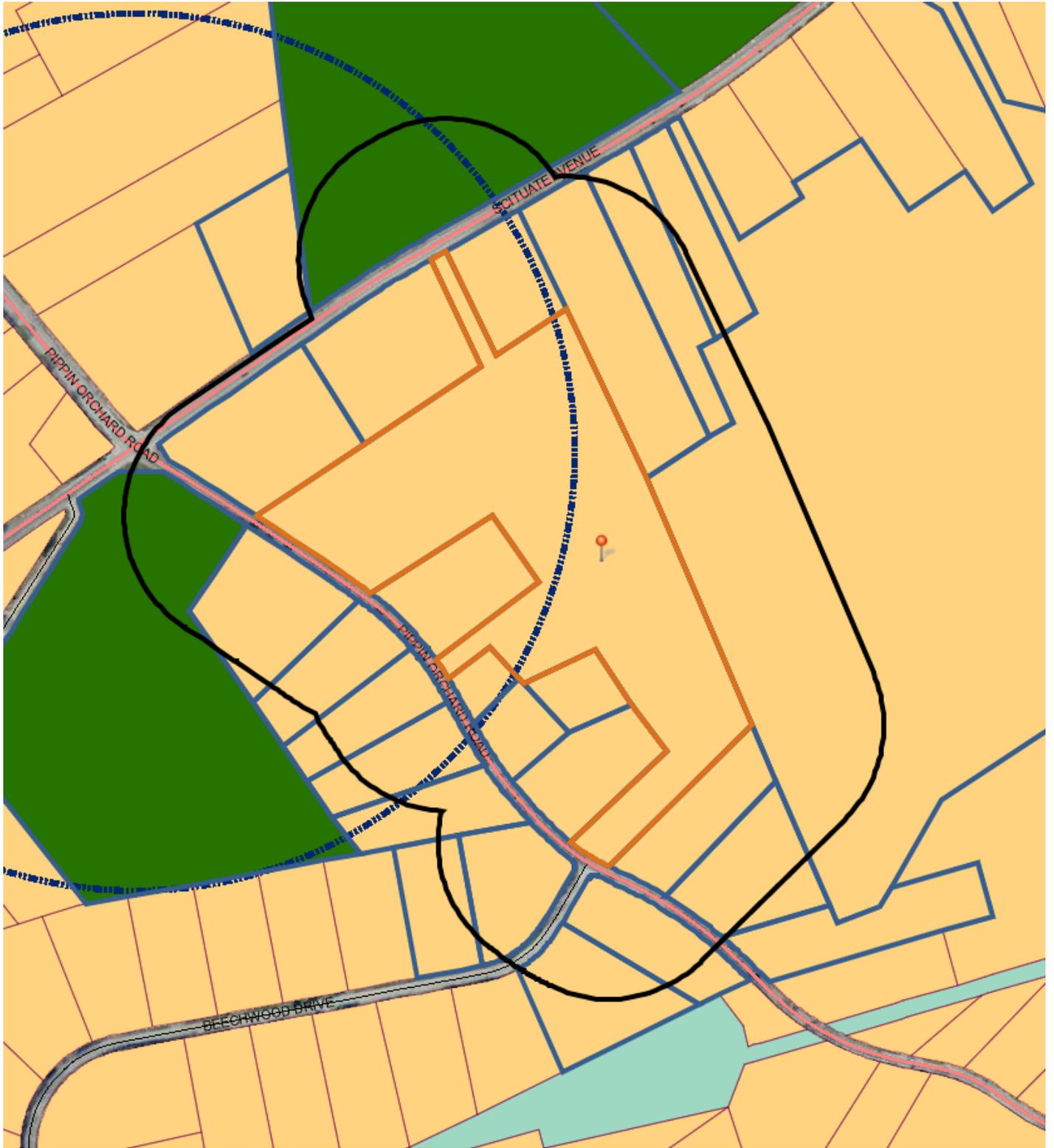
STREET VIEW (Pippin Orchard Road near the proposed subdivision entry road)



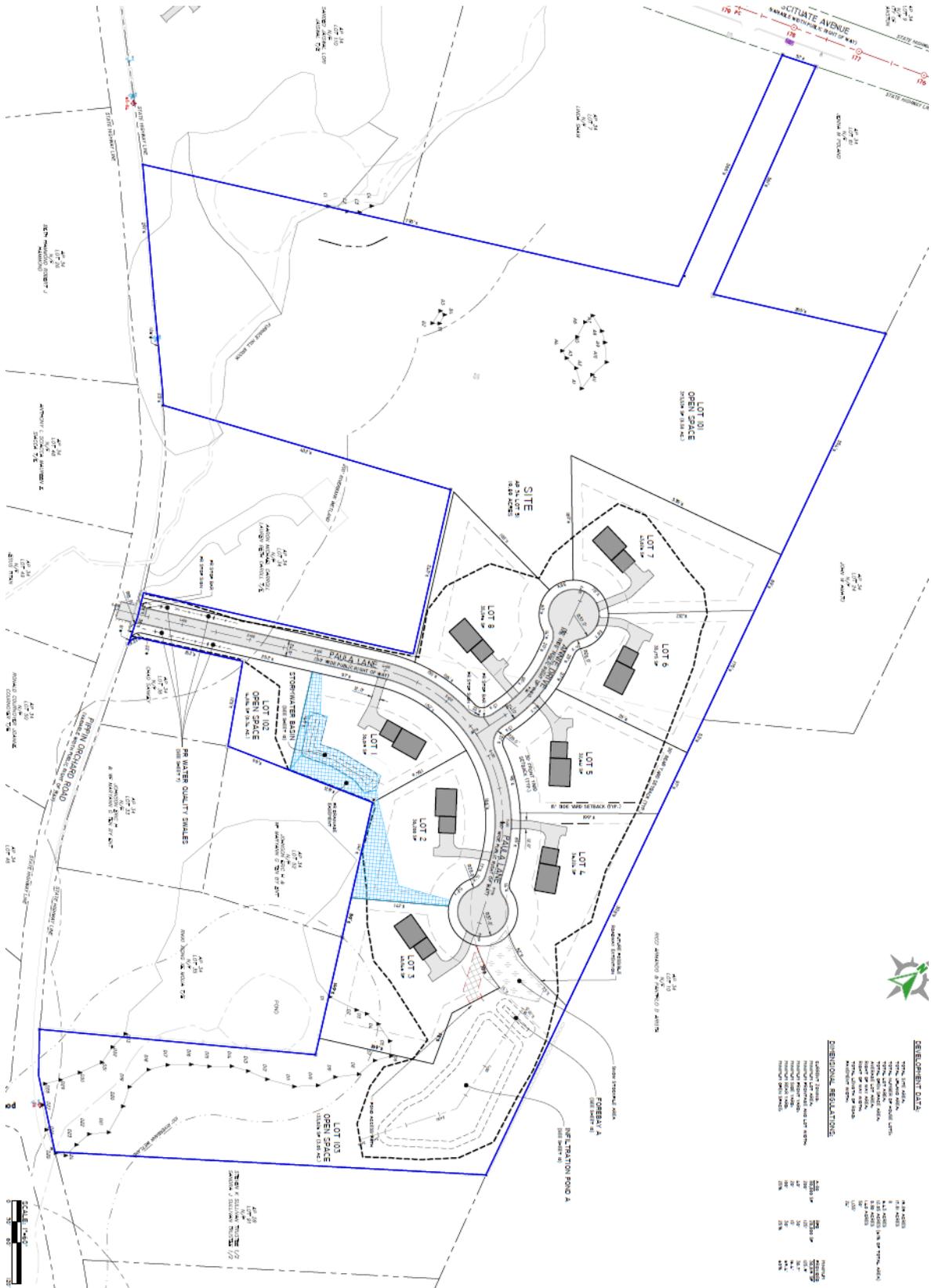
ZONING MAP



FUTURE LAND USE MAP



SITE PLAN (snippet)



III. Surrounding land use and context

Analysis using Geographic Information System indicates that:

1. The subject parcel is located in Western Cranston near the intersection of Scituate Avenue and Pippin Orchard Road.
2. The subject parcel and the entire abutting neighborhood is zoned A-80. Many of the surrounding properties are developed as single family houses.
3. The site and abutting neighborhood are all designated as Single Family Residential Less Than 1 Unit/acre on the Future Land Use Map.
4. There are several wetland areas and a brook that runs through the subject property. This brook has a 100' riverbank wetland buffer that runs through the subject site. Some of the wetlands on the site require associated buffers but some of the wetlands are too small to trigger a wetland buffer. RIDEM has provided a permit approval for an insignificant alteration of wetlands as part of the Preliminary Plan submission.
5. The project site has been studied for historic/archeological resources. RIHPHC (State Historic) has provided a letter indicating a finding of no effect on significant cultural resources on the property as part of the Preliminary Plan submission.
6. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to the Public Works Department, Engineering Division, Traffic Division, Building and Zoning Department, Conservation Commission, and the Fire Department.

DPW has provided a bond estimate of \$600,000 for the required infrastructure and materials. In addition to this bond, there will be a 2% administrative fee (\$12,000) due to the City prior to recording the Final Plan.

No concerns have been expressed from City staff at this time.

V. Interests of Others

None to report at this time.

VI. Planning Analysis

The applicant proposes to subdivide an existing 19.89 +/- acre lot into eight (8) buildable parcels as a Residential Planned District (RPD). A yield plan was submitted as part of the previous

Master Plan submission to qualify the 8 lots that would be allowed under a conventional subdivision consistent with the A-80 zoning designation. All eight (8) buildable parcels will be developed into single-family dwellings.

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 property. The benefits of compact development are that it creates an opportunity for deed restricted permanent open space, it minimizing onsite disturbances, it reduces impervious surface coverage, and it increases areas for potential wildlife habitat. 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. 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 12 acres of forested land in western Cranston being permanently deed restricted as open space.

The subdivision has a proposed density of 0.4 units per acre, which is less dense than the Comprehensive Plan Future Land Use Map designation of Single Family Residential Less Than 1 Unit Per Acre. 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 amount of open space being preserved and the additional buffers being provided to wetland resources.

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 Christian Sutter, PWS, Environmental Scientist for DiPrete Engineering. A RIDEM Freshwater Wetlands Insignificant Alteration Permit has been obtained and submitted as part of this Preliminary Plan application. The proposed subdivision has been arranged to avoid conflicts with the wetland areas on the site to the greatest degree reasonable.

This is a by-right subdivision with no requested variances. All eight of the proposed lots meet the minimum required dimensional standards for an RPD in the A-80 zone, which is allowed to utilize the A-20 dimensional requirements based on the open space provision. The technical elements of the plan have been reviewed by City staff and are determined to be satisfactory. The project has achieved the required state reviews, and in the case of the need for a RIDOT Physical Alteration Permit, the applicant has submitted a letter as evidence that RIDOT is satisfied with the design. A formal RIDOT Physical Alteration Permit will be secured at Final Plan recording.

VII. 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 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 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 have not been identified on the site and the proposal includes documentation from (RIHPHC) State Historic as evidence to this finding.

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 has met 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.

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.

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

IX. Conditions of approval

1. The applicant shall provide the formal RIDOT Physical Alteration Permit as part of the Final Plan submission.
2. The applicant shall provide an impact fee totaling \$11,116 (1,389.50 x 8 buildable lots) prior to Final Plan recording.
3. The applicant shall provide a draft bond totaling \$600,000 for review by the City as part of the Final Plan submission. Such a bond shall be approved by the City prior to Final Plan recording.
4. The applicant shall provide the 2% bond administrative fee totaling \$12,000 prior to Final Plan recording.