

MINUTES

November 4, 2020

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, Frederick Vincent, Joseph Morales and Robert Coupe.

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

Also attending: Steve Marsella, Assistant City Solicitor.

SUBDIVISION AND LAND DEVELOPMENT

"Waldron Ave Minor - Replat of Record Lots 568, 569, and 570"
Preliminary Plan - Minor Subdivision without street extension
One additional single-family house lot
97 Waldron Avenue - AP 9 – 1155, 1156, 1157

Mr. Pezzullo explained the proposal is to subdivide/merge 3 existing lots of record (totaling 11,000 ft²) into 2 new lots. If approved, Parcel B will host an existing single-family house on 6,000 ft² of land, and Parcel A will be a buildable lot on 5,000 ft² of land. The application requires 2 dimensional variances for Parcel A for proposed substandard lot size (proposed 5,000 ft² where 6,000 ft² is required) and proposed irregular side lot line (side lot line does not extend straight from the front of lot to the rear of lot). This application will require subsequent approval for dimensional relief from the Zoning Board of Review.

Attorney Robert Murray reiterated that the proposal is pretty straight forward. Parcel A will be 5,000 sq. ft. due to the existing "jog". Sixty feet of frontage is proposed. Mr. Vincent expressed concern with the slope of the proposed driveways. Mr. Murray explained that the existing retaining wall will remain and a new driveway for the proposed new home will be created.

Mr. Mark Reo, property owner, stated that the driveways will be side by side and will be regraded to gradually slope down. He stated that there will be "a parcel between the driveways". Attorney Murray stated that it is the developer's intention to work with the Public Works Department for guidance on "how this should be handled. Mr. Mason, Public Works Director, stated that two separate curb cuts will be required.

No public comment was offered on this matter.

Upon motion made by Mr. Vincent and seconded by Mr. Strom, the Plan Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision, subject to the following conditions as follows:

Findings of Fact

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 Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as “Single/Two Family Residential Less Than 10.89 units per acre”. The proposed density of the project is 7.92 units/per acres (including the pre-existing single-family dwelling) so the project is in conformance with the Future Land Use Map despite the need for a lot size variance. Additionally, the Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: “...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock.” The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
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. The proposed lots will require zoning relief for substandard lot size and an irregular side lot line. Should approval be granted through a separate decision by the Zoning Board of Review, the project will be in compliance with the City's zoning ordinance.
4. 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.”

5. Clearing of vegetation (trees and bushes) may be needed in order to accommodate development on the proposed new buildable lot. However, the vegetation does not provide environmental habitat, and is located within a dense urban neighborhood. Additionally, the project will be subject to all local, state and federal standards regarding environmental impacts. Thus no negative environmental impacts are anticipated.
6. 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.”

7. 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.
8. 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.”

9. The properties in question will have adequate permanent physical access on Waldron Avenue, a public roadway located within the City of Cranston.
10. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.

Conditions of approval

1. Applicant shall receive variance approval for substandard lot area and an irregular side lot line from the Cranston Zoning Board of Review prior to filing the Final Plan Application with the Cranston Planning Department.
2. Payment of the Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 (1 new unit) must be submitted at the time of final plat recording.

ZONING BOARD OF REVIEW RECOMMENDATIONS

OLD BUSINESS

ALBERT BACCARI and VIRGINIA A. BACCARI (OWN/APP) have filed an application to construct an addition to an existing legal non-conforming auto repair shop with restricted rear yard setbacks at **880 Park Avenue** A.P. 9 lot 169; area 21,014 s.f.; zoned C3. Applicant seeks relief per 17.92.010; Sections 17.92.020- Special Use Permit; 17.88.030 (A) - Extension; 17.20.120 – Schedule of Intensity Regulations.

LOMBARDI FAMILY, LLC(OWN/APP) Has filed an application to install a Minor Accessory Solar Energy System at **45 Burlingame Road**, A.P. 24, Lot 1; area 177.50 ac; zoned A80. Applicant seeks relief per 17.92.020 Special Use Permit; 17.92.010 Variance; Sections 17.20.030 Schedule of Uses, 17.20.090 (L), Specific Requirements, 17.24.020 Solar Energy Systems. (Request to **CONTINUE** by the applicant)

NEW BUSINESS

CGRI CRANSTON ATWOOD LLC (OWN) & CGRI ATWOOD LLC C/O MOSES RYAN, LTD (APP) have filed an application to install additional signage on an existing freestanding pylon at 148 Atwood Avenue A.P. 12, lot 196, area 2.93 ac., zoned C2. Applicant seeks relief per 17.92.010 Variance, Section 17.72.010(P); Table 17.72.010 (3) Signs.

POWERHOUSE REALTY, LLC (OWN/APP) has filed an application to re-plat three existing lots to create two; with one under-sized for constructing a new single family dwelling at 0 Waldron Avenue, A.P. 9, lots 1155, 1156, and 1157; area 11,000 sq. ft.; zoned B1. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.88.010 Substandard Lots of Record.

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage and angled side lot line; and to leave an existing single family dwelling at 1626 Scituate Avenue, A.P. 34, lot 32; area 89,210 sq. ft.; zoned A80. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.20.090(E). Specific Requirements.

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage, and to construct a new single family dwelling at 0 Scituate Avenue, A.P. 34, lot 25; area 129,103 sq. ft.; zoned A80. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.88.010

PLAN COMMISSION POLICY – Commission Rules of Procedure – *Length of Public Meeting*

(Length of Public Meeting – The City Plan Commission shall not take up any new agenda item or begin a public hearing after 10:30 P.M. This rule may be waived by an affirmative vote of a majority of the Commission members in attendance that night)

Mr. Pezzullo stated that the Plan Commission Policy Guide is not yet ready. Mr. Strom informed the Commission that the City must pay the custodians overtime after 10 p.m. if/when the Plan Commission Meetings continue after 10 p.m. Mr. Pezzullo stated that the Commission has to get business done as other committees rely on our recommendations. He stated that long meetings should be “rare”.

Ms. Lanphere stated that her hope was that what other cities and towns do would be discussed. She is seeking “uniformity” and consistency on how controversial matters are handled when there is great public interest. Mr. Pezzullo stated that if time limitations are instituted then multiple Plan Commission meetings would have to be done.

Mr. Coupe stated that “we need to have some consistency but each application is different. He agreed with Mr. Strom’s concern about overtime being paid to custodians after 10 p.m.

Mr. Morales suggested having this language on the December 1, 2020, Plan Commission Agenda. The Plan Commissioners will submit their language proposals on this matter to Mr. Pezzullo.

PLANNING DIRECTOR’S REPORT

Natick Avenue Solar - Advisory Committee – Update - Mr. Pezzullo stated that the third (and final) meeting of this committee has been held and it was very productive. The consulting landscape architect will be submitting her report which will be forwarded to the Commission.

Citizens Guide to Development – Status – Mr. Pezzullo stated that the staff is working on the second draft, which still needs to be forwarded to various departments for their comments.

Subdivision Regulation Amendments – Joint City Council / City Plan Commission Site Visits – Mr. Pezzullo stated that “this is worth doing, however, the councilman never put forward an ordinance.

Transition Report – Mr. Pezzullo stated that he would like to hold a joint workshop with the Mayor’s office and the City Council to establish “what they would like to see”. He noted that the City Council is “talking” about an Affordable Housing Committee.

December special meeting schedule – Mr. Pezzullo stated that there will possibly be a meeting on December 8, 2020 on the Cranston Crossing matter.

ADJOURNMENT - Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission unanimously voted to adjourn at 8:40 p.m.

NEXT REGULAR MEETING – Tuesday, December 1st - 6:30 PM Teleconference