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Jason M. Pezzullo, AICP
Planning Director



Ken Mason, P.E.
Robert Strom
Frederick Vincent
Kathleen Lanphear
Ann Marie Maccarone
Joseph Morales
Robert DiStefano
Robert Coupe

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

August 3, 2021 Plan Commission Meeting

MINUTES

Chairman Smith called the City Plan Commission Meeting to order around 6:40 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Smith, Ken Mason, Ann Marie Maccarone, Robert Strom, and Robert Coupe. Commissioners Kathleen Lanphear, Frederick Vincent, Joseph Morales, and Robert DiStefano notified staff of their absence with regret.

The following Planning Department members were in attendance: Jason M. Pezzullo, Planning Director and Joshua Berry, Senior Planner.

Also attending: Steve Marsella, Esq., Assistant City Solicitor.

APPROVAL OF MINUTES

Upon motion made by Commissioner Mason, and seconded by Commissioner Storm, the City Plan Commission voted unanimously to **approve** the regular City Plan Commission meeting minutes of 6/1/21.

Upon motion made by Commissioner Strom and seconded by Commissioner Mason, the City Plan Commission voted unanimously to **approve** the regular City Plan Commission meeting minutes of 7/3/21.

SUBDIVISIONS & LAND DEVELOPMENTS

“Garden City School”

Master Plan / Preliminary Plan – Major Land Development

87,000 +/- square foot redevelopment of the Garden City School on 5.75-acre parcel
70 Plantation Drive – AP 10, Lot 709 – Zoned A-8

PUBLIC HEARING

Director Pezzullo presented the overall proposal and staff recommendation via PowerPoint presentation. He noted that the Commission was given a lengthy and detailed presentation by the School Committee’s design team at the July meeting. In addition, he discussed how the Preliminary Plan application was reviewed and approved by the Development Plan Review Committee on 7/4/21 with no issues. He stated that planning staff has worked very closely with the School Committee’s team in getting to this point, as evidenced in the staff presentation and memorandum. He also noted that the MLD also requires variances from the Zoning Board that will be considered after the vote on the Major Land Development.

Ed Collins of the Cranston School Department gave a brief presentation for the benefit of the Commission and the members of the public. He gave additional context about why the school is necessary in their overall plans of modernization and consolidation in cooperation with the Rhode Island Department of Education (RIDE).

Mr. Geoffrey Gerard of Kerney Street asked a question about the temporary bus shelter that was recently constructed. Mr. Collins explained that this structure is indeed temporary and will be removed once construction is completed.

Mr. Michael Sarensen had a question about the pre-construction survey and monitoring service that the School Department is offering to neighbors within the 200’ radius. Mr. Collins explained this is a service being offered to those home owners with no cost to themselves in the event that construction activities damage abutting property.

Upon motion made by Commissioner Coupe and seconded by Commissioner Strom, the City Plan Commission unanimously voted to **close** the public comments portion of the Public Hearing. Director Pezzullo then gave the final recommendation for the Major Land Development Master / Preliminary Plan.

*“Based on the numerous submittal documents received, 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. Further, staff finds that the application has successfully demonstrated mitigation strategies for potential impacts to traffic and parking. 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.”*

Commissioner Coupe questioned the issue with increased on street parking during snow and storm events including parking bans. Mr. Collins explained that during times of parking bans, the schools are usually closed due to the weather.

There being no further comment, the Commission moved to a vote. Upon motion made by Commissioner Mason and seconded by Commissioner Strom, the City Plan Commission voted unanimously to adopt the Findings of Fact denoted below and **approve** this Master/Preliminary Plan MLD subject to the following conditions:

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 first class mail prior to the public meeting, and the meeting agenda has been properly posted.

Staff has reviewed the 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.

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 redevelopment of the existing school is consistent with the Comprehensive Plan – Future Land Use Map designation of the parcel as “Government/Institutional” because this designation is suitable for the public school uses as being proposed.
2. Significant cultural, historic or natural features that contribute to the attractiveness of the community will not be unduly negatively impacted through this proposal.

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 redevelopment of the existing school is compliant with the *majority* of the zoning provisions currently in place for this parcel of land. The proposed two (2) variances for parking and building height make up the only requests for relief from the zoning code. It is understood that the applicant has submitted a corresponding variance application, and if such application is approved then this negative finding is converted into a positive finding of compliance with the zoning 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)*

4. The current site is developed as a school building and surrounding public amenities such as a ballfield and playground. The proposed development will bring the site drainage infiltration into current standards and provide improvements in this regard. currently exists on the site. The project is subject to all local, state and federal standards regarding environmental impacts. At this point, staff finds that there will be no significant negative environmental impacts from the proposed development as shown on the plan.
5. 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.”

6. The proposed project does not incorporate a subdivision of land or any improvements that would create physical constraints to development such that future building would be impracticable.
7. 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.”

8. The property in question has adequate permanent physical access from XXX, all being improved public roadways located directly around the subject parcel.

Condition of approval

1. The project shall receive subsequent approval from the Zoning Board of Review for the two (2) variance requests. Failing such approval, the applicant may seek a minor amendment to revise the plans in order to meet the required zoning provisions.

ZONING BOARD OF REVIEW - RECOMMENDATIONS (taken out of order and directly after the Master/Preliminary Plan approval of the Garden City School MLD)

CRANSTON PUBLIC SCHOOLS (OWN/APP) has filed an application to create a new parking lot which allows a reduced number of required parking spaces for a new school, and to construct a portion of a building greater than the allowable height at **70 Plantation Drive**, A.P.10, lot 709; area 5.79 ac; zoned A8. Applicant seeks relief per 17.92.010-Variance; Section 17.64.010-Off Street Parking.

Director Pezzullo discussed the required zoning relief with the Commission and after no discussion made the following recommendation:

“Due to the finding that the application is consistent with the Comprehensive Plan, and due to the finding that the application will not negatively impact the general character of the surrounding neighborhood, upon a motion by Commissioner. Coupe seconded by Commissioner. Strom, the Plan Commission voted unanimously to forward a **positive recommendation** on this application to the Zoning Board of Review.”

"1299 Park Avenue Plat" (vote taken)

PUBLIC INFORMATIONAL

Preliminary Plan – Minor Subdivision

2 lots: Parcel A – Existing Multi-family on 7,067 sq.ft.,

Parcel B – Existing Two-Family on 7,124 sq.ft.

1299 Park Avenue & 12 Old Park Avenue – AP 11, Lot 145 – Zoned B-1 and C-1.

Attorney John DiBona presented the minor subdivision application on behalf of the applicant and also explained the need for Zoning Relief. He stated the applicant simply wanted to be able to split the parcel evenly and along the zoning line so that they will be able to legally transfer the property to different owners. Director Pezzullo presented the staff recommendation via PowerPoint and restated many of the same points as the applicant's attorney. Mr. Pezzullo stated that this subdivision will accomplish several goals while not resulting in any new development of impacts for the City. Though there was no public comment, upon motion made by Commissioner Maccarone, and seconded by Commission Mason, the Commission voted unanimously to close the public comment portion of the meeting.

Director Pezzullo then gave the final recommendation for the Minor Subdivision / Preliminary Plan:

*"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."*

There being no further comment, the Commission moved to a vote. Upon motion made by Commissioner Coupe and seconded by Commissioner Maccarone, the City Plan Commission voted unanimously to adopt the Findings of Fact denoted below and **approve** this Minor Subdivision Preliminary Plan subject to the following conditions:

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 no less than ten (10) days prior to the public meeting, 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 policies and Future Land Use Map (FLUM) designation of "Neighborhood/Commercial Services". There are no new dwellings being proposed and no permanent site improvements intended as part of this subdivision so there is no change in the density of the site.
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 subdivision requires zoning relief. Should the Cranston Zoning Board of Review provide the requested relief, this project shall be compliant with the standards and provisions of the 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.” (emphasis added)*

5. This finding pertains specifically to the final plan, however, the buildable area for the newly proposed lot does not create undue impacts to nearby wetlands. No significant 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 property in question currently has adequate permanent physical access on both a Parke Avenue (to the south) and Old Park Avenue (to the north) so the newly created two (2) lots will both have permanent access to public roadways located within the City of Cranston.
10. The proposed subdivision provides for safe and adequate local circulation vehicular traffic, for adequate surface water run-off and for a suitable building site.

Condition of approval

1. Applicant must receive subsequent approval from the Zoning Board of Review for the requested variances relating to lot size.

ZONING BOARD OF REVIEW - RECOMMENDATIONS (taken out of order and directly after the Minor Subdivision Preliminary Plan approval of the 1299 Park Avenue Subdivision)

THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP) have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a two family dwelling at **1299 Park Ave.** A.P. 11, lot 145; area 7,124 s.f.; zoned C1. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application not negatively impact the character of the surrounding neighborhood, upon a motion by Mr. Strom seconded by Mr. Mason, the Plan Commission voted (5-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP) have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a three family dwelling at **12 Old Park Ave.** A.P. 11, lot 145; area 7,087 s.f.; zoned B1. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application not negatively impact the character of the surrounding neighborhood, upon a motion by Mr. Strom seconded by Mr. Mason, the Plan Commission voted (5-0) to forward a **positive recommendation** on this application to the Zoning Board of Review

TILCON, INC. (OWN) and CBNA BARLETA JOINT VENTURE (APP) have filed an application to construct a temporary structure for the production and storage of concrete products in a residential zone at **830 Phenix Ave.** A.P. 17, lots 194, 1933; A.P. 20, lot 2124; area 18.94 ac, zoned A12. Applicant seeks relief per 17.92.010-Variance; Sections 17.20.030- Schedule of Uses; and 17.20.120-Schedule of Intensity Regulations.

Due to the findings that industrial uses are more appropriate than residential uses at this location, that the proposal would not have negative impacts on the area but would support a major infrastructure project, and finding that it was an oversight that the Cranston Comprehensive Plan Future Land Use Map designated this site for residential use, upon a motion by Ms. Maccarone seconded by Mr. Mason, the Plan Commission voted (5-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

JEFFREY A. and ALISHA CRINS (OWN/APP) have filed an application to construct an addition to a home extending into the required front yard setback on a corner lot located at **269 Poplar Drive** A.P. 10, lot 1303; area 12,864 s.f.; zoned A8. Applicant seeks relief per 17.92.010- Variance; Section 17.20.120-Schedule of Intensity Regulations.

Due to the findings that the application is generally consistent with the Cranston Comprehensive Plan and that relief would not impair the visual character of the area, upon a motion by Ms. Maccarone and seconded by Mr. Strom, the Plan Commission voted (5-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

FRANK ZINCONE (OWN) and ERCILIO TEJADA (APP) have filed an application to construct a canopy addition, on an existing automotive repair facility at **173 Niantic Ave.** A.P. 7, lot 2204; area 9,096 s.f.; zoned M2. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations.

Due to the findings that the proposal is consistent with the Comprehensive Plan, is consistent with the character of Dewey Street and would not negatively impact the neighboring area, upon a motion by Mr. Strom seconded by Mr. Mason, the Plan Commission voted (5-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

Should the Zoning Board of Review approve the variance requests, the Plan Commission respectfully requests that the Zoning Board consider the following conditions:

1. The signage shall be brought into compliance with city code; and
 2. The parking shall be striped as shown on the site plan titled "Open Canopy Design – Ercilio's Electro Auto" by Manoukan Architect dated 7/20/21 or as on a plan to be reviewed and approved by the City's Traffic Safety Bureau.
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DISCUSSION – Future meeting format (zoom, in-person, hybrid)

The Commission discussed potential for the City Plan Commission to live stream public meetings and allow for online participation (hybrid). Mr. Pezzullo stated that staff lacks the budget and hardware to be able to host public meetings in this format. He noted that the City Council has experimented with this over the past month but has a special contractor running the zoom portion of the meetings. Mr. Marsella felt that there were too many possible pitfalls with trying to deal with public testimony which makes this option difficult. Chairman Smith felt that without the proper hardware, and personnel to assist with running these meetings, we are asking for trouble. He also stated that the advances we have made with the website and the dissemination of information has given the public more avenues to participate and be informed about the business of the City Plan Commission. Mr. Pezzullo stated that we will inquire about seeing if we can live stream the meetings via Youtube and Facebook with the existing hardware.

PLANNING DIRECTOR'S REPORT – Cranston Print Works - Joint Site Walk (City Council / City Plan Commission) – **August 21st 9:00AM**. This joint site walk was discussed with the Commission who signled their support of this public site visit.

Director Pezzullo stated that Joanne Resnick, the longtime Clerk of the Planning Department is retiring and has already attended her last meeting. In addition, he shared staff's plan to upgrade the position and create a hybrid Planning Technician instead. Staff is continuing to work on the job description but expects this to go live some time next week, beginning interview in September.

Mr. Pezzullo gave a brief update on the status of the Comprehensive Plan and the need to work through a first draft with the Commission PRIOR to hiring a consultant since the funds will not cover this overall effort.

Staff continues to work on the final draft for the Plan Commission Policy Guide. We hope to have this draft completed shortly so that we can adopt this document.

Mr. Pezzullo discussed an upcoming project which has been submitted to the City for the former "Trolley Barn" site. He stated given the proposed uses, zone change, and comprehensive plan amendment, a site walk would be beneficial.

Finally, he stated there are various zoning amendment working their way through the office, as well as work is progressing on a historic preservation grant which will be incorporated into the new comprehensive plan in the future.

ADJOURNMENT / NEXT REGULAR MEETING – Tuesday, September 7th – 6:30 PM – 869 Park Avenue, City Hall Council Chamber (**vote taken**)