

MINUTES

January 7, 2020

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. in the City Council Chamber. He announced the recent passing of Commissioner Maccarone's father.

The following Commission members were in attendance: Chairman Smith, Fred Vincent, Ken Mason, Robert Strom, Joseph Morales, Robert DiStefano, 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. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (8/0) to approve the minutes of the December 3, 2019, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

6-19-09 - Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston, as amended 2012. (*Solar Farms*) ~ **(City Council Remand)** ~

6-19-10 – Ordinance in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Schedule of Uses - *Solar Farms*) ~ **(City Council Remand)** ~

Mr. Berry explained that the above two ordinances will be discussed as one. He explained that at the Special Ordinance Meeting, held on November 12, 2019, when all of the solar ordinances were heard, the moratorium ordinance was extended to January 31, 2020. He stated that the City Council President was dissatisfied that there were only five Plan Commission members at the September meeting. He stated that since the Plan Commission motion did not carry, the ordinances were referred with no recommendation resulting in the ordinances being remanded to the Plan Commission "as is".

Upon motion made by Mr. Mason and seconded by Mr. Strom, the Commission voted (6-2 – Mr. Smith and Ms. Lanphear voted nay) to reconsider Ordinance #6-19-09.

Mr. Berry explained that Ordinance 6-19-09 is the Comprehensive Plan amendment introduced by Councilman Stycos to strike language in support solar farm development in A-80 and S-1, as well as all mentions of land-banking as a planning tool for preservation.

Mr. Coupe stated that "the intent of this ordinance is to take away options."

Mr. Berry stated that staff's recommendation remains the same as in September, a negative recommendation on the Comprehensive Plan amendment to eliminate solar developments from the A-80 and S-1 zones.

Douglas Doe, 178 Lippitt Avenue, stated his opposition to solar farm development in the A-80 and S-1 zones.

Ms. Jan Ragno, Hope Road, stated her opposition to allowing solar farm development in the rural residential areas.

Chairman Smith then informed everyone that the City Council does not direct the Plan Commission vote. He stated that they have asked that the Plan Commission further look at this ordinance.

Mr. Berry reminded everyone that the Plan Department staff recommendation was negative. Mr. Vincent motioned not to accept the staff's negative recommendation and forward a positive recommendation. The motion was seconded by Ms. Lanphear. A 6-2 vote resulted, with Mr. Smith and Mr. Coupe voting nay.

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission voted (6-2 – Mr. Smith and Ms. Lanphear voted nay) to reconsider Ordinance 6-19-10.

Mr. Berry stated that “all of the language we (Planning Department and the Plan Commission) worked on would be negated with the ordinance.” Ordinance 6-19-10 would be a schedule of uses consistent with 6-19-09.

Upon motion made by Mr. Mason and seconded by Mr. Vincent, the Plan Commission unanimously voted (8/0) to accept the Plan Department staff's negative recommendation.

11-19-03 – Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Change of Zone – 100 Sockanosset Crossroad – Drive-in businesses and Auto Sales)

Ms. Karin Browning, Moses Afonso, explained that the zone change request is to add two uses to the existing ordinance: 1) a drive-in restaurant (where there is no ‘order board’-all orders are phoned in and, 2) motor and recreational vehicle and watercraft sale (worded as such as this is how it appears in the City Zoning Code). She explained that a specific provision that drive-in uses shall be allowed in free-standing buildings or attached to any building or a portion thereof as current zoning standards do not allow drive-in uses to be located in a building shared with other uses.

Mr. McLean reiterated Ms. Browning's introduction. He noted that the existing zone is C-5 with conditions, and both of these uses are allowed in the standard C-5 zone and, thus the proposed rezone would bring the subject property into greater consistency with the standard C-5 zone. The proposed new uses and the change to the shared building requirement are consistent with this policy.

Mr. Vincent expressed concern with traffic and stacking at the drive-in use. Mr. McLean stated that the project has received approval from the Development Plan Review Committee, of which the City's traffic safety designee is a voting member.

Mr. Dave Taglianetti stated that the proposal is designed for a particular use. He reiterated that there will be no order board. He stated that it is a call-in business; the que is designed for six vehicles.

A resident of 27 Perennial Drive asked what would happen if the intended tenant did not come. Mr. McLean responded, stating that “we don't review based on the tenant”. He further stated that the evaluation that was done found that these uses would produce less traffic in the peak hours than the previous use. He noted that any change to the plan would require the applicant to come back to DPR and the Plan Commission for review.

Ms. Pauline DiRosa, 97 Cypress Drive, expressed concern with the proposed entrance being opposite Wines & More. Mr. McLean explained a “lane re-alignment” is proposed and no traffic light is proposed.

Mr. Vincent asked “what can be done to identify the drive-thru and dealership narrative.” Mr. McLean stated that “we can work with the applicant to address this.” Mr. Taglianetti stated that “the site is twenty acres; modifications will be made accordingly should there be another tenant.”

Ms. Lanphear stated that she wanted to see something “on the record” regarding motor vehicle storage. She suggested a fourth asterisk in the Land Use Chart restricting the use to showroom only and no more than ten vehicles stored outdoors.

Based on the finding that the rezone application is consistent with the City Comprehensive Plan, and the finding that the rezone application has met Zoning Section 17.04.010, and due to the fact that the rezone will achieve greater consistency with allowed uses in the C-5 zone, upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Plan Commission unanimously voted (8/0) to send a **positive recommendation** on this application to the City Council with the condition that the Change of Zone Narrative Overview be edited to reflect the following:

- On page 4 of the Narrative Overview, add 4 asterisks (****) next to the proposed use of “Motor and Recreational Vehicle and Watercraft Sale.” On page 5 of the Narrative Overview, at the end of Section A, add following sentence:
*****This use is intended for a showroom only and no more than 10 vehicles may be stored outdoors.”*

SUBDIVISION AND LAND DEVELOPMENTS

Pontiac Avenue Solar

Preliminary Plan – Major Land Development

7 +/- acre, 3.56 MW Solar Farm Installation on a 45 +/- acre capped former landfill

1690 Pontiac Avenue, AP 13, Lot 1

Mr. Berry explained that there have been no substantive changes proposed since the Master Plan approval. He stated that we now have RIDEM approval for this project on top of the cap. He gave a PowerPoint presentation of the project. He stated that buffering is not feasible on the capped portion of the site. He stated that glare is not anticipated to be an issue of significant concern. He referenced project manager, Dave Russo, P.E., that solar panels are designed to reflect only about 2% of incoming light and that panels are installed near airports without impact on flight operations. RIAC has been notified of the proposal.

Mr. Dave Russo, P.E., DiPrete Engineering, stated that this is a ballast system; there will be no posts in the ground. He stated that interconnection involves only the poles at the entrance. He stated that a six foot fence with slats in the fence, in addition to the existing vegetative buffer, is proposed at the entrance to “hide the equipment.” Wood poles only are proposed. A decommissioning fee of \$43,108 has been submitted.

No public comment was offered on this matter.

Mr. Strom asked if the decommissioning fee is subject to the CPI. Mr. Berry responded, stating that the City will hire a third party engineer to verify the decommissioning bond amount before the project is recorded.

Upon motion made by Mr. DiStefano and seconded by Mr. Coupe, the Plan Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and **approve** this Preliminary Plan subject to the following conditions.

Findings of Fact:

This Preliminary Plan application was reviewed 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 the City Plan Commission finds as follows:

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via certified mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 1/23/19.

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.”

2. The proposed solar installation is consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities. The solar installations are consistent with the intent of the industrial zone and dual use of a capped landfill 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.”

3. The proposed solar and existing landfill uses are permitted uses by-right in the M-2 zone.
4. The project site is compliant with the requirements of M-2 zoning. No variances are request as part of this proposal.
5. The project does not involve tree clearing or disturbance of topsoil. The narrative by project engineer Dave Russo, PE, of DiPrete Engineering states that a sound study will be provided prior to issuance of a building permit. These project attributes demonstrate direct compliance with Cranston’s solar performance ordinance.

*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)*

6. This finding pertains specifically to the final plan. However, no significant clearing or earthmoving is proposed and the project will be subject to all local, state and federal standards regarding environmental impacts.
7. RIDEM has provided letters in regards to the compliance of the cap itself and to acknowledge that they do not have objection to the solar installation on the cap.
8. A RIDEM Wetlands Preliminary Determination permit will not be required.

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.”

9. The project does not involve subdivision of lots. No change to the existing lot boundaries are proposed.

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 property in question has adequate permanent physical access from Pontiac Ave, improved public roadways located within the City of Cranston.
11. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of Approval:

1. Slats shall be required on the fencing in between the right-of-way and the electrical equipment/inverters to supplement the vegetative screening.
2. The property address shall be clearly provided at the entrance to the site.
3. All new interconnection poles shall be wood. No other materials will be permitted.
4. The applicant will provide a financial surety for the decommissioning of the solar installation in compliance with City Code Sec. 17.24.020.

Corn Hill Estates

Preliminary Plan – Minor Subdivision without street extension
One additional single-family house lot
581 Pippin Orchard Road, AP 32, Lot 33

Mr. Berry explained that the owner/applicant proposes to subdivide an existing 19.19-acre lot into two (2) lots for the purpose of creating another buildable, conforming A-80 lot. Proposed Lot 1 is to be 2.2 acres and would be host to an existing single-family residence. Proposed Lot 2 is to be 17 acres, with a large wetland area central to the parcel. Both proposed lots are compliant with the 80,000 ft² minimum area as well as the 200' frontage requirement in A-80 zoning. Lot 2 would be served by a private well system and public sewer. The proposal includes requests for waivers from the subdivision regulations for sidewalks & curbing, as well as a waiver from the requirement that interior side lot lines be substantially at right angles from the street line. The proposed project is consistent with the Comprehensive Plan Future Land Use Map.

Mr. Robert Rastelli, on behalf of the property owner, stated that Mr. Maggiacomo would like access to the 18 acres to the rear of the property. He spoke in favor of the proposed side lot line rather than the Plan Department's proposal, which he felt gave the lot less frontage.

Mr. Morales stated that he agrees with the applicant regarding the non-conforming side lot line. Mr. Vincent and Mr. Mason concurred. Mr. Berry pointed out that the Plan Commission can waive the subdivision regulation regarding the side lot line but the applicant will need a variance from the Zoning Board of Review.

Upon motion made by Mr. Coupe and seconded by Mr. Distefano, the Plan Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and **approve** this Preliminary Plan with waivers for sidewalks, curbing and irregular (non-conforming) side lot line, subject to the following conditions.

Findings of Fact

This Preliminary Plan application was reviewed 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 policies and Future Land Use Map (FLUM). The proposed resulting density of approximately 0.1 units per acre is consistent (less dense) with the FLUM's designation of the subject parcel as "Single Family Residential Less Than 1 unit per acre."
2. 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."

3. Each of the proposed two (2) lots comply with all of the requirements of A-80 zoning.
4. Should the proposal be approved, staff is recommending that the lot configuration be revised as to comply with City Code Section 17.20.090 (E) as well as Subdivision Regulation Section XII (D)(4).
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.” (emphasis added)*

6. This finding pertains specifically to the final plan, however, the buildable area for the newly proposed lot is not vegetated and no significant environmental impacts are anticipated.
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 Pippin Orchard Road, a public roadways located within the City of Cranston.
11. The proposed subdivision provides for safe and adequate local circulation vehicular traffic, for adequate surface water run-off and for a suitable building site.

Conditions of approval

1. A Physical Alteration Permit (PAP) must be acquired before a building permit application is submitted to the City for the driveway access on Pippin Orchard Road.
2. A check for Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 shall be provided at the time of Final Plan recording.

ELECTION OF OFFICERS – President, Vice President

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted to elect Mr. Smith as President. Upon motion made by Ms. Lanphear and seconded by Mr. DiStefano, the Plan Commission unanimously voted (Mr. Vincent recused) to elect Mr. Vincent as Vice President.

PLANNING DIRECTOR'S REPORT – 2020 City Plan Commission Work Plan

Mr. Pezzullo stated that next month the Capital Budget will be presented. Regarding the Comprehensive Plan – he stated that there will be a series of meetings held in different wards for the purpose of soliciting public input.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Morales, the Commission unanimously voted to adjourn at 8:55 p.m.

NEXT REGULAR MEETING – February 4th - 6:30PM City Hall Council Chamber