

CRANSTON CITY PLAN COMMISSION
April 6, 2021 Regular meeting

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, Frederick Vincent, Joseph Morales, Robert DiStefano, 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

SUBDIVISIONS & LAND DEVELOPMENTS

Natick Avenue Solar- Continued from March 8, 2021

Preliminary Plan - Major Land Development

30 Acre / 8MW Solar Farm on 64-acre site

Natick Avenue - AP 22, Lots 108 and 119

Mr. Berry began by providing a brief recap hearing process since the January 2021 public hearing began. He stated that since the public comments section of the public hearing was closed, no new information has been made part of the record. The Commission continued the process of deliberation on the findings of fact and conditions of approval offered by the Planning Department staff in the April staff memorandum.

Commissioner Lanphear asked that the conditions of approval under consideration be reflective of the Findings of Fact as they relate to the Comprehensive Plan.

Regarding Finding of Fact No. 5, Mr. Marsella stated that he had no concern with the amendment proposed in the April staff memo which enhanced the language regarding the landscape buffer remaining an effective screen for the life of the solar project.

Mr. Coupe expressed concern about the landscape buffer being monitored and maintained for the life of the project. He also stated that the Commission is trying to impose a set of performance standards that are outside of the subdivision and land development regulations. Mr. Vincent disagreed, stating that the City Council did not adopt the newer solar ordinance which contained these provisions therefore it was left to the Plan Commission to require specific performance standards for this project.

Mr. Berry continued with his presentation. Displaying the staff memo, he moved through the staff memorandum one condition at a time. Following a lengthy discussion on the conditions language where various amendments were proposed, Mr. Berry then presented his recommendation of approval as follows, stating that the proposal is consistent with the standards for required Findings of Fact set forth in RIGL Section 45-23-60, the Comprehensive Plan in effect at the time of vesting of the application, as well as with the City of Cranston's Subdivision and Land Development Regulations.

The Commission then proceeded to vote on the proposed amendments to the of the conditions of approval in the following manner:

Mark-up Condition #2: The applicant shall use reasonable efforts to remove ledge or rock by mechanical means. Only ledge that is to be used as part of the project may be processed on-site, any ledge not being utilized as part of the project may not be processed before being removed from the site. Processing of ledge/rock crushing shall be limited to the hours of (_9 a.m._) and (_5 p.m.) Monday-Friday and shall be prohibited on weekends. Nothing herein shall prohibit the use of blasting to remove necessary ledge.

Upon motion made by Mr. DiStefano and seconded by Mr. Morales, the Commission unanimously voted (9/0) to change the language of Mark Up Condition #2 to read "rock crushing shall be limited to the hours of 9 a.m. to 5 p.m".

Mark-up Condition #3: (STRIKE)

Upon motion made by Mr. Coupe and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to strike proposed Mark Up Condition #3.

Mark-up Condition #10: In addition to the pre-installation inspection per the previous condition, at the expense of the applicant, a City's chosen landscape architect shall conduct annual inspections of the site for the next three years to monitor consistency of the installation with the approved plans. Once the landscaping has been installed, the applicant shall submit an 'as-built' plan to the Planning Department demonstrating the final planting locations and materials. The as-built plan shall be accompanied by documentation itemizing any/all deviations from the final approved landscaping plan. An inspection shall be conducted by a City-hired Landscape Architect after installation of the plantings upon receipt of the as-built plan, who will submit a report on the findings of the inspection to the Planning Department. The City-hired Landscape Architect shall conduct two more annual inspections for a total of three (3) inspections. After each inspection, any trees or shrubs found to be dead or with unsatisfactory growth shall be replaced, and in seeded areas, thin cover or bare ground greater than 10 square feet shall be reseeded.

Upon motion made by Ms. Lanphear and seconded by Mr. Mason, the Commission unanimously voted (9/0) to amend Mark Up Condition #10, which relates to the timing of the City hired Landscape Architects' submittal of her report to read as follows: The report is to be issued within 15 days of the Landscape Architects' inspection.

Mark-up Condition #13: For each inspection (4 in total - the pre-installation inspection per condition #9 and 3 annual inspections per condition #10), the City-hired Landscape Architect shall submit a report to the Planning Department and Building & Inspections Department summarizing his/her inspection and findings/observations. These reports shall be public documents. The Planning Department shall share the pre-installation inspection report and the annual inspection reports for year 2 and year 3 at the next available Plan Commission meeting as an item under the Director's Report (not a Public Hearing). The Planning Director will have the authority to request the City-hired Landscape Architect to be present at the meetings (at the applicant's/owner's expense) based on the contents of these reports.

The City-hired Landscape Architect will present the contents of the year 1 annual inspection report to the Plan Commission as an Informational Meeting item (not a Public Hearing) at the applicant's/owner's expense. Upon recognition that the as-built plan is consistent with the Final Plan, and any required changes as applicable, as determined by the City-hired Landscape Architect during the Information Meeting, the Planning Department will record the as-built plan with Land Evidence as a Minor Change to the Final Plan.

Upon motion made by Mr. Coupe and seconded by Mr. Morales, the Commission unanimously voted (9/0) to amend the language to require the Landscape Architect be present at the Plan Commission meetings.

Mark-up Condition #14: An interest-bearing escrow account in the amount of thirty-five thousand dollars \$35,000 shall be established for maintenance of the landscaping for the life of the project (initial lease period and all extensions). The account will only be utilized if the applicant/ owner is not maintaining the landscape buffer (the undisturbed areas and planted landscape areas) pursuant to conditions set

forth by this approval and is not satisfactorily responsive to the City's correspondence requiring the site be brought into compliance as determined by the City Planning Director or the City Arborist. The owner shall grant the City and/or City-hired personnel access to the property to conduct such work as applicable. If funds are withdrawn by the City in accordance with this condition, the account shall be replenished by the applicant/owner within 60 days of written notice by the City. All efforts will be made by the City, including imposing liens, if necessary, to replenish the account. Upon the completion of decommissioning of the solar project the remaining balance in the escrow account will be returned to the applicant/owner.

Mr. Coupe motioned to strike Mark Up Condition #14, stating that it's beyond the scope of the City Plan Commission. Mr. Vincent disagreed, stating that this is a major land development and we are requiring a living buffer, not roadway infrastructure. Mr. Marsella noted that it is not beyond the Plan Commission's authority to institute a performance guarantee or bond for the project. Ms. Lanphear reiterated that the Commission is trying to mitigate the impacts to the neighborhood for the life of the project. Chairman Smith also preferred to keep Mark Up Condition #14. Mr. Coupe stated that his concern is for placing a new burden onto the Planning Department for a number of years. He stated that he felt the existing regulations we have in place are adequate. Mr. Mason had seconded, however, the motion did not carry (Messrs Vincent, Morales, DiStefano and Smith and Ms. Lanphear and Ms. Maccarone voted nay. Mr. Strom, along with Mr. Coupe and Mr. Mason, voted yes resulting in a 6/3 vote)

Regarding Mark Up Condition #14, Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (9/0) to revise the language in that condition to stated "in coordination with" the City Plan Director and the City arborist.

Mark-up Condition #19: (STRIKE)

Upon motion made by Mr. Vincent and seconded by Mr. Coupe, the Commission unanimously voted (9/0) to amend the language as follows: "The applicant shall comply with any requirements as stipulated by the State Fire Marshall."

Proposed Finding of Fact #5: The applicant has worked with the City-hired Landscape Architect, the Advisory Committee, Planning staff and the Conservation Commission to develop an effective screen to mitigate impacts to the visual character of Western Cranston. Furthermore, special consideration has been given to the site preparation, installation, inspection, enhancements, and maintenance of the landscaping to ensure the landscaping/buffer is an effective screen for the life of the solar project.

Upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Commission voted (8/1 – Mr. DiStefano voted no) to add the amended language as proposed.

Upon motion made by Mr. Vincent and seconded by Mr. Coupe, the Commission unanimously voted (9/0) (to become Condition of Approval #21) to require the Final Plan be brought before the Commission prior to Final Plat recording.

Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Plan Commission voted (8/1 – Mr. DiStefano voted nay) to adopt the Findings of Fact denoted below and **Approve** this Preliminary Plan subject to the conditions following the Findings of Fact:

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with the 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:

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 first class mail and the meeting agenda has been properly posted and advertised.

2. The applicant has complied with all of the *via*ble conditions of the Master Plan Approval. Condition #11 was deemed to be problematic in terms of feasibility, so a new condition has been adopted to address the issue which will supersede this Condition. Condition #10 is also problematic, could not yet have been complied with, and therefore was not to be carried over into the Preliminary Plan approval. Other Master Plan conditions which could not have yet been met at this time have been carried over into the Preliminary Plan conditions.

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.”

3. The application is vested to the Comprehensive Plan in effect at the time the Master Plan application was certified complete. Revisions to the Comprehensive Plan since that time do not apply to the review of this Preliminary Plan Application.
4. Consistency with the Comprehensive Plan was discussed extensively during the Master Plan review process. Ultimately, albeit with a 5-4 vote, the Plan Commission approved Master Plan approval incorporating findings of consistency with the Comprehensive Plan into its decision as stated in the Master Plan Approval Letter dated 2/11/19.
5. The applicant has worked with the City-hired Landscape Architect, the Advisory Committee, Planning staff and the Conservation Commission to develop an effective screen to mitigate impacts to the visual character of Western Cranston. Furthermore, special consideration has been given to the site preparation, installation, inspection, enhancements, and maintenance of the landscaping to ensure the landscaping/buffer is an effective screen for the life of the solar project.

With all required Conditions of Approval, the Commission finds that the proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

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.”

6. The application is vested to the City Code in effect at the time the Master Plan application was certified complete. Revisions to the City Code since that time do not apply to the review of this Preliminary Plan Application.
7. The proposed solar and existing agricultural uses were permitted uses by-right in the A-80 zone at the time the Master Plan was certified complete.
8. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.
9. The project is consistent with items (A) Site Preparation and (B) Lighting found in City Code Section 17.24.020 Solar Power Performance Standard (this section has since been revised, but the application is vested to comply with this now outdated section). Items C-G of this section do not apply to the Preliminary Plan phase of the application.

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.”

10. This project has received an Insignificant Alteration Permit from RIDEM and will continue to be subject to all local, state and federal standards regarding environmental impacts.
11. Grading of the project has been limited to the greatest extent possible.
12. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. The nearest known rare species locations are roughly 1,600 meters

away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.

13. Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, "*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*"

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."

14. The project proposes lease areas, not the actual 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."

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

Conditions of Approval

1. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
2. The applicant shall use reasonable efforts to remove ledge or rock by mechanical means. Only ledge that is to be reused as part of the project on-site may be processed on-site, any ledge not being utilized as stated above shall not be processed before being removed from the site. Processing of ledge/rock crushing shall be limited to the hours between (9AM) and (5PM) Monday-Friday and shall be prohibited on weekends. Nothing herein shall prohibit the use of blasting to remove necessary ledge.
3. The entire perimeter fencing shall provide for at least a 6-inch gap between the ground and the bottom of the fencing to provide adequate wildlife passage for smaller species consistent with the RIDEM approval. The fencing and the fencing gap shall remain for the life of the solar facility. Barbed wire or similar is strictly prohibited.
4. Planting Area E shall be trimmed to a height no less than 18'.
5. Planting Area D shall be extended to the area indicated as Planting Area F on the Landscape Plans, between the proposed fence and the access road. The mixture of plants will be consistent with Area D but no white pines will be included. This change shall be reflected in the Final Plan submission and shall be subject to the City-hired Landscape Architect's approval at the time of submission to verify the terms of this condition.
6. The Landscape Plan shall be recorded with and made part of the approved and recorded Final Plan.

7. The applicant's civil engineer shall certify in writing that the site has been cleared and graded in substantial conformance with the Final Plan. Said certification shall be submitted to the Planning Director.
8. After the clearing and grading has been certified to be in compliance with the Final Plan but prior to commencement of any construction of the solar panels and equipment, a City-hired Landscape Architect, paid for by the applicant, shall inspect the site with the applicant's Landscape Architect and other necessary professionals to verify the constructability of the Landscape Plan with consideration to the site conditions and to help coordinate the placement of the plantings & overall implementation of the Landscape Plan.
9. At the expense of the applicant, a City's chosen landscape architect shall conduct annual inspections of the site for the next three years to monitor consistency of the installation with the approved plans and sustainability of the buffer. Once the landscaping has been installed, the applicant shall submit an 'as-built' plan to the Planning Department accurately depicting the final planting locations and materials. The as-built plan shall be accompanied by documentation itemizing any/all deviations from the final approved landscaping plan. An inspection shall be conducted by a City-hired Landscape Architect after installation of the plantings upon receipt of the as-built plan, who will submit a report on the findings of the inspection to the Planning Department within fifteen (15) days of the inspection. The City-hired Landscape Architect shall conduct two more annual inspections for a total of three (3) inspections. After each inspection, any trees or shrubs found to be dead or with unsatisfactory growth shall be replaced, and in seeded areas, thin cover or bare ground greater than 10 square feet shall be reseeded.
10. During the inspection process described in these conditions, should the City-hired Landscape Architect find that additional plantings are necessary to provide an effective and sustainable buffer, while taking into account that the plantings will need time to grow and mature, the City-hired Landscape Architect shall have the authority to require the installation of additional plantings to be paid for by the applicant/owner, not to exceed a total of 10% of the plantings quantified in the approved Final Plan. This authority shall be applicable during the pre-installation inspection and shall expire after the confirmation of compliance with the third annual inspection. If changes/plantings are required, the applicant shall submit a revised as-built plan reflecting the changes.
11. The landscaping shall be installed, the first annual inspection shall be completed and any additional plantings required by the City-hired Landscape Architect must be installed, and an as-built must be submitted to the Planning Department and Building & Inspections Department prior to the issuance of a Certificate of Completeness.
12. For each inspection (4 in total - the pre-installation inspection per condition #8 and 3 annual inspections per condition #9), the City-hired Landscape Architect shall submit a report to the Planning Department and Building & Inspections Department summarizing his/her inspection and findings/observations. These reports shall be public documents.

The City-hired Landscape Architect shall present the contents of the annual inspection reports to the Plan Commission as an Informational Meeting items (not Public Hearings) at the applicant's/owner's expense. Upon recognition that the as-built plan is consistent with the Final Plan, and any required changes as applicable, as determined by the City-hired Landscape Architect during the Information Meeting, the Planning Department will record the as-built plan with Land Evidence as a Minor Change to the Final Plan.

13. An interest-bearing escrow account in the amount of thirty-five thousand dollars \$35,000 shall be established for maintenance of the landscaping for the life of the project (initial lease period and all extensions). The account will only be utilized if the applicant/ owner is not maintaining the landscape buffer pursuant to conditions set forth by this approval and is not satisfactorily

responsive to the City's correspondence requiring the site be brought into compliance as determined by the City's Planning Director in coordination with the City Arborist. The owner shall grant the City and/or City-hired personnel access to the property to conduct such work as applicable. If funds are withdrawn by the City in accordance with this condition, the account shall be replenished by the applicant/owner within 60 days of written notice by the City. All efforts will be made by the City, including imposing liens, if necessary, to replenish the account. Upon the completion of decommissioning of the solar project the remaining balance in the escrow account will be returned to the applicant/owner.

14. For the life of the project, the applicant/owner shall maintain required plantings and buffers, as reflected in the Final Plan and Minor Changes. The applicant shall submit a Vegetative Maintenance Plan as part of the Final Plan application submittal to be reviewed by a City-hired Landscape Architect at the applicant's expense.
15. The applicant shall install and maintain a minimum of 4"-6" of suitable seed bed material where placed on existing subsoil, and install and maintain a minimum of 6" of suitable seed bed material on areas without existing subsoil. The character of the material as 'plantable soil' shall be as indicated in the planting detail. The area within the fence shall be seeded with 'low sowing mix' and disturbed areas outside the fenced area (except as otherwise specified by the DEM approval) will be seeded with a more pollinator and wildlife beneficial mix designated as 'solar surround mix' as noted in the Landscape Plans. These requirements shall be clearly reflected in the Final Landscape Plan. This condition supersedes Master Plan Condition of Approval #11.
16. The applicant shall be responsible to reinstall all street lights disturbed by the interconnection.
17. Control of growth under the panels shall be limited to mechanical methods (mowing). No herbicides or other chemical means may be used to control growth under the panels.
18. The applicant shall comply with the State Fire Marshall's regulations, as amended, for any blasting to occur associated with the project.
19. The project shall be in compliance with expired Code Section 17.24.020 – *Solar Power Performance Standard* which was in effect upon vesting of this project application.
 - A. Site Preparation. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the solar power facility. Top soil will not be removed from the site. Top soil will not be disturbed except as required for installation of the facility.
 - B. Lighting. Lighting of solar power facilities shall be limited to requirements for safety and operation and shall not shine light onto abutting properties.
 - C. Noise. Applicants for a building permit to construct a solar power facility must submit a noise study as part of their application. The noise study assesses the potential impacts at any off-site noise receptors (e.g. residences) due to sound emitted by the solar power facility's electrical equipment including, but not limited to, inverters and transformers. The noise study is required to demonstrate that the facility, as designed, does not exceed a forty (40) decibel noise level (approximately the noise level experienced in a quiet office or library). The city's review engineer will assess the noise study to determine acceptable distance from the solar facility to any off-site receptor.
 - D. Decommissioning and Abandonment. A solar power facility which has reached the end of its useful life or has been abandoned consistent with abandonment section shall be removed. The owner or operator shall physically remove the facility no more than one hundred fifty (150) days after the date of the discontinued operations.
 - E. Removal shall consist of:

1. Physical removal of all installations, electrical equipment, all appurtenant structures including but not limited to, equipment shelters, storage facilities, transformers, substations, security barriers, fences, overhead and underground electric lines.
 2. Disposal of all solid and hazardous waste in accordance with the law.
 3. Stabilization or revegetation of the site as necessary to minimize erosion.
- F. Abandonment. A solar facility shall be considered abandoned when it fails to operate for more than one year. If the owner or operator fails to remove the installation within one hundred fifty (150) days of abandonment, or the proposed date of decommissioning, the city may enter the property and physically remove the installation.
- G. Financial Surety. Before receiving a building permit, owners or operators of a solar power facility shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the city must remove the facility and remediate the landscape. In no event will the amount exceed one hundred twenty-five (125) percent of the cost of removal and compliance as determined by a qualified engineer hired by the city and paid for by the owner operator. The qualified engineer shall include an estimate of all costs associated with removal and remediation and a mechanism for figuring increased removal costs due to inflation.
20. A copy of the conditions of approval and the Final Approved Plans shall be made part of any building permit application filed with the City.
21. The Final Plan application shall be brought before the Plan Commission as an Informational Meeting item prior to recording.

ORDINANCE RECOMMENDATIONS

Ordinance 2-21-01 - Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – Extension of Pepper Mill Lane). Petition filed by David DeFino.

Attorney Robert Murray, representing Mr. David DeFino, who is the property owner and petitioner, stated that this request is consistent with the Future Land Use Map (FLUM) and the Comprehensive Plan and with Alpine Estates. He noted that in 2014 a request was made to change the zone and the Plan Commission supported that previous request. At this time a five lot development plan has been proposed.

Mr. Joseph Casali, P.E., made his presentation. He stated that the parcel is just shy of six acres and is entirely wooded. He stated that the RIDEM edge verification has been received and the freshwater wetland area is about three acres. He noted that the site has a 2½ to 3 ft. water table. The applicant proposes a roadway of 410 feet in length with a pavement width of 24 ft. The existing cul de sac of Peppermill Lane is a defeasible easement and was always intended to go through. All five lots proposed has 20,000 sq. ft. of upland area. For the purpose of illustration, 2,000 sq. ft. homes shown for illustrative purposes. He stated that there will be no affect to abutters or the sub-water sheds. He stated that the resident of 21 Dove Ct. gets flooded due to an existing condition that flows to an existing water source. Rain gardens are proposed, as well as underground storm water drainage systems. Water volumes will be reduced and water quality will be improved. He stated that the applicant wants to maintain the existing tree buffer from the view of the wind turbines. The proposed foundations for these homes will be waterproofed and will not require pumps or water discharge.

Mr. Alex Gemma, 21 Dove Ct., expressed concern with the environmental impact, flooding, traffic, property value, impact to City services and social status of the neighborhood. He feels that the A-80 Zone supports the Comprehensive Plan. He noted the changes in topography that cause flooding to his property. He is also concerned that removal of the existing trees will cause additional runoff. He also expressed concern with contaminants in the water flowing to his property.

Ms. Lindsay DelPrete, 15 Dove Ct., stated that she is opposed to the change of zone and agrees with all statements made by Mr. Gemma. She further stated that “this is not in line with what Western Cranston is supposed to be about”.

Mr. Vin McCrystal, a resident of Sage Drive, is also opposed to the proposed change of zone. He stated that Mr. DelFino bought the property in May of 2020 and is aware of what he bought. He also stated that this has been attempted before. He expressed concern that if this is approved other property owners on Caraway Drive and Sage Drive will be incentivized to seek rezoning of their properties as well. He also stated that he would like to be informed of Comprehensive Plan meetings in the future.

Chairman Smith informed Ms. McCrystal that there had been a schedule of meetings to be held in neighborhoods prior to the Covid 19 outbreak, however, there are none scheduled at this time.

Mr. Joe Narcissi, 22 Caraway Drive, stated that the neighbors are not trying to stop this development; further stating that Mr. DelFino has a right to develop the land that he bought at A-80. He expressed concern with school overcrowding. He stated that this is not smart growth development and would like to preserve the character of Western Cranston.

Mr. Chris Ginja, area resident, stated that he is opposed to this development. He expressed concern with the character of the neighborhood.

Mr. Joe Rouleau, 7 Dove Ct., stated he is opposed to the proposed re-zone; stating that “he should develop at the zone he purchased”. He stated that he disagreed with Mr. Casali’s presentation.

Mr. John Piatti, 15 Peppermill Lane, stated that he has lived there for over twenty years. He stated that a stream runs “to the far left of the Sylvia property” to his property. He stated that “there is an extreme amount of water” and further stated that “it is inconceivable that homes can be built without going into the 50 ft. boundary”.

Planning Director, Jason Pezzullo, presented his staff recommendation and stated that at the current A-80 zoning two homes may be constructed. Re-zoning to A-20 would allow for five homes. He stated that when Alpine Estates was developed this lot was not included in the re-zone. He stated that in the 1960’s what is now Alpine Estates was all zoned A-80. He stated that “there is no compelling reason that this parcel was kept A-80”.

An area resident commented that the Comprehensive Plan is a only a “recommendation”. Someone on the call asked, “Why do we have an opportunity to comment if it makes no difference?” Mr. Pezzullo informed everyone that the Comprehensive Plan is not a recommendation but is the legally binding policy document of the City which all land use decision must be based. In addition, he stated the City Charter also states that all land use decisions of the City shall be consistent with the Comprehensive Plan.

Mr. Vincent stated “he supports the director’s point that the Comprehensive Plan is a mandatory requirement for adoption of the zoning code and all land use decisions be consistent. However, I do not believe that the Comprehensive Plan is a static document, that’s why the State requires municipalities to amend it and review it every ten years. Cranston is one of 9 communities that are in default, and our 10-year Comp Plan has expired, and that’s an issue this commission has to address because I don’t think we have the resources in-house to do it, and that’s a topic separate from tonight, but it’s a very important one. I think we’ve gained a lot of insight since 1986 when Alpine Estates was developed. None of us could have foreseen the impact from all those homes on the natural environment and conditions now are different. I think we’ve all had this debate about coming up with a subdivision process that preserves open space in western Cranston, and we came very close a couple of years ago to adopt such a scheme. I don’t feel that this developer is deprived the use of his land because he could come in under A-80 zoning for a cluster development and build two houses, maybe three and preserve most of that site. In that respect, I concur with many of the residents, and that he bought it under A80, and he should be able to develop, and has options without this rezone. For that reason, I do not favor this rezoning.”

There being no further discussion, the Commission moved to a vote. Upon motion made by Mr. Strom to accept the staff recommendation of approval, which was seconded by Mr. Mason, the Commission voted as follows: Mr. Vincent-no, Mr. Morales-no, Mr. DiStefano-no, Mr. Coupe-yes, Ms. Maccarone-no, Ms. Lanphear-no, Mr. Mason-yes, Mr. Strom-yes and Chairman Smith-yes. The motion failed in a 4/5 split vote.

A new motion was made by Mr. Vincent to forward a negative recommendation that was based on his previous comments, which was seconded by Ms. Maccarone. The Commission voted as follows: Mr. Vincent-yes, Mr. Morales-yes, Mr. DiStefano-yes, Mr. Coupe-no, Mr. Lanphear-yes, Ms. Maccarone-yes, Mr. Mason-no, Mr. Strom- no and Chairman Smith-no. This motion carried with a 5/4 split.

Ordinance 1-21-05 - Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Conformance to District Regulations Required & Substandard Lots of Record). Sponsored by Mayor Hopkins. (Continued from the March 8th Agenda)

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (8/0 – Mr. Strom left the meeting) to continue this matter to the May 4, 2021, Plan Commission meeting.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

- **FORCE REALTY LLC. (OWN) and ALANI'S BISTRO INC. (APP) have filed an application to install signage in excess of that which is allowed at 74 Rolfe Square, A.P. 5, lot 1835 area 2,992 s.f.; zoned C3. Applicant seeks relief per Section 17.92.010 Variance; Section 17.72.010 (6) - Signs. Application filed 03/09/21.**

Due to the finding that the application is consistent with the Comprehensive Plan, and due to the finding that the application will not have a negative impact on the surrounding neighborhood, upon a motion made by Mr. Coupe and seconded by Mr. DiStefano, the Plan Commission voted (7-1, Ms. Maccarone voted nay) to forward a **positive recommendation** to the Zoning Board of Review provided that the sign's letters are not internally illuminated and that any exterior sign lighting is static (not blinking).

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- **TKG CRANSTON DEVELOPMENT LLC (OWN) and SECURITY VAULT WORKS, INC. (APP) have filed an application to construct a new drive-up ATM kiosk at 1776 Plainfield Pike, A.P. 37, lot 3; area 14.37 ac.zoned C4. Applicant seeks relief per 17.92.020 Special Use Permit; Sections 17.20.030 Schedule of Uses. Application filed 3/09/2021.John Revens, Esq.**

Due to the finding that the application is consistent with the general content of the Comprehensive Plan, and due to the finding that the application will not create undue negative impacts to the surrounding properties and other uses on the site, upon a motion made by Mr. DiStefano and seconded by Mr. Morales, the Plan Commission voted (7-1, Ms. Maccarone voted nay) to forward a **positive recommendation** to the Zoning Board of Review.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that the Department has applied for a \$125,00 grant from the Commerce Corporation for the Comprehensive Plan re-write.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission unanimously voted to adjourn at 11:15 p.m.

NEXT REGULAR MEETING – Tuesday, May 4th – 6:30 PM Teleconference