

Hon. Kenneth J. Hopkins
Mayor

Michael E. Smith
President

Jason M. Pezzullo, MCP, MPA, AICP
City Planning Director



Robert Coupe
Vice-President

Thomas Barbieri
David Exter
Steven Frias
Kathleen Lanphear
Lisa Mancini

Justin Mateus P.E.
Public Works Director

Thomas Zidelis
Finance Director

CITY PLAN COMMISSION

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

AGENDA

CITY HALL – 3rd FLOOR, COUNCIL CHAMBER 6:30PM – TUESDAY, OCTOBER 1, 2024

CALL TO ORDER

Chairman Smith called the meeting to order at 6:33 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, David Exter, Steven Frias, Justin Mateus, Lisa Mancini, Thomas Zidelis, and Kathleen Lanphear. Thomas Barbieri and Vice-President Robert Coupe were absent.

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

Also in attendance: Steve Marsella, Assistant City Solicitor.

APPROVAL OF MINUTES

(votes taken)

- July 23, 2024 Special Meeting

Upon a motion made by Mr. Frias and 2nd by Ms. Mancini, the City Plan Commission voted (7-0) to approve the City Plan Commission Special Meeting minutes of July 23, 2024 as amended with Mr. Frias and Ms. Lanphear's requested edits.

- August 6, 2024 Special Meeting

Upon a motion by Mr. Frias and 2nd by Ms. Lanphear, the City Plan Commission voted (7-0) to approve the City Plan Commission Special Meeting minutes of August 6, 2024 with Mr. Frias and Ms. Lanphear's requested edits.

- August 6, 2024 Regular Meeting

Upon a motion by Mr. Mateus and 2nd by Mr. Exter, the City Plan Commission voted (7-0) to approve the City Plan Commission Regular Meeting minutes of August 6, 2024.

- August 29, 2024 Special Meeting

Upon a motion by Mr. Frias and 2nd by Ms. Lanphear, the City Plan Commission voted (6-1) to amend the City Plan Commission Special Meeting minutes of August 29, 2024 as amended with Commissioners Frias, Lanphear, and Mancini's suggested edits. Mr. Smith abstained.

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.

APPOINTMENT OF ADMINISTRATIVE OFFICER

(vote taken)

- Planner Technician – Grace Brownell

Upton a motion by Mr. Zidelis and 2nd by Mr. Mateus, the City Plan Commission voted unanimously (7-0) to appoint Grace Brownell as an administrative officer.

OLDER BUSINESS

- **“Natick Solar LLC”** **INFORMATIONAL** **(vote taken)**
Master Plan – Major Land Development Project
Development of 30 Acre/8MW Solar Farm on 64-acre site
Zoning District: A-80 (Single-Family Residential, 68000SF)
AP 22-3, Lots 108 and 119
Natick Avenue

Steve Marsella, Assistant City Solicitor explained that the Superior Court reversed the decision of the City Plan Commission’s 5-3 decision of the City Plan Commission’s denying the Master Plan Approval application of Natick Solar with a (5-3) vote. Mr. Marsella read the following from the Superior Court Decision PC 2023-05457 stating:

1. *In accordance with this Court's Decision as rendered on August 30, 2024, the Court's August 30, 2024 Decision, the Appellants' appeal is granted and the Cranston Platting Board's October 16, 2023 decision affirming the Cranston Planning Board's June 28, 2023 decision denying the Appellants' Master Plan remand Application is reversed.*
2. *This matter is hereby remanded to the Plan Commission for the purpose of granting the Appellants' Master Plan Application.*
3. *Final judgment may enter in favor of the Appellants.*

Solicitor Marsella stated that the Commission was now required to effectuate the Court order and that the Commission must approve the Master Plan Application to Natick Solar pursuant to that Court order.

Upon a motion made by Mr. Zidelis and 2nd by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to grant the appellants Master Plan application per order of the Rhode Island Superior Court.

Discussion ensued regarding the Decision and Order and Ms. Lanpher requested that this matter be placed on the regular November City Plan Commission calendar for an Executive Session.

RESCHEDULING NOVEMBER REGULAR MEETING (vote taken)

Upon a motion made by Mr. Exter and 2nd by Mr. Mateus the City Plan Commission voted unanimously (7-0) to move the November City Plan Commission Meeting to Tuesday, November 12, 2024 @ 6:30 p.m.

Mr. Pezzullo shared that the applicant for the 40 Meredith Drive Subdivision requested that the proposal be continued until the next meeting. Upon a motion made by Ms. Mancini and 2nd by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to continue the public hearing of 40 Meredith Drive to November 12, 2024.

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SUBDIVISION & LAND DEVELOPMENT PROJECTS

▪ **“Calise Plat RPD”** **PUBLIC HEARING** **(vote taken)**

MASTER PLAN – Residential Planned Development (RPD)/Major Land Development Project
Construction of three (3) two-unit condominiums for a total of six (6) dwelling units.
Zoning District: A-6 (Single-Family Residential, 6,000SF)
AP 18-4, Lots 714, 684 & 798
Warren Avenue, Stoneham Court

Jonas Bruggemann, Senior Planner provided a brief staff introduction to the project. Noted “Stoneham Court” is private land and will remain as a private drive as part of the residential planned development (RPD). Shed to the left of the site is proposed to be raised. It was further noted that the applicant is providing the required open space for residential planned developments.

Atty. Robert D. Murray of Taft & McSally, on behalf of the applicant, provided further introduction to the application and members of the applicant’s team, namely: Donte Calise-Principle of Calise Development LLC; Michael McCormick-P.L.S of Alpha Associates, Warwick; and Timothy Behan- P.E of Commonwealth Engineers.

Mr. Murray further noted the team was able to layout 6 conventional lots around the cul-de-sac and then proceed accordingly with RPD. Proposed use is single-family condominiums units. This property is unique because the entryway off Warren Ave. is owned by Calise Development and comprised of three lots, which were then combined into one lot with an administrative subdivision. There is one lot (25 Stoneham Court) with no road frontage adjacent to the Calise property whose owners have the right to cross over Calise Development property. Will not interfere with their access to their property. There is a house to the easterly side of the road at 20 Warren Avenue which has previously been sold. At the time, the owner was granted permission to pass over the Calise Development to reach the new driveway.

P.E Michael McCormick noted it is proposed to install sewer and water mains up the private road toward the cul-de-sac. Conducted some soil evaluation and preliminary drainage design; there are no wetlands on site. There is a shaded non-hazardous Flood Zone on the very north side of the site, which is an area outside a 100-year flood. Zone to remain undisturbed. All the units will be served by public water and sewer.

President Smith invited the Commission to provide comment:

- Steven Frias requested that applicant expand on the proposed drainage.

P.E Timothy Behan noted the project team will comply to ensure there is no net increase in runoff, post project in comparing existing conditions. The rooftops go to drywells subsurface chambers. There are two drywall units to the left of the site. In between the two buildings to the right side of the site there are subsurface drainage systems. Additional subsurface infiltration system to catch road runoff.

Robert Murray requested Mr. Behan expand on how off-site runoff will be avoided.

P.E Timothy Behan noted the team is required to analyze what is occurring pre-project, in regard to volume and rate. The same process is repeated following the development of the project. Such to be reviewed by the City as well as RI DEM.

- Steven Frias inquired what parties makes the determination and certifies that no net increase in run-off from the development will take place?

P.E Timothy Behan noted that his team certifies the report including the computer model with a stamp which then get forwarded to RI DEM as well as the DPW for their review.

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- Justin Mateus noted that if the project does not include curbing a waiver will be required.

Robert Murray requested that in the event the City Plan Commission decides to approve Master Plan, the applicant respectfully requests a waiver for curbing.

- President Smith noted Stoneham Court was referenced as essentially a paper street. Is that an existing city right-of-way?

Robert Murray provided clarification that it is a private lot deeded to Calise Development, subject to the rights of those to pass over it.

- Steven Frias requested clarification that the project proposal includes two single-family condominium units that are connected in the same building and therefore they qualify as single-family residences, and the applicant does not need a waiver. Further requested clarification as to whether or not there is an ownership interest.

Robert Murry provided confirmation that it is not a two-family dwelling. As for ownership, a condominium association will form which will own the common elements in the Open Space. Each condominium owner will own their own unit in fee.

President Smith invited public comment:

- Dan Dibiasio (24 Warren Ave.)- Noted there are no sidewalks on Warren Avenue and expressed concern for frequent flooding and the effects on the neighboring residences. It is named Stoneham Court Continuation due to precaution for safety.

Upon a motion made by Mr. Mateus and 2nd by Ms. Mancini, the City Plan Commission voted unanimously (7-0) to close public comment.

Jonas Bruggemann, Senior Planner presented the Staff memorandum and associated positive recommendation to the Commission.

President Smith noted that when this project comes back before the City Plan Commission for Preliminary Plan approval, the Commission will take a very close look at runoff mitigation.

- Mr. Mateus requested that a condition be added for the applicant to work with the DPW with obtaining a curbing waiver.

Upon a motion made by Mr. Mateus and 2nd by Ms. Mancini, the City Plan Commission voted unanimously (7-0) to approve the Master Plan Application subject to the following conditions:

1. All outside approvals from relevant state and local agencies shall be provided.
2. Provision of a fire hydrant on Warren Avenue to the specifications to the Cranston Fire and Public Works Departments.
3. The applicant works with the DPW with obtaining a curbing waiver.

▪ **“1489 Pippin Orchard Road”** **PUBLIC HEARING** **(vote taken)**

Unified Development Review

MASTER/PRELIMINARY PLAN – Residential Planned Development/Major Land Development Project
Construction of Residential Planned Development consisting of four (4) single-family homes.
Zoning District: A-80 (Single-Family Residential, 80,000 sq. ft)
AP 28, Lots 31 & 45

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Pippin Orchard Road

Atty. Sanford Resnick with Resnick & Caffrey introduced the proposed plan. Noted the proposal falls under Unified Development Review for a dimensional variance and a residential planned development proposal. This is a 21-acre parcel of real estate. Proposing to reconfigure the two record lots into six new lots in which one house is to remain and the further proposed construction of four new single-family homes. One proposed designation of public open space. Mr. Resnick then introduced Project Manager Jenna Shea with DiPrete Engineering.

Project Manager Jenna Shay with Diprete Engineering stated the applicant will need dimensional relief for the four residential lots in regard to the minimum lot area and the minimum lot width and frontage. The reason for the request is that the applicant did receive Master Plan approval with a different layout in 2022, pursuant to RPD. Since then, the project team have looked to revise the layout to have less impact on design in which there is now no roadway and less stormwater mitigation measures.

Ed Pimental, Land Use and Zoning consultant noted the applicant has an approved development pursuant to RPD. Noted the differences in lot area and frontage between the previous design pursuant to RPD in comparison to the current proposed design pursuant to Conventional Subdivision standards. New proposals are a mirror to what was already approved in 2022. The applicant is meeting all the RPD and Conventional Subdivision standards without a roadway.

President Smith inquired how many units would be allowed on this parcel by-right? Mr. Pimental noted the applicant has an approved development for four house lots in addition to the existing single-family home. Not proposing additional density. Mr. Smith further invited the rest of the Commission to engage in comment.

- Kathleen Lanpher noted in reviewing the Land Use Report provided by Mr. Pimental, the RPD and Conventional Subdivision frontage calculations are larger than those for minimum lot requirements. Mr. Pimental confirmed and noted the purpose of the previous driveway proposal was to address frontage deficiencies. Removing the driveway is out of precaution for fiscal and environmental considerations.
- Steven Frias requested clarification that for both the 2022 and present proposed plans, the applicant would need a variance for the Open Space protection. Further inquired reasons for hardship under RPD.

Ms. Shay noted the applicant would need a variance for lot with existing home.

Mr. Pimental noted the hardship is in order to have a Conventional Subdivision at the given property with RPD characteristics, the applicant requires dimensional relief.

- Kathleen Lanphear noted her interpretation in which the applicant has property they are choosing to subdivide and by way of which, create their own hardship. Further inquired how the Open Space will be recorded as part of the City Land Records under the Conventional Subdivision standards.

Mr. Pimental noted one lot will be created as a purely Open Space lot which will include public access and will meet the RPD dimensional requirements.

Present Smith invited the public to engage in Public Comment:

- Tim Ricard (48 Warren Ct.)- Expressed opposition to development. Open Space encompasses high-voltage powerlines. There is a lot of existing development within neighborhood.

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Upon a motion made by Ms. Mancini and 2nd by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to close public comment.

Brianna Valcourt, Senior Planner presented the staff report and associated recommendation.

- Kathleen Lanpher Inquired about the finding of fact #1, what staff meant in regard to “this type of development”: Staff notes that there is no reasonable avenue to construct this type of permitted development on the subject property without some type of dimensional relief (RIGL § 45-24-41 D1).

Ms. Valcourt noted the reasoning is to the density as well as slight consideration to the configuration of the parcel.

- Steven Frias noted in this situation even if a RPD was not done, the applicant has a right to build five houses. Because there is going to be a variance with any RPD, the Commission does, there is an immediate hardship as the applicant cannot do a RPD type development without being granted such. Mr. Frias thus stated he believes the application does meet the zoning requirements for a variance.
- Kathleen Lanpher noted in totality the better course is to approve the application as presented. However, that should not be blanket precedent for how the Commission proceeds with these types of applications.

Upon a motion made by Mr. Frias and 2nd by Ms. Mancini, the City Plan Commission voted unanimously (7-0) to state that the applicant has met the four criteria under RIGL § 45-24-41 as well as to adopt the findings of the staff report.

Jenna Shay with Depree Engineering presented on the proposed Major Subdivision application. Noted the applicant is not proposing any improvements to existing gravel access drive which will be maintained and serviced by the existing well and septic system. Within the southwestern portion of the site, there is an existing electric and gas easement. Completed archeological survey where no significant findings were found. Believe this proposal to be significantly less impactful. Each single-family home will have its own private driveway with frontage on Pippin Orchard Road. Will be proposing minimal required amount of Open Space as if the application was an RPD subdivision. For utilities, water service will be provided for lots 1-4. Have submitted for wetlands review with RI DEM. Since Pippin is state road will be submitting RI DOT application. Lots one and two have standard asphalt driveways. Proposed rain gardens designed to treat driveways and roof drainage. Back lots with longer driveways have proposed permeable pavement.

Upon a motion made by Justin Mateus and 2nd by Ms. Lanphear, The City Plan Commission voted unanimously (7-0) to close public comment.

Ms. Valcourt re-read the staff recommendation and noted the striking of conditions one and two.

Mr. Marsella noted the city has never accepted an Open Space lot. Normally such is done through a conservation easement through a HOA. The standard condition is that the applicant drafts it and it is approved by the Planning or Legal Department prior to the recording of the Final Plans.

Mr. Resnick confirmed the applicant can follow the proposed process.

Justin Mateus inquired about the proposed maintenance for permeable pavement. Ms. Shay noted there is no Action and Maintenance Plan for the permeable pavers. Will not be heavy duty permeable pavement that needs to be vacuumed out.

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Upon a motion made by Mr. Mateus and 2nd by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to approve the Master Plan Application per the following conditions:

1. Payment of the Eastern Cranston Facilities Development Impact Fee of \$1,389.50 x 5 (\$6,947.50)
2. Submission of draft Homeowners Association (HOA) documents and associated Conservation Easement for Lot 6 to be reviewed by the Planning Department and the City Solicitor to confirm that the Open Space Lot (6) will not become a publicly owned lot and be managed by this HOA in perpetuity.

▪ **“12 Walter Street”** **PUBLIC INFORMATIONAL** **(no votes taken)**

PRE-APPLICATION – Major Land Development Project
Construction of 4 commercial self-storage buildings totaling 125,100± sq. ft. with associated parking and landscaping.
Zoning District: M-2 (General Industry)
AP 6/4, Lots 1250
12 Walter Street

Senior Planner, Brianna Valcourt provided a brief introduction to the project. Noted the proposal is for the construction of 4 commercial self-storage buildings totaling 125,100 +- sq. ft. with associated parking and landscaping.

P.E. Benjamin Keto with Walter Construction LLC noted the focus site has had various uses over time such as industrial and manufacturing and is currently overgrown. Most recent use was dumpster storage. Mostly impervious. Proposing a phased approach with the construction of the back building following the construction of the buildings to the front of the site. Proposing one to two stories.

Mr. Pezzullo inquired if the rear access issue has been resolved.

Mr. Keto noted the issue in hand is determining who owns the road in which the applicant proposes to use for access. Twin Oaks current utilizes it for parking.

Mr. Keto requested to refrain from further comment until legal representation is present.

RIGHT-OF-WAY ABANDONMENT PETITION **(vote taken)**

- Location: Terminus of Elmhurst Avenue adjacent to 83 Elmhurst Avenue.
Applicant: Bryan D. White

Application overview provided by Senior Planner Beth Ashman. Noted the proposal is for the abandonment of a 130' x 50' segment of a paper street. 6,500 sq ft. of land area adjacent to recently approved residential development within an A-6 Zone. Provided a positive recommendation, per satisfaction of four DPW requests: 1) updated application showing property will be merged with applicant's adjacent lot, 2) updated survey with correct abutters, 3) evidence that CGRI Cranston Atwood LLC, is not interested in half of the proposed abandonment, and 4) sewer main easement.

President Smith inquired if the property would be placed back on the tax rolls.

Atty. Robert D. Murray introduced the applicant Bryan D. White. Noted applicant lives at 145 Wayland Ave. Previously proposed single-family home in lot behind 83 Elmhurst Ave. Ran into issues with final

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approvals from the Providence Water Supply Board. Thus, Mr. White is requesting that the City Council abandon a portion of the road. Applicant would then extend the water line. Met with DPW in regard to the sewer main in the area of the abandonment being preserved with easement.

President Smith invited the City Plan Commission to engage in public comment:

- Mr. Mateus noted the DPW is looking for an updated application indicating if the property will be merged with an existing lot as well as an updated survey with the correctly labeled abutters.

Upon a motion made by Mr. Mateus and 2nd by Mr. Exter, the City Plan Commission made voted unanimously (7-0) to accept staff recommendation per confirmation that all DPW requests have been satisfied.

ZONING RECOMMENDATIONS

(vote taken)

- **FRANK ZINCONE (OWN) and ERCILIO'S ELECTRO AUTO, INC. (APP)** have filed an application to enclose a canopy addition, modifying a previously approved variance on an automobile 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. Application filed 8/14/2024. Robert D. Murray, Esq.

Assistant Planning Director, Beth Ashman presented the staff memo and associated recommendation. Noted frontage on Dewey Street is obstructed by two stationary trailers. Two cement bins placed mostly in the Dewey Street right-of-way obstruct the proposed exterior door. Parking places shown on the plan are obstructed by outdoor storage of materials.

Representative Atty. Robert Murray noted the removal of the trailers and bins within the setbacks are not an appropriate condition as the items were not placed by the applicant.

President Smith inquired if any of the required entities have been contacted about the potentially hazardous material in trailers. As far as Mr. Murray's understanding, such has not been reported. President Smith further invited the remainder of the Commission to engage in discussion:

- Steven Frias requested clarification that the discussed materials are not owned by the applicant nor on the subject property.

Mr. Murray provided clarification that the materials are located on Dewey St. within the city right-of-way.

Mr. Marsella noted removal would likely be done by the city or a third-party vendor.

President Smith declared public comment is closed.

Upon a motion made by Mr. Frias and 2nd by Mr. Zidelis, the City Plan Commission voted unanimously (7-0) to adopt and forward staff's positive recommendation to the Zoning Board of Review, per the condition that the six parking spaces shown on the Site Plan showing proposed service enclosure for Ercilios electro auto by Walter P. Skopupski, Surveyor dated 7/1/2024 will be available for parking and not used to store materials.

- **ELIEEN BAZ (OWN) AND ANTHONY RAMOS (APP)** have applied to the Board for permission to construct two additions encroaching into a required side and a rear setback on a single-family
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dwelling, at **23 Longview Drive**. A.P. 16, lot 910; area 10,546 s.f.; zoned A8. Regulations Application filed 9/13/2024. No Attorney.

Planner Technician, Grace Brownell presented the staff memo and associated recommendations.

President Smith declared public comment is closed.

Upon a motion made by Mr. Zidelis and 2nd Mr. Mateus, the City Plan Commission voted unanimously (7-0) to adopt and forward staff's positive recommendation to the Zoning Board of Review.

CITY PLANNING DIRECTOR'S REPORT

(no votes taken)

Mr. Pezzulo noted the City Plan Commission provided the final adoption of the Draft Comprehensive Plan during their September 30, 2024 meeting.

Next month, the proposed amendments for Subdivision Regulations will be presented.

ADJOURNMENT

Upon motion made by Mr. Mateus, and 2nd Ms. Mancini, the City Plan Commission voted unanimously (7-0) to adjourn the meeting at 9:26 p.m. **(vote taken)**

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