

## **CRANSTON CITY PLAN COMMISSION**

**May 4, 2021 Regular Meeting**

### **MINUTES**

Chairman Smith called the City Plan Commission Meeting to order at 6:35p.m. via Zoom.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Kathleen Lanphear, Frederick Vincent, Ann Maria Maccarone, and Robert Coupe.

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**

Mr. Vincent asked that a change be made to the April 6, 2021 meeting minutes to correctly reflect that he agreed with Mr. Pezzullo's interpretation of the Comprehensive Plan's jurisdiction and what he stated was that he doesn't believe the Plan to be "static" and that the board now has new information to consider.

Chairman Smith ordered that the record be changed to reflect Mr. Vincent's comment.

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission unanimously voted (6/0) to approve the March 2, 2021, Plan Commission minutes.

Upon motion made by Mr. Mason and seconded by Mr. Coupe, the Plan Commission unanimously voted (5/0), Mr. Vincent abstained due to an absence, to approve the March 8, 2021, Plan Commission minutes.

Upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Plan Commission unanimously voted (6/0) to approve with changes as articulated by Mr. Vincent, the April 6, 2021, Plan Commission minutes.

#### **ORDINANCE RECOMMENDATIONS**

**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.

Joshua Berry, Senior Planner, made his presentation. He stated that the Planning Department proposes zoning amendments to fix problematic language regarding the relationship between development activities and substandard lots of record. He stated that Planning Staff has been working with the Assistant City Solicitor, Building Inspections Department and the Administration. He stated that currently there are 31,648 lots within the City and 16,348 (51.7%) are currently nonconforming to lot area alone. He stated that the Code addressed these non-conforming lots through Section 17.88.010 and Section 17.20.404. He explained that Section 17.88.010 is difficult to interpret when there are numerous lots, potentially merged lots, corner lots and different zones.

Mr. Berry stated that the proposed ordinance does not intend to change the rules, but clarifies the lot merger regulations and exemption clause. He explained that one substantive change is that substandard

lots of record less than 4,000 ft<sup>2</sup> would now be merged to abutting lots under common ownership whether or not the abutting lot is substandard. He stated that Section 17.20.040 currently only applies to construction of new primary structures or changes of use that result in heightened lot area minimums. The proposed ordinance addresses Subdivisions, Development, and Use. He stated that this would impact all non-conforming developed or improved parcels and roughly 650 vacant or unimproved lots. He also stated this ordinance would have the most impact on the A6 and B1 zoning districts and is consistent with the Comprehensive Plan's policy guidance for all in-fill development as well as Section 17.04.010 General Purposes.

Planning Department staff recommend that the Plan Commission forward a positive recommendation on Ordinance #1-21-05 to the Ordinance Committee.

Chairman Smith asked if the Commission had any questions for Mr. Berry, hearing none he opened the floor to public comment.

Annette Bourne, 51 Community Drive, expressed her support of Ordinance #1-21-05. She stated not only does the proposed ordinance amendment clean up problematic language but it also results in furthering housing goals in keeping with smart land use.

Councilman Favicchio, 107 Warwick Ave., expressed his support of the proposed ordinance amendment, stating he did not believe these in-fill lots would pose any additional burden on the schools or police in these areas.

Upon no further discussion, the Commission moved to vote. Upon motion made by Mr. Coupe and seconded by Mr. Mason the Plan Commission voted (5/1) in favor (Commissioner Lanphear voted nay) . The motion carried.

## **SUBDIVISIONS & LAND DEVELOPMENT**

### **Elite Drive Subdivision**

Master plan – Minor Subdivision w/o street extension with waivers  
4-lot minor subdivision (one new single-family residence)  
Terminus of Janet Drive and Elite Drive – AP 26, Lot 50

Mr. Berry shared a presentation and explained that this is the master plan phase even though it is only a four (4) lot subdivision. He stated that all four lots did not meet the 125' required frontage, 3 of the lots did not meet the 125' required width, however all four lots exceeded the required 20,000 ft<sup>2</sup> minimum lot area. He also noted that no street extensions have been proposed. Each of the four lots would have private driveways from the terminus of the existing streets, Elite Drive and Janet Drive. He stated that Department Staff are supportive of the proposed compact development as it has less disturbance to the natural environment, is sensitive to the wetland areas and does not require the extension of public roads or utilities.

Robert D. Murray, Esq. Attorney for the applicant, stated that his applicant did not want to over develop this site and was able to work with Diprete Engineering to come up with the proposed plan consisting of four (4) lot. Attorney Murray stated relief was needed from the Zoning Board or Review because of the design, these lots did not meet the required frontage and width requires under the zoning code.

Mr. Vincent inquired about the drainage and water run-off. Eric Prive, Diprete Engineering, stated the existing topography is not a steep topography. Lots 1 & 2 would divert toward the stream but would also be mitigated on-site with dry wells and driveway trenches. Mr. Prive also specified that drainage is going away from the existing developments.

Earl J. Croft, Abutter, spoke in favor of this subdivision stating that he was interested in purchasing a lot from Mr. Devany if it were to be approved.

Ryan Maloney, 65 Elite Drive, stated he is concerned that removing the vegetative buffer to develop these lots would let in traffic noise from RT 295 and asked if there was a plan in place to keep a portion of this buffer and Mr. Prive explained that the proposed development is a much lower density with longer driveways with yards designed for normal recreation and the intention of the developer is not to completely clear-cut these lots.

Mr. Berry presented the Subdivision and Variance Analysis with Department Staff recommendations.

Mr. Vincent asked if the utility lines would be extended. Mr. Mason, Public Works Director, explained that utilities would be privately owned and connect with the existing utilities in the street.

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission unanimously voted (6/0) to approve the Master Plan.

#### **Minor Subdivision of 10 Orchard Valley Drive**

Preliminary Plan – Minor Subdivision w/o street extension with waivers

2 lot subdivision (one new single-family residence)

10 Orchard Valley Drive - AP 28, Lot 16

Doug McLean, Principle Planner, gave an overview and slide presentation to the Commission for the proposed minor subdivision. He explained that this subdivision is consistent with the Future Land Use Map despite its need for variances from the zoning code.

Helen Anthony, Esq., Handy Law, LLC., introduced her applicant Christina Rousseau who gave a brief explanation for the proposed subdivision. Ms. Anthony then introduced Samuel Suorsa of Coventry Survey Company, who stated that 4 dimensional variances are being requested and there would be roughly 30 ft. of undisturbed vegetation between the limit of disturbance and the rear property line of proposed lot 1.

Joe Laborio, 15 Paddock Dr., stated his concern of the accuracy of the provided site plan and for the wetland flags located on his own property as he did not give permission for the flags to be installed. Mr. Suorsa clarified that there is a certification on the site plan and that the wetland biologist who flagged the wetland area did not have access to a survey showing a clear depiction of the boundary lines.

Mr. Mason asked if the current plan depicted the current regulations of setbacks to wetland areas. Mr. Suorsa stated that there is a 50ft setback to the wetland edge and 100ft setback to a stream that is 10ft wide.

Mr. Laborio asked the applicant to clarify who will be responsible for maintaining the sidewalk along Orchard Valley Drive. Ms. Rousseau stated that the Rousseau family maintains the existing and proposed lots and would continue to do so.

Mr. McLean provided the Plan Commission with the Subdivision and Variance Analysis along with the Department Staff recommendations.

Mr. Vincent stated he would like confirmation that the plans submitted to RIDEM for approval are the same plans for the record. Mr. Pezzullo agreed that the limit of disturbance, as a jurisdictional wetland issue, should be very clearly shown on the record plan.

Upon motion made by Mr. Vincent and seconded by Ms. Maccarone, the Plan Commission unanimously (6/0) voted to approve the preliminary plan.

### **EXTENSION OF TIME**

#### **Champlain heights (152 Unit Multi-Family)**

Mr. Pezzullo stated that this plan was originally approved in 2017 with an amendment to include a walking trail. A 1-year extension was approved in July 2020 and this extension would be the last 1-year extension. He stated that staff recommends a 1-year extension, which would expire May 2022. Tenessa Azar, attorney for the applicant, asked if she could clarify two points. The first being that she believed this extension, should it be approved, would set to expire in June 2022 not May. And that RIGL #45.23.41 states an extension could be approved for good cause shown.

Upon motion made by Mr. Vincent and seconded by Mr. Coupe, the Plan Commission voted unanimously (6/0) to approve the one-year extension of the Preliminary Plan approval to now expire on in June 2022.

### **ZONING BOARD OF REVIEW – RECOMMENDATIONS**

**STEPHEN A. RODIO and CHUNMEI DU (OWN)** and **STEPHEN A. RODIO (APP)** have filed an application convert an existing building into a two family dwelling with restricted front, rear, and side yard setbacks; and restricted lot size at **34 Commercial Street**, A.P. 1, lot 83, area 6,000 s.f. zoned B1. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.090 (A) - Specific Requirements and 17.92.120- Schedule of Intensity Regulation.

Due to the finding that it is inconclusive as to whether this application is consistent with the Cranston Comprehensive Plan, and balancing that against the finding that the application will not negatively alter the character of the surrounding neighborhood, upon a motion made by Mr. Vincent and seconded by Ms. Lanphear, the Plan Commission voted (6-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

**370 REALTY, LLC (OWN/APP)** has filed an application to operate a motor vehicle repair and service establishment from an existing industrial building at **370 Wellington Avenue**, A.P. 3 lots 154 & 1224, area 5,000 s.f, zoned M-2. Applicant seeks relief per Section 17.92.020 Special Use Permit.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application will not alter the character of the surrounding neighborhood, upon a motion made by Mr. Coupe and seconded by Mr. Vincent, the Plan Commission voted (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

**CHRISTINA ROUSSEAU, f/k/a CHRISTINA L. COMMISKEY (OWN/APP)** has filed an application to subdivide an existing lot into two non-conforming lots, leaving an existing legal non-conforming single family dwelling, and to construct a new legal non-conforming single family dwelling at **10 Orchard Valley Drive**, A.P. 28, lot 16, area 88,200 s.f. zoned A80. Applicant seeks relief per 17.92.010 Variance; Section 17.92.120 - Schedule of Intensity Regulation.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application incorporates a sensitive design that will not have a negative impact on the nearby wetland and will not alter the character of the surrounding neighborhood, upon a motion made by

Ms. Lanphear and seconded by Mr. Mason, the Plan Commission voted (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

**MICHAEL J. SPAGNOLE and IRENE A. ANTONELLI (OWN)** and **DAVID M. DEVANY(APP)** have filed an application to create four (4) lots with restricted frontage; Three (3) of which will also require relief from lot width requirements. Dimensional relief is requested to construct four (4) single family dwellings at **0 Elite Drive** and **0 Janet Drive**, A.P. 26, lot 50; Area 7.51 ac; zoned A20. Applicant seeks relief per 17.92.010 Variance; Section 17.92.120 - Schedule of Intensity Regulation.

Due to the fact that the application is consistent with the Cranston Comprehensive Plan and the design minimizes the impacts of the subdivision, upon a motion made by Mr. Coupe and seconded by Mr. Mason, the Plan Commission voted (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

**MARIE PROPERTIES, LLC (OWN/APP)** has filed an application to change the use of an existing business to allow residences above a first story business with reduced lot size and parking requirements at **757 Park Avenue**, A.P. 6, lot 118; area 6,056 s.f.; zoned C1. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.090 (B) - Specific Requirements, 17.64.010- Off Street Parking, and 17.92.120 Schedule of Intensity Regulation.

Due to the finding that granting the relief is consistent with the Comprehensive Plan, upon a motion made by Mr. Mason and seconded by Mr. Coupe, the Plan Commission voted (5-1, Mr. Vincent voted nay) to forward a **positive recommendation** on this application

## **DIRECTORS REPORT**

Mr. Pezzullo introduced Grace Davey and Hannah Ambrosia, two Rhode Island College interns who presented their final work project and PowerPoint presentation on the Comparative Analysis of Renewable Energy in Rhode Island Communities.

Mr. Pezzullo also stated that the department was awarded a \$9,000 grant from the Rhode Island Historic Preservation Resource Council for the update of the historic element of the Comprehensive Plan.

## **ADJOURNMENT**

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission unanimously voted to adjourn at 10:45 p.m.

**NEXT REGULAR MEETING** – Tuesday, June 1<sup>st</sup> – 6:30pm Teleconference.