

## MINUTES

**February 4, 2020**

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. in the City Council Chamber.

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

Also present were: Jason M. Pezzullo, AICP, Planning Director  
Douglas McLean, AICP, Principal Planner  
Joshua Berry, AICP, Senior Planner  
Stephen Marsella, Esq., Assistant City Solicitor  
J. Resnick, Clerk

### APPROVAL OF MINUTES

Upon motion made by Mr. Mason and seconded by Mr. Strom, the Plan Commission voted (6/1 – Ms. Maccarone abstained) to approve the minutes of the January 7, 2020, Plan Commission Meeting.

### CDBG – Consolidated Plan 5 –Year Update – Presentation/Survey of Plan Commission

Mr. Al Storti, CDBG President, stated that a survey was sent to each member of the Commission. He stated that this survey is necessary so that the City is eligible to receive federal grants. He suggested that ideas be sent to his department by the end of February.

### ORDINANCE RECOMMENDATIONS

**1-20-07** – Ordinance of the City Council in Amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, Entitled “Zoning” (***Schedule of Uses – Res. Rooftop Solar in A-80***)

**1-20-06** – Ordinance of the City Council in Amendment of Chapter 17.24 of the Code of the City of Cranston, 2005, Entitled “Zoning” (***Solar Energy Systems – Rooftop & Corrections\****)

The above two ordinances were heard as one matter. Mr. Berry stated that the City Council recently adopted these ordinances but there was concern about a Special Use Permit being required for a rooftop solar system. This amendment is requested so that a Special Use Permit for minor accessory SES’s in A-80 and S-1 zones apply only to ground-mounted SES’s. The non-substantive changes remove unnecessary language and fix tables.

#### **1. Ordinance #1-20-06 (Solar Energy Systems - Rooftop)**

Based on the reasons that the Comprehensive Plan supports roof-mounted solar throughout the City, that a Special Use Permit would be onerous and would not provide a necessary protection to residents, and that the proposed amendments clarify and clean up the ordinance, upon motion made by Mr. Strom and

seconded by Ms. Lanphear, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** on Ordinance #1-20-06 to the Ordinance Committee.

## **2. Ordinance #1-20-07 (Schedule of Uses)**

Based on the reason that the Comprehensive Plan supports roof-mounted solar throughout the City and that the Special Use Permit would be onerous and would not provide a necessary protection to residents, upon motion made by Mr. Strom and seconded by Mr. Mason, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** on Ordinance #1-20-07 to the Ordinance Committee.

**1-20-03** – Ordinance of the City Council in Amendment of Section 17.24 of the Code of the City of Cranston, 2005, Entitled “Zoning – Performance Standards Generally” (***Medical Marijuana Dispensaries***)

Mr. Berry stated that the previous ordinance was withdrawn by the administration. Changes have been made to the original ordinance that produced the current ordinance. He stated that the purpose of the ordinance is to regulate the establishment of Medical Marijuana Dispensaries in order to promote the safety and welfare of the residents of the City in the future event that State Law increases the number of Compassion Centers within the state. Further, he stated that they will only allow retail sale of medical marijuana. The proposal is to allow dispensaries only in M-1 and M-2 Zones with a Special Permit. Setbacks from incompatible land uses will be enforced. Performance standards are to protect the general welfare. Signage and lot are will be allowed in accordance with C-3 zoning standards. Proposed setbacks are: 1) 500 ft. from commercial day care facilities, libraries, municipal parks and playgrounds, outdoor sports fields, substance abuse treatment facilities, halfway houses, youth centers, athletic and recreational facilities and places of religious worship; 2) 400 ft. from residential zones/use and 3) 1,000 ft. from educational institutions. He stated that there are 94 parcels that are completely out of the setback. There are nine feasible industrial areas outside of the proposed buffer.

Mr. Mason asked if there have been complaints from existing sites in other communities. Mr. Berry stated that there were none that he is aware of. Mr. Marsella reiterated that there are no complaints. He stated that it is best to allow this in the most restrictive zone.

Two commissioners expressed concern about enforcement and security due to the fact that marijuana is federally classified as an illegal drug. Mr. Pezzullo responded, stating that these facilities are under the jurisdiction of the Department of Business Regulation.

Mr. Tom Rosa, a recently licensed cultivator, stated that his facility has 47 cameras that operate 24/7/365. He stated that he keeps two months of video storage. Regarding dispensaries being cash businesses, he stated that a recent “banking bill” is “on its’ way to the Senate”. He stated that Greenwood Credit Union services his business as credit unions are not subject to Federal banking requirements. He also stated that the DBR maintains a transport manifest for movement of the product, and police have access to their GPS.

Based on the reasoning that Ordinance 1-20-03 is a proactive effort consistent with the Comprehensive Plan to protect the health and general welfare of the City while bolstering economic development, upon motion made by Mr. Strom and seconded by Mr. Coupe, the Plan Commission voted (5-2 – Ms. Lanphear and Ms. Maccarone voted nay) to forward a **positive recommendation** on Ordinance 1-20-03 to the Ordinance Committee.

## **SUBDIVISION AND LAND DEVELOPMENTS**

### **Lincoln Avenue Estates**

Preliminary Plan – Minor Subdivision without street extension  
Two new lots with two duplex structures (4 units total)  
Terminus of Lincoln Avenue  
AP 7, Lots 136, 137, 138, 2334 & 3607

Mr. Berry explained that the proposal is to combine 5 existing lots into two lots that will comply with B-1 zoning in order to build two new duplexes. He stated that the proposal is consistent with the Future Land Use Map.

Mr. Jeff Davis, P.E., stated that National Grid recently upgraded the gas line in the street and the paving repair was not done “curb to curb”. Public Works Director, Ken Mason, cited a new State law that now requires paving to be “curb to curb”, including work done by National Grid and Providence Water. The permit for the work Mr. Davis referred to was taken prior to the State law being enacted last July. Mr. Mason agreed to allow the “curb to curb” repaving repair to be done after both duplexes are done.

Mr. Balletto requested a waiver for sidewalk provision. As the property that immediately abuts his does not have sidewalks, the Commission agreed to Mr. Balletto’s proposal to install sod instead of sidewalks.

No public comment was offered on this matter.

Upon motion made by Mr. Coupe and seconded by Mr. Morales, the Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and **approve** this Preliminary Plan, with a waiver for the provision of sidewalks; subject to the following conditions.

### **Findings of Fact**

An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted 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 8.32 units per acre is consistent with the FLUM’s designation of the subject parcel as “Single/Two Family Residential Less Than 10.89 Units Per Acre.”
2. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies. The Comprehensive Plan supports infill development in Eastern Cranston “to address current and future land use, transportation, and economic needs in the eastern part of the City” (p. 22) as well as to improve housing affordability “by targeting infill development and redevelopment of existing 2 and 3 family homes” (p. 65).
3. 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.”*

4. The proposed new lots will comply with all sections of the City’s Zoning Ordinance.
5. The proposal 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.”*

6. The site does not contain significant natural resources (such as wetlands) that require additional permits for alteration.
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 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 on Lincoln Avenue, a public roadway located within the City of Cranston.
11. The proposed subdivision provides for a suitable building site with safe and adequate local circulation of vehicular through traffic and adequate surface water run-off.

#### **Conditions of approval**

1. The applicant shall pay the Eastern Cranston Capital Facilities Impact Fee in the amount of \$2,373.84 at the time of Final Plan recording.
2. Sewer force main design subject to previous approved plan by Veolia Water and the Department of Public Works. This said Plan shall be enforced in the event any differences or discrepancies occur with the current Preliminary Plan submittal.
3. Curb to Curb roadway restoration for Lincoln Avenue shall be required after installation of underground utilities – Existing Sewer Manhole to dead end of Lincoln Avenue (160 feet +/-).
4. The Developer or their representative (contractor/engineer) shall coordinate the completion of improvements at the very dead end of Lincoln Avenue with the City Engineer’s Office so as not to adversely impact the traffic to the most westerly driveway of said project, the entrance to Presidential Place, stormwater and snow removal/storage on Lincoln Avenue. Improvements include but are not limited to guardrail relocation, rip rap swale limits, and roadway grading.
5. The applicant shall provide a performance bond in the amount of \$38,000, with a 2% administrative fee of \$760.

**2020-2025 Capital Budget and Improvement Program (CIP)**

Mr. Pezzullo stated that the first draft of the Capital Improvement Program will be email to everyone by the end of this week. The head of each city department will be present at the March 3<sup>rd</sup> Plan Commission meeting to present their requests.

**COMPREHENSIVE PLAN** – First special meeting schedule & order of meetings

Mr. Pezzullo stated that the department would like to begin the Comprehensive Plan re-write process this month. He stated that he is not asking for each commissioner to attend every meeting. Meetings will be held in each ward. He stated that the City Council is encouraged to attend. The commissioners will email their availability for the first meeting to be held later this month.

**PLANNING DIRECTOR'S REPORT** – Site walk special meeting - Comp Plan & Zone Change Amendment / March 14<sup>th</sup> RI Statewide Planning Institute

Mr. Pezzullo stated that he will be scheduling a site walk at the former Mardi Gras/Macera's Restaurant location on Oaklawn Avenue for a proposed Comprehensive Plan Amendment and zone change for the site, which is scheduled to be heard at the March 3, 2020, Plan Commission Meeting. The site walk is scheduled for February 22, 2020, at 9 a.m. The inclement weather date is February 29, 2020.

**ADJOURNMENT**

Upon motion made by Mr. Lanphear and seconded by Mr. Coupe, the Plan Commission unanimously voted to adjourn at 8:10 p.m.

**NEXT REGULAR MEETING** - March 3<sup>rd</sup> - 6:30PM City Hall Council Chamber