

Hon. Kenneth J. Hopkins
Mayor

Steven Frias
President

Robert Coupe
Vice-President

Vacant
City Planning Director



Thomas Barbieri
David Exter
Steven Frias
Kathleen Lanphear
Lisa Mancini
Nicole Renzulli

Frank Corrao P.E.
Acting Public Works Director

Thomas Zidelis
Finance Director

CITY PLAN COMMISSION

City Hall – 3rd Floor, Room 309
869 Park Avenue, Cranston, Rhode Island 02910

MINUTES CITY HALL – 3rd FLOOR, COUNCIL CHAMBER TUESDAY, JANUARY 7th 2025, 6:30PM

CALL TO ORDER

Commission Vice-President Coupe called the meeting to order at 6:34 p.m. in the Council Chamber.

The following Commissioners were in attendance for the meeting: Commission President Steven Frias, Commission Vice-President Robert Coupe, David Exter, Thomas Barbieri, Lisa Mancini, Kathleen Lanphear, and ex-officio members Frank Corrao, Acting Director of the Department of Public Works, and Thomas Zidelis, Director of the Finance Department. Commissioner Nicole Renzulli was absent.

The following members of the City Planning Department were in attendance: Jason M. Pezzullo, AICP, Planning Director; Beth Ashman, AICP, Asst. Planning Director; Jonas Bruggemann, Senior Planner; Brianna Valcourt, Senior Planner; and Grace Brownell, Planner Technician.

ELECTION OF OFFICERS

- *President*

Commissioner Kathleen Lanphear made the motion to place the nomination of Steven Frias as City Plan Commission president. Commissioner Zidelis seconded.

To summarize, for reasons of nomination it was stated that during the over three years Mr. Frias has served on the Commission, he has demonstrated his ability to collaborate with his fellow commissioners, staff, attorneys, and the public. Mr. Frias follows the requirements outlined in the Comprehensive Plan, Ordinances, Regulations, and State Law. He is always prepared and often encourages participation by his fellow Commissioners. He is respectful and a good listener which are important qualities in a president. He has a capacity to speak plainly and precisely and move matters to a conclusion. He exhibits a strong regard for the City's businesses, neighborhoods, and residents.

The remainder of the Commission voted to be in favor of the nomination. (8-0)

- *Vice-President*

Commission President Frias made the motion to place the nomination of Robert Coupe as City Plan Commission Vice-President which was then seconded by Commissioner Exter.

Mr. Frias stated Mr. Coupe has previously served as Vice-President in which he provides significant insight with his background in housing development.

The remainder of the Commission voted to be in favor of the nomination. (8-0)

WELCOME NEW COMMISSIONER

Individuals requesting interpreter services for the hearing impaired must contact the Dept. of City Planning at (401) 780-3136 seventy-two (72) hours prior to the meeting.

- Nicole Renzulli

Commission President Frias noted that out of an abundance of caution, Ms. Renzulli will go before the Ethics Commission to obtain an advisory opinion prior to participating at the next City Plan Commission meeting.

EXECUTIVE SESSION (NATICK SOLAR)

Upon a motion, second, and open call by an affirmative vote of a majority of the members present, the City Plan Commission will convene in a closed session pursuant to R.I. Gen. Laws § 42-46-5(a)(2) pertaining to collective bargaining or prospective or actual litigation matters as listed below:

Pursuant to R.I. Gen. Laws § 42-46-5(a)(2) pertaining to actual litigation matters:

- Discussion of the current status of the Natick Solar litigation and any appeal thereof (PC-2023- 05457)

Mr. Marsella stated that Ryan Stys, the attorney who handled the litigation, was unavailable. Discussion ensued in which it was determined that the Commission will decide at the meeting at date in February to conduct the executive session. .

Upon a motion made by Commissioner Lanphear and seconded by Commissioner Barbieri, The City Plan Commission voted unanimously (8-0) to move the executive session to February 4, 2024.

APPROVAL OF MINUTES

- 12.03.24 City Plan Commission Meeting

Upon a motion made by Commission President Frias and seconded by Commissioner Exter, the City Plan Commission voted unanimously (8-0) to approve the minutes and adopt the amendments requested by Commission President Frias and Commissioner Lanphear.

SUBDIVISION & LAND DEVELOPMENT PROJECTS

- **“9 Colwell Subdivision”** **Minor Preliminary Plan/Unified Development Review**
(PUBLIC HEARING CONTINUED FROM 12.3.24)
Subdivision of a lot into two (2) 5,000 sf lots requiring zoning relief.
Zoning District: B-1 (Single-family and two-family dwellings)
AP 12, Lot 97
9 Colwell Street

Commissioner Exter recused himself from the matter.

The applicant, Scott Aceto of 1378 Smith Street North Providence RI 02911, and representative, Atty. Daniel Conley of Conley Law and Associates, 123 Dyer Street Providence, RI 02903 were present.

Mr. Conley stated the applicant is seeking to determine the concerns identified by the Commission which are under their control.

Commission President Frias stated the proposed density is above the Comprehensive Plan’s designation. As for hardship, the statute is clear that the applicant cannot create their own hardship. The evidence before the Commission is what appears to be two lots that were merged many years ago., and therefore, in subdividing the property, the applicant is creating their own hardship.

Commission President Frias invited the Commission to engage in comment:

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- Commissioner Corrao (DPW Director) inquired how many properties are equal to size of the proposal within the abutter radius.

Ms. Ashman noted there are 30 two-family houses within 400' and half of them are on 5,000 sf. lots.

- Commissioner Lanphear noted the Commission is charged with adhering to the Comprehensive Plan. When matters are appealed, compliance with the Comprehensive Plan is reviewed. It was requested for the applicant to provide clarification on how they did not create their own hardship.

Mr. Conley stated the subject state law expressively states that if one is requesting a subdivision and a variance at the same time, the applicant can follow the process of Unified Development Review (UDR). He indicated that this practice has been upheld throughout the state. He argued that a property owner does not create their own hardship when a municipality downzones their lot. He also stated UDR is legal and the argument that requesting a subdivision and a variance simultaneously creates one's own hardship is disproved by the existence of Unified Development Review. Furthermore, he asserted that the restrictions on the property were not placed by the property owner but rather the municipality, which is essentially a regulatory taking.

- Commission Vice-President Coupe stated that the Commission sometimes does approve applications that exceed the required density in the Comprehensive Plan. This is a good and valuable buildable property which can host dwellings similar to those in the area.

The applicant noted they would be amendable to a condition of approval which mandated the conversion of the existing two-family residence to a single-family residence.

Due to general consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings set forth in RIGIL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations; upon a motion made by Commissioner Corrao and seconded by Commissioner Barbieri, The City Plan Commission voted (4-3) to grant zoning relief with the conditions that the current structure be converted from a two-family residence to a one-family residence and the use of the new dwelling be limited to a single-family structure in addition to the approval of the final plan of the minor subdivision. Commissioner Lanphear, Commissioner Mancini, and Commissioner Frias opposed. David Exter recused himself from the matter.

Due to general consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings set forth in RIGIL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations; upon a motion made by Commissioner Corrao and seconded by Commissioner Zidelis, The City Plan Commission voted (4-3) to grant Preliminary Plan Approval with the conditions that the current structure be converted from a two-family residence to a one-family residence and the use of the new structure be limited as a single-family residence. Commissioner Lanphear, Commissioner Mancini, and Commissioner Frias opposed. David Exter recused himself from the matter.

- **"R & T Estates"** **Minor Subdivision - Preliminary Plan**
Subdivision of 29 acres into five (5) conforming lots, with the creation of an 815' private road.
AP 29, Lot 2
300 Laten Knight Road

Asst. Planning Director, Beth Ashman provided an introduction to the project. It was noted the proposal is to subdivide a single 29-acre lot into a total of 5 conforming house lots. The proposal further includes the creation of a new private road (20' wide and 815' in length), stemming from Laten Knight Road, "Robin's Way". The following waivers are requested: Subdivision Regs: Section 10 B. 3 (b) "Widths": 20' of pavement where 24' are required; Subdivision Regs: Section 10.B.7 (a) "Dead-end-Streets & Cul-de-sacs": new 815' private road; Subdivision Regs: Section 10 B. 18 (4) "Sidewalks".

Atty. Tenessa Azar of Moses Ryan Ltd of 40 Westminster Street Providence, RI 02903 was present in

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addition to P.E. Sam Hemmingway of Garofalo & Associates, Inc. of 85 Corliss Street, Providence, RI 02940. She was noted a substantial portion of the site is wetlands, which informed the proposed design. She stated the proposal is in compliance with the Cranston Zoning Ordinance. She noted as requested during the 12.18.24 Technical Review Committee meeting, the lot line between Parcel 4 and Parcel 5 were adjusted so that the drainage easement is not included in the buildable area calculation. She indicated there was question by the city as to whether the proposed name is distinctive enough, which the applicant will address, and stated it will be addressed. Furthermore, she stated the sewer will be brought down the private road and there will be the establishment of an HOA.

Commission President Frias invited the public to engage in public comment:

- Douglas Doe, 178 Lippitt Avenue, Cranston, RI 02921, stated he is from the West Bay Land Trust which manages the neighboring property. He stated that this is not a sufficient proposal as the Comprehensive Plan calls for a different approach. He believed it does not make sense to subdivide the property into five lots just to satisfy zoning. He asserted that it would only make sense to subdivide the property into six lots, in which the sixth lot would be dedicated to Conservation Land and contain all wetlands. He also noted that the drainage area within the southeast corner is adjacent to the Conservation Land, which will require clear-cutting in proximity to the trail.
- Nicholas Capezza, 745 Laten Knight Road, Cranston, RI 02921 stated he is the owner of the abutting property to the East of the proposed subdivision. Mr. Capezza provided clarification that no materials or brush have been dumped from his property to conservation property. Mr. Capezza expressed support of the subdivision proposal, but opposition to the private proposal of the subject road. Mr. Capezza further stated there is potential inaccuracy for the suitable area calculation for Lot 5.

In response to the received public comment, Ms. Azar stated most options were explored. She stated the applicant sought an approach which did not require zoning relief. She noted that the project did receive wetlands permit from RI DEM. She also indicated that the city has not expressed an interest in accepting it as a public road.

Commissioner Corrao provided clarification that the city would not accept Robin's Way as a public road, as it is presently designed, at 20'.

Commission President Frias requested clarification as to why the road was not built for the City's public road standards.

Ms. Azar stated that the proposed private road will adequately serve the five proposed lots. She stated it is a rural area in which sidewalks are less design conducive.

Commission President Frias again invited the public to engage in comment:

- Nicholas Capezza (745 Laten Knight Road) stated during his time as the City's Chief Engineer, he did not have recollection of approving private roads. He further stated that no one advised Mr. Capezza of the proposed private road.

Commission President Frias invited the Commission to engage in comment:

- Commissioner Lanphear requested clarification as to whether the applicant would have to resubmit a wetlands permit if the road were to be made a standard size.

P.E. Sam Hemmingway stated such proposal would likely require a permit modification. He indicated that due to the nature of area and the surrounding roads, a rural section is unique to the city for this specific area. He noted discussion of the road width had taken place during the 12.18.24 DPRC meeting. He stated this scenario was a sufficient middle ground solution in consideration to the land's characteristics.

- Commission Vice-President Coupe stated in consideration to the location and the nature of this development, there is no reason this road needs to be as wide as a public road.

Ms. Azar noted the applicant would be amendable to integrating an easement on the private road for the neighbor's passage. She further stated that the subject waiver is for the width of the road not for the road's status as a private road.

Ms. Ashman presented her positive recommendation on the application.

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Due to general consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations; upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Corrao, the City Plan Commission voted (8-0) to accept the Preliminary Plan approval per the following waivers and conditions:

Waivers:

1. Subdivision Regs: Section 10.B.3.(b) "Widths": 20' of pavement where 24' are required; Subdivision Regs: Section 10.B.7.(a) "Dead-end-Streets & Cul-de-sacs": new 815' private road;
2. Subdivision Regs: Section 10.B.18.(4) "Sidewalks"

Conditions:

1. Demonstration that Lot 5 has sufficient size after netting out the undevelopable land created by the drainage infrastructure/ easement.
2. Sewer design and approval by Engineering.
3. HOA agreement for maintenance of the sewer, private drive, and drainage infrastructure.
4. Street name that is substantially different from any existing street name in Cranston.
5. Show location of mailboxes and space to access mailboxes.
6. The landscaping plan will preserve the water absorbing function of the land and the Historic Farm Loop character.

- **"East Street Plat" Minor Preliminary Plan/Unified Development Review**
Subdivision of three (3) existing lots into five (5) lots.
Zoning District: A-8 Single-Family Residential, 8,000 sf
AP 15, Lots 636, 1643, & 1661
337 East Street

Commissioner Mancini recused herself.

Senior Planner, Ms. Valcourt presented her staff memorandum and associated positive recommendation. She stated the proposal is to subdivide the three existing lots into five lots. She indicated that under the existing regulations, four lots would be allowed by-right. She noted that zoning regulations in the A-8 residential zone require 8,000 sf. in area and 80' of frontage.

Robert Murray of Taft & McSally LLP, 21 Garden City Drive, Cranston RI 02920 was present on behalf of the applicant. Mr. Murray introduced the son of the applicant, Chris David in addition to Richard Bzdyra P.L.S. of Ocean State Planners, Inc., 1255 Oaklawn Avenue Cranston RI 02920. He provided clarification by stating Parcel A has 68' of frontage and the remaining lots have a frontage of 67'. He indicated the significance of the project is grounded in lot size, as all three present lots are oversized. He stated there used to be a house on the subject lot which was removed in December of 2021. He indicated that no portions of the land have been given away or deeded to other parties. He argued that the proposal would not alter the character of the neighborhood. He argued there would be a hardship beyond a mere convenience if the zoning relief is denied. He stated there are no significant environmental impacts as a result of the subdivision. Utilities are available for all of the subject properties. He noted that the proposed subdivision will have access out to East Street.

Ms. Valcourt again presented the positive staff recommendation for Preliminary Plan and Unified Development Review Approval.

Due to consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations; upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Barbieri, a vote was initiated to provide variance Approval per approval of the final plan. Discussion amongst the Commission ensued:

- Commissioner Lanphear stated for the previous UDR application, the Commission decided not to go down the hardship path. She stated this is going to be a reoccurring issue with UDR applications. She indicated that in this case, the subdivision can create four lots of benefit to the applicant, by-right. She asserted that because the applicant is choosing to create five lots, the applicant is

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creating their own hardship. She concluded that the filing an application through the Unified Development Review process does not negate the law, that an applicant cannot create their own hardship.

Mr. Murray read an excerpt from the subject statute in regard to hardship. Mr. Murray noted that there is nothing in the ordinance that discusses the concept regarding self-made hardship.

- Commissioner Lanphear provided clarification for which she was referencing the provision of the statute which does discuss the prior action of the applicant.

Ms. Valcourt noted that the relief sought is the least relief possible to allow five lots, due to the shape of the lot.

- Commission Vice- President Coupe stated since the five lots meet the square footage requirement; the dimensional frontage is the least necessary.

Following the discussion the vote was taken. The motion passed (6-1) Commissioner Lanphear opposed. Commissioner Mancini recused.

Due to consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations, upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Corrao, the City Plan Commission voted (6-1) to grant Preliminary Plan Approval of the minor subdivision. Commissioner Lanphear opposed. Commissioner Mancini recused herself from the matter.

- **“Calise Development RPD” Major Land Development – Preliminary Plan/RPD**
Subdivision of one (1) lot of 63,530 sf into a six (6) unit condominium development.
Zoning District: A-6 Single-Family Residential, 6,000 sf
AP 18, Lot 714.
0 Stoneham Court

Senior Planner, Jonas Bruggemann noted the proposal is the subdivision of one lot of 63,530 sf. into a six-condominium development with three two-unit town houses. He noted that the bike path is to the east of the property. He indicated that the applicant is requesting a waiver from X.B.16 of the Subdivision Regulations requiring the installation of curbing along all streets. He asserted that there should not be any significant environmental impact. He indicated access to the site will be achieved via an existing private driveway (Stoneham Court). However, he indicated that a waiver will be required as private roads are only permitted in the A-80 Zone. Thus, he explained a waiver for the private road will be required. He noted that there will be access easements for the abutting properties. He indicated that it has been requested for the installation of a fire hydrant on site.

Robert Murry of Taft & McSally LLP, 21 Garden City Drive, Cranston RI 02920, was present on behalf of the applicant. Mr. Murray provided an overview of the project and introduced the members of the project team, namely: Dante Calise, the principle of the Calise Development; Timothy Behan, P.E. of Commonwealth Engineers, 400 Smith St. Providence, RI, 02908; and Michael McCormick, P.S.L. of Alpha Associates LTD, 35 Rocky Hollow Rd., East Greenwich, RI 02818. He stated the Commission granted Master Plan Approval in October of 2024. He noted that there is a single-family home at 21 Warren Avenue, which is not connected to this development. He indicated that when the property was sold, the owner received deeded rights to pass over the private road to access her property. He stated it would be the intention to use Stoneham Court as the address for the proposed units.

Tim Behan, P.E. of Commonwealth Engineers, noted that an application to sewer and public water was submitted. He indicated that the development proposal was designed to DEM standards as well as the soil and erosion control permit. He stated a fire hydrant was integrated within the plans as part of the Master Plan approval.

Commission President Frias requested that the applicant confirm how site runoff will be addressed through engineering.

Mr. Behan stated the drainage system has been designed in accordance with DEM's and the City's

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standards. He explained that each of the three discharge areas were modeled separately for both pre and post conditions. He represented that each time, rate and volume were less, indicating an overall improvement.

Mr. Bruggemann corrected his previous statement in stating that the applicant does not need a waiver for the private road proposal within the A-6 district, as it is a Residential Planned District (RPD).

Commission President Frias further provided clarification that the Commission is voting to approve townhouses because it is an RPD.

Due to consistency with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60; upon a motion made by Commissioner Lanphear and seconded by Commissioner Barberi, The City Plan Commission voted unanimously (8-0) to grant approval of the Preliminary Plan and all requested waivers per the following conditions:

Waivers:

1. Section X.B.16 of the Subdivision Regulations requiring the installation of curbing along all streets.

Conditions:

1. All outside approvals from relevant state and local agencies shall be provided, in particular a letter of approval from the Department of Public Works for the sewer design plan and written approval from the Cranston Fire Department and Kent County Water Board of the design and location of the proposed fire hydrant.
2. The access easement of 20 Warren Avenue and the grading of said driveway must be depicted on the Final Plan.
3. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
4. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$3560.76.
5. Approval of all requested waivers.

PERFORMANCE BOND REDUCTION

- **“Briarwood Estates”** – Request to reduce the required bond amount.

Asst. Planning Director, Beth Ashman noted the request is for a road extension for Briarwood Estates, Lilyana Way. The DPW has reviewed the Developer’s request for a bond reduction. Based on work performed to date, the DPW recommends a 50% reduction of the original bond value.

Upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Zidelis, the City Plan Commission voted (8-0) to grant the requested bond reduction.

ZONING BOARD OF REVIEW – PLAN COMMISSION RECOMMENDATION

JACKYS AT 369, LLC (OWN) and LITTLE LEARNERS ACADEMY OF ATWOOD, INC (APP) have applied to the Board for permission to allow increased signage at 379 Atwood Avenue; A.P 12, lot 2853; area 43,804; zoned C3. Applicant seeks relief per Section 17.92.010-Variances; Section 17.72.010(4)-Signs.

Commissioner Barbieri recused.

Senior Planner, Jonas Bruggemann provided the staff memorandum and associated positive recommendation.

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Atty. John Garrahy of John J Garrahy Law LLC 2088 Broad St., Cranston RI 02905 was present on behalf of the applicant and noted relief sought is primarily due to the building's large façade. He indicated that due to the commercial nature of the surrounding area, the proposal is a consistent use.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commissioner Zidelis, and seconded by Commissioner Corrao, the City Plan Commission voted unanimously (7-0) to accept the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review. Commissioner Barbieri recused himself from the vote.

CPW TRUE STORAGE, LLC and CPW, LLC have filed an application for a variance from the standards relating to construction in a special flood hazard district to convert an existing mill building to apartments and self-storage space at 1381 Cranston Street, AP 8 Lots 195, 1617, and 2711; area 42.1 +/- acres, zoned M-1. Applicant seeks relief per Section 17.92.010 Variances: Sections 17.16,100 Specific Standards, Section 17.16.120 Variance.

Ms. Ashman provided an introduction to the application in stating the proposal is to renovate Cranston Print Works Buildings B and D into multi-family apartments and self-storage in addition to the removal of building C. She stated the lower levels of Buildings B and D are proposed to be used for commercial storage space and the second floor is proposed for residential use. She explained the applicant seeks a variance "to have the lowest floor including basement and utilities elevated three feet higher than the flood depth number specified on the FIRM above the highest adjacent grade," per Section 17.16.8.b Special Flood Hazard Districts. She indicated no variance to the Cranston Zoning Ordinance exempts the applicant with complying with federal and state requirements, including the requirement that the first floor of Building B be dry flood-proofed to the Design Flood Elevation (DFE) or be usable solely for parking of vehicles, building access or storage so as not meet the definition of "lowest floor". She explained that the property's zoning was previously changed to M-1 with conditions of allowing for multi-family dwelling units, per Ordinance 2023-6. She indicated that with the proposed demolition of Building C, the project is calculated to have a net increase of approximately 95,000 cubic feet of additional flood storage within the project limits. She stated an engineering peer review and consultation with RIDEM is recommended to confirm the applicant's conclusion that construction in the floodway is allowed under the subject state regulation. She indicated that the property has received a Notice of Violation as The Cranston Print Works dam is considered a high hazard dam due to the downstream development. She noted the application includes calculations to show that it will not create any increase in base flood elevation (BFE) as required by CFR 44. 1 B part 60. Sub part A 60 (d) (3).

Robert Murry of Taft & McSally LLP, 21 Garden City Drive, Cranston 02920 was present on behalf of the applicant and introduced Michael Malynowski, P.E. of Allen & Major Associates, 10 Main St. Lakeville, MA 02347. Mr. Murray stated the applicant is in the process of preparing for Preliminary Plan Approval for the overall project. Prior to the submission of a Preliminary Plan Application, the applicant will go before the Development Plan Review Committee (DPRC). He explained that a month ago, there was a site visit with the building officials in which the code issue of exceeding flood elevation level by three feet was raised. He indicated that the determined course of action was to seek variance relief from the entire section of Chapter 17.16 Special Flood Hazard Districts. Mr. Murray stated that building C will be removed because it has deteriorated.

. P.E. Michael Malynowski noted building B is unique as it is classified as an independent building. He indicated the proposal includes leveling off the floors which raises the level to the existing grade and dam. He indicated there will be no expansion of the building itself.

Mr. Malynowski noted the area closest to the dam has a flood elevation at about the finished floor at the exterior of the building. He explained in order to maintain the existing points of egress from the building, the interior floor areas near the doorways will maintain an elevation equal to that of the existing thresholds and exterior grades. He stated there is additional regrading proposed within the court area. He indicated the perimeter of the building will be flood proofed above the base flood elevations.

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Commission President Frias requested clarification as to the reduction of 95,000 cubic feet of additional flood storage. He inquired as to whether there has been any additional peer review for the calculations regarding net increase in flood storage in addition to whether the analysis required under the federal regulations have been completed. Lastly, Commission President Frias requested clarification for why the Notice of Violation was issued.

Mr. Malynowski noted the purpose of the reduction of 95,000 cubic feet is to reduce flooding and downstream impacts. He indicated the applicant has their RIDEM permit in which the calculations were submitted. He explained the federal calculations will be a part of RIDEM's analysis. He indicated the Notice of Violation was issued because the RIDEM Dam Bureau was unable to complete to their annual inspections due to a vegetated barrier along the embankment.

Thomas Remmes of CPW Storage, 670 N. Commercial St., Suite 303, Manchester NH, 03101 provided clarification that the vegetation was removed, and the embankment will be inspected by RIDEM by 1.12.25. It was his opinion of the engineer that during his previous inspections, the dam is structurally sound.

Commission President Frias referenced the ordinance in stating that the Zoning Board of Review should not grant a variance unless the applicant demonstrates that the application is not within the floodway and requested clarification to the variance request in regard to such provision.

Mr. Murray noted the ordinance should not be applied to the situation. He argued the building is pre-existing and non-conforming in terms of building within a flood zone. He also noted that the intent of this variance was to prevent new development on floodways that would exacerbate flood issues. He indicated the only people who will be impacted by the property is the Print Works development.

- Frank Corrao inquired who owns the dam.

Mr. Murray stated the dam is owned by the development.

Commission President Frias inquired about the proposed number of residential units.

Mr. Remmes stated 100 units are proposed within the second floor and above.

Commission President Frias invited the Commission to engage in public comment:

- Commissioner Lanphear inquired if the subject Cranston code section provides more or different protections than the federal and state requirements.

Asst. City Solicitor Steven Marsella provided clarification for the request in asking if there has been any previous discussion amongst the building department regarding a municipal regulation in excess of the FEMA regulation.

Mr. Murray stated the subject ordinance outlines standards for shallow flood zones which states a clearly defined channel does not exist and flooding is unpredictable. He indicated the site's subject channel does exist and is predictable.

Ms. Ashman provided clarification that the two ordinances are not identical. The Rhode Island Emergency Management Association will be submitting a recommendation on the variance.

Commission President Frias invited the public to engage in comment:

- No public comment received.

Commissioner Lanphear pointed to the recommendation within the staff report to require additional peer review to conform the net increase of flood storage calculation.

Mr. Murray noted his understanding of such recommendation was not for the zoning approval process, but for DPRC and City Plan Commission Approvals.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commissioner Corrao, and seconded by Commissioner Zidelis,

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the City Plan Commission voted unanimously (8-0) to accept the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review.

GILBERT AND ANNA MEDIEROS (OWN/APP) have filed an application for permission to re-construct a new garage in the existing location encroaching into the side yard setback at **24 Hagen Avenue**; A.P. 18, lot 1236; area 9,237 sf; zoned A6. Applicant seeks relief per Section 17.92.010-Variances; Section 17.60.010 (B) Accessory Uses.

Planner Technician, Grace Brownell presented the staff memorandum and associated positive recommendation.

Commission President Frias invited the Commission to engage in comment:

- Kathleen Lanphear requested clarification as to whether the new structure expands the non-conformity that previously existed on the site.

Ms. Brownell provided positive confirmation.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commission Vice-President Coupe, and seconded by Commissioner Mancini, the City Plan Commission voted (6-2) to accept the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review. Commissioner Lanphear and Commissioner Zidelis opposed.

IMPERIAL APARTMENTS, LLC (OWN/APP) has filed an application for permission add two new units in a multi-family apartment building, for a total of 15 on an under-sized lot at **11 Dart Street**, A.P. 12, Lot 1495; area 17,554 sf; zoned A. Applicant seeks relief per Section 17.92.010-Variances; Sections 17.20.030-Schedule of Uses; 17.20.090 (a)-Specific Requirements.

Senior Planner, Jonas Bruggeman presented the staff memorandum and associated positive recommendation.

Robert Murry of Taft & McSally LLP, 21 Garden City Drive, Cranston 02920 was present on behalf of the applicant. Mr. Murray noted the applicant acquired the property in 2023 in which there were 15 occupied units. He stated two of the lower units are not occupied. He indicated the tax assessor has the property assessed as including 12 units when there is 13. He explained the applicant seeks to legalize the 13th unit and restore the two lower-level units.

Commission President Frias requested the reason for why the two lower-level units have been unoccupied.

Mr. Murray stated that through this variance application, the applicant wishes to remediate the zoning issues identified at the subject property during the time of purchase.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commissioner Corrao, and seconded by Commission Vice-President Coupe, the City Plan Commission voted (5-3) to accept the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review. Commission President Frias, Commissioner Mancini, and Commissioner Zidelis opposed.

SHANTI HOSPITALITY, LLC (OWN/APP) have applied to the Board for permission for increased signage at **101 New London Avenue**, AP. 10, Lot 1405; area 17,554 sf; zoned C4. Applicant seeks relief per Section 17.92.010- Variances; Section 17.72.010. G- Signs Prohibited Under This Section.

Planner Technician, Grace Brownell presented the staff memorandum and associated negative

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recommendation. She stated that throughout previous reviews of sign variance, it has been consistently the stance of the City Planning Department that digital LED signage is not an appropriate use in the city due to primary concerns of safety.

Planner Technician, Grace Brownell provided her staff memorandum and associated negative recommendation. Ms. Brownell provided reference to Section 17.72.010 G. Signs Prohibited Under This Section, in noting LED signs are prohibited in the City of Cranston. In providing a general review of the use of LED signage, Ms. Brownell noted that a large reason the Department has maintained the stance that LED signage is an inappropriate use in the City is due to the lack of enforcement for the conditions placed on LED sign variance approvals. Ms. Brownell then displayed examples of existing signs which are in violation of the previous conditions placed by the Zoning Board of Review.

Atty. Robert Murry of Taft & McSally LLP, 21 Garden City Drive, Cranston 02920 introduced the property owner Deeg Patel. He noted Mr. Patel has gone through considerable efforts to rehabilitate this property in previous years. He indicated the sign proposal does include a size reduction to what was previously present. He stated the applicant is willing as a part of the application to pose self-imposed conditions. Such conditions shall include that the sign shall only be used to advertise property uses, and the illumination of the sign shall be reduced during night hours. He indicated the subject property is located along a state highway which indicates the proposal will not have direct negative impacts to residential areas.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commissioner Barbieri, and seconded by Commissioner Couple the City Plan Commission voted (7-1) to deny the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review. Commissioner Lanphear opposed.

THE RUSSO FAMILY IRREVOCABLE TRUST (OWN) AND THE BLUE ROOM, RI LLC (APP) have applied to the Board for relief from the requirements of off-street parking at **2197 Broad Street**; A.P. 1, lot 432 area 4,102 sf; zoned C3. Applicant seeks relief per Section 17.92,010- Variances; Section 17.64.010-Off-street parking.

Senior Planner, Brianna Valcourt presented the staff memorandum and associated positive recommendation. She stated the request is to operate a restaurant/bar business from an existing building without off-street parking.

Commission President Frias invited the Commission to engage in comment:

- Commissioner Lanphear stated this is a wonderful new business and expressed concern off-street parking. She indicated 86% of their required parking spaces is going to come from the east area, which is a limited solution, whereas the variance is permanent.

Commission President Frias stated there is no way to create a permanent lease. He indicated the Zoning Board of Review could potentially place a condition on application approval in which the person must retain a lease for secured parking.

Ms. Valcourt noted the only lot such would be necessary for is lot to the right. She stated some of the parking which they are using for the site is already owned by the same owner.

Due to the findings that the requests for dimensional relief are consistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be compatible with the character of the surrounding area; upon motion made by Commissioner Zidelis, and seconded by Commissioner Corrao, the City Plan Commission voted unanimously (8-0) to accept the Staff Recommendation and forward a positive recommendation on this Application to the Zoning Board of Review.

PUBLIC HEARING

Subdivision and Land Development Regulations

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- Public hearing and discussion of amendments to the City of Cranston Subdivision & Land Development Regulations, per 2024 changes in Rhode Island General Laws.

Commission President Frias noted the following changes were discussed at previous the meetings: changing the abutter notification radius from 100' to 200' for various applications, changing the type of notice from certified mail to first class with certificate of mailing, and changing the distance of cul-de-sacs. Commission President Frias further invited the public to engage in comment:

- Mr. Murray stated to be in support of the proposed notification change for requiring first class mail as opposed to certified mailing due to the onerous cost on applicants. He requested clarification as to what certificate of mailing is. He also suggested the regulations could state that Technical Review Committee "may" provide comment and make recommendations to the Commission as opposed to "shall."

Asst. City Solicitor, Stephen Marsella noted that for certificate of mailing, the post office stamps a receipt to certify that the notice was mailed.

Upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Mancini, the City Plan Commission voted unanimously (8-0) to close the public hearing.

Upon a motion made by Commission Vice-President Coupe and seconded by Commissioner Lanphear, the City Plan Commission voted unanimously (8-0) to continue the public hearing until February 4, 2025.

CITY PLANNING DIRECTOR'S REPORT

- FEMA Community Assistance Visit (CAV)

Mr. Pezzullo stated on 1.14.25 FEMA will conduct a Community Assistance Visit (CAV) in which they review all city requirements.

- Zoning Code Amendments – Upcoming workshop and public hearings

Mr. Pezzullo stated once the amended subdivision regulations are approved, the Commission will review and vote on a set of zoning amendments arriving from the package from the 2024 session.

- Comprehensive Plan – Phase 2

Mr. Pezzullo stated Phase II will start in the spring.

- 2.4.25 City Plan Commission Joint Pre-Application Meeting with City Council

Mr. Pezzullo stated during the 2.4.25 City Plan Commission meeting, the Mulligan's Island proposal will be presented.

- Recognition of Planning Director, Jason Pezzullo's 20 years of service to the City Plan Commission and leadership as Planning Director

Commission President Frias presented Jason Pezzullo with a certificate recognizing his two decades of service to the City Plan Commission.

ADJOURNMENT

Upon a motion made by Commissioner Corrao and seconded by Commissioner Exter, the City Plan Commission voted unanimously (8-0) to adjourn at 10:56 p.m.

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Next Meeting | February 4, 2025 @ 6:30 p.m.– **Regular Meeting**
City Hall– 3 rd Floor, Council Chamber- 869 Park Ave.

DRAFT

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