

## **MINUTES**

**January 5, 2021**

Chairman Smith called the City Plan Commission Meeting to order at 7 p.m. via Zoom.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Robert Strom, Kathleen Lanphear, Frederick Vincent, Joseph Morales, Robert DiStefano, Ann Marie Maccarone and Robert Coupe.

The following Planning Department members were in attendance: Jason M. Pezzullo, Planning Director, Douglas McLean, Principal Planner, Joshua Berry, Senior Planner, J. Resnick, Clerk.

Also attending: Steve Marsella, Assistant City Solicitor

### **APPROVAL OF MINUTES**

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to approve the December 1, 2020, Plan Commission Minutes.

Upon motion made by Ms. Maccarone and seconded by Mr. DiStefano, the Commission unanimously voted (8/0) to approve the December 8, 2020, Plan Commission Minutes. Mr. Morales abstained.

### **SUBDIVISIONS & LAND DEVELOPMENTS**

#### **Natick Avenue Solar**

Preliminary Plan - Major Land Development - (30 Acre / 8MW Solar Farm on 64-acre site)  
Natick Avenue - AP 22, Lots 108 and 119

Mr. Berry gave an overview and slide presentation. He stated that the site totals 64 acres. The lease area is 29.7 acres. He briefly went through the Master Plan permitting history as well as the application moving forward "at risk" as there is a pending lawsuit before RI Superior Court. He stated that the City Code and Comprehensive Plan were changed with regard to large scale solar projects in the A-80 zone, after the Master Plan approval had already been granted. He stated that Preliminary Plan site plan as submitted on 12/18/20, is slightly different than what was last seen during the ad hoc committee as far as landscape buffers in the fall. The Preliminary Plan has now been fully engineered with regard to grading, layout, soil erosion and all drainage details.

Attorney Robert Murray, on behalf of the applicant, Natick Solar, LLC, stated that it has been two years since this project was initiated. He stated that all required outside permits have been received and that considerable time was spent with the ad hoc landscape committee to form a satisfactory buffer plan. He acknowledged the ongoing litigation as well as the decision by the Platting Board of Review, which concurred with the Plan Commission approval of the Master Plan. He explained that an appeal to RI Superior Court does not amount to a stay of the application, so therefore the applicant has chosen to move forward.

Dave Russo, P.E., Project Manager, DiPrete Engineering, stated that the solar array footprint has not changed from the Master Plan approval and that a Class 1 survey of the property has been completed. In his presentation he stated that there is still 54 ft. of frontage on Ridgewood Drive and the site slopes NE to SE down to the existing wetland. Along the southern border of the property is a 50 ft. wide gas easement for the Tennessee Gas viaduct. Out of the 64-acre site, 22 acres are dedicated to actual solar arrays. The existing driveway access road will be used for installation and maintenance of the site. The site plan has been designed to meet all of RIDEM standards and their approval has been issued. Per this RIDEM permit, the perimeter fence will be installed with a six-inch gap off of the ground. Mr. Russo stated that Tennessee Gas will be involved with oversight during the construction of the project, including any blasting that occurs onsite.

Mr. Russo displayed a site plan depicting the regrading required on the site. He stated that there are 'cuts' and 'knobs' that shown on the development plan that will need to be dealt with in order to develop the site for solar. He stated that a ledge test has been done as there is variable ledge across the site. Overall, Mr. Russo stated that the site will require approximately 9,000 cubic yards of fill. Topsoil will be screened and reused onsite. Topsoil will not be removed as it is needed re-establish the proposed vegetation grasses to stabilize the soils. Mr. Russo stated that an Operations and Maintenance plan has been drafted for this site. The off -site utility improvement plan by National Grid has been completed and is and shown on the plan with the replacement and additional pole installations. Mr. Russo stated that there will indeed be typical construction traffic and disturbance during the construction and installation of the facility. Once the site is completed, all regular maintenance will be completed by the developer. A noise and decommissioning plan/bond will be submitted to the City prior to during the building permit process.

Mr. Vincent asked about 'knob' removal in the SW corner of the site. Mr. Russo stated that mechanical measures will be used and will be under the direction of Tennessee Gas. Notes from Tennessee Gas (construction notes) will be included on the plan. Tennessee Gas has indicated that they want no truck traffic on the viaduct without proper pads. Attorney Murray mentioned that the applicant has had a successful meeting with Kinder Morgan, who represent Tennessee Gas and further stated that any and all blasting will meet the requirements of the State Fire Marshall.

Attorney Murray noted that the project has received Preliminary Plan approval from the DPRC. The applicant team has also met with the Conservation Commission (per the Master Plan condition), and the Commission's comments have been submitted as part of the application.

John Carter, R.L.A. representing the applicant, stated that he has attended all the meetings of the ad hoc committee, stating that the Preliminary Plan set, as submitted, is the result of that process. He stated that he has been involved with the project since the Master Plan process and that he and Sara Bradford, R.L.A. (representing the City), have met and walked the site together. He describes the existing conditions as deciduous forest with some understory plants.

He noted that three homes abut the easterly side; two homes abut the NW (Ridgewood Drive); the east is wooded and the south is abutted by one single-family home. He stated that significant sight lines (transects) of the property were identified and analyzed as part of this process. He stated that transects were established that represent distance and topography. He mentioned that areas A and B are not on the project site but the developer will install them as a private agreement. He stated that the northern property line is delineated by a stone wall and a fifty foot no cut area will remain. He stated that the additional ten feet of plantings to naturalize the site will be provided. The northeast area will also include the same mix of plantings in an area 25 ft wide. The wooded area buffer will be 40-50 ft in varying depth. (Area C) will have a mix of new plantings and understory plants. Area D is the SE corner of the site will be planted along the sight lines of an existing home. An additional group of plants extending 50 ft. along the southerly border is proposed as well as plantings along the easterly driveway as requested by Ms. Bradford. The NE corner (Area E) has significant existing vegetation and white pines will be used rather than arborvitaes as originally proposed. He stated that he believes all reasonable requests of the peer review have been met at this time.

Regarding the seed mix to be used under the panels, Mr. Carter stated that he did not think he could purchase the organically sourced seed variety proposed by the Conservation Commission. Rather the seed

proposed is fescues, which is more common in this area. He stated that it is drought tolerant and pest resistant. Mr. Carter stated the goal of the buffering plan is “quality over quantity” and that a certification will be provided that the chosen plantings were installed in accordance with the plan.

Mr. Vincent noted Ms. Bradford’s concerns from her 12/31/20 report that there may be “some outstanding issues”. Attorney Murray stated that his client is in agreement with Condition #5. Regarding Condition #6, he stated that “parts of that area are outside the lease area.” Condition #7. (beyond the lease area), he stated that there are no plans to remove anything but agreed that five ft. white pines would be planted and kept trimmed to a height of twelve ft. Regarding Condition #8, Area D, along the road, he stated that the applicant is in agreement with plantings in that area.

Sara Bradford, R.L.A., stated that Mr. Carter had covered the issue of the planting plan but she states there are some issues with the proposed seeds. She stated that her Area D concerns have been met. She noted that a warranty of the installed plant of 2-3 years should be provided. She also stated that there should be an adequate growing medium for the grasses at a minimum of six inches.

Scott Rabideau, Professional Wetland Scientist, stated that he worked with Mr. Russo in preparing the RIDEM application. A wildlife assessment of the area surrounding the proposal has been done consistent with the 825 acres within the local roadway boundaries. He stated that there is 476 acres of forested habitat. He noted that 5.6% of the habitat will be lost with this project. He noted that “this does not represent a significant loss.” He also noted that the wetland complex to the SE connects to a stream which is important for migratory animals and will be protected per the RIDEM approval.

Thomas Sweeney, real estate appraiser/broker, responding Dr. Langs study regarding the impact of solar arrays on residential properties. He stated that in rural areas, “solar has no impact on property value” He stated that the loss of green space is the biggest loss. He stated that the 5.6% loss in this proposal would not negatively affect the property values. He noted that Dr. Lang’s study did not take into account the tree screening as is proposed for this project. Mr. Sweeney stated that there will be no negative impact on property values as a result of this project.

Attorney Doherty, on behalf of the neighboring property owners, stated that he had “procedural issues” and objected due to the audio on the Zoom call. He stated that the audio was unclear at times. He stated that the manner the public has had in reviewing the documents on line was difficult. He stated that this did not provide for the public or himself to review the changes made. He stated that the neighborhood would like to present their own landscape architect who may provide “other alternatives” to the proposal. He stated that he had not had time to obtain professionals to counter what is proposed due to the holiday season. He has issue with the white pines as proposed as well as Mr. Sweeney’s testimony. He stated that he can provide comment to the contrary. He questioned Mr. Russo’s comments outside of his engineering expertise. He had issue with the buffer proposed and the lack of the opportunity for it to be reviewed by the ad hoc committee prior to the Preliminary Plan submittal. He asked the Commission to consider continuing this matter to the February 2, 2021 meeting.

Doug Doe, 178 Lippitt Avenue, stated that interconnection was not considered on Lippitt Avenue. He stated that property owners have a right to know the interconnection plan. He stated that trees to be removed should be identified. He questioned the survey of the right of way, and the voltage of the power lines. He would like an inspection of plantings. He expressed concern with wildlife migration and if the rock ledge was to be removed or processed on site. He urged the Commission to continue this matter.

Drake Patten, 684 Natick Avenue, stated that the landscape plan has come a long way from the original plan that consisted of a fence and plantings; however, she stated there are many things not sorted out. She expressed concern that changes to the landscape plan have not been incorporated onto the plan. She also expressed concern with areas D and E were not reviewed by the DPRC. She also expressed concern with areas A and B as the advisory committee did not review those areas and questioned their efficacy. She stated that privately owned areas should be part of the landscape plan. She questioned the Conservation Commission’s Condition #11 regarding pollinator species. She went on to inform Mr. Carter that a company known as “Hart’s” sells wildflower mixes that would encourage a meadow.

Carol Swanson, 593 Natick Avenue, stated she agreed with all the comments of Mrs. Patten.

Heather Thibodeau, 137 Blackamore Avenue, stated that she is appreciative of Mr. Doe's efforts and agrees with his comments.

Daniel Zevon, 591 Natick Avenue, stated that he would "like to review the data." He also questioned the acreage of the migratory area mentioned.

Councilman Brady stated that he stands behind the residents' concerns.

Attorney Murray stated there have been five public meetings on this proposal since the decision on the Master Plan. He questioned why Mr. Doherty was not at the Conservation Commission meeting, nor the DPR meeting, nor the three ad hoc committee meetings. He stated that there have been no changes (to the plans) that have not been reviewed and that we stated that he was willing to codify any changes.

Attorney Nicholas Nybo, Adler Pollock & Sheehan, stated that there have been no violations of the open meetings act. He stated that the governor's open meetings act allows these meetings via zoom. He stated that the "order" continues on for continued government operations and to ensure regulatory and statutory deadlines. He stated that this meeting is in compliance. He stated that changes in the landscape plans were not done at the last minute and have been reviewed.

Attorney Doherty stated that he had concern with the intermittent "cutting out" of the audio and visual. He also stated that the governor does not make the laws. He stated that he had concern with Mr. Murray's comments and the timing of the hearings during the holidays. He asked for time to give the Commission other alternatives and opportunity to prepare.

Attorney Murray countered that there has been ample opportunity to prepare with the availability of all application materials on the City's website. He reiterated that there have been no changes to the plan and further stated that the developer is committed to working with the Commission and abiding by the plans.

Mr. Berry stated that there are no changes to the plan, as Mr. Murray stated. He stated that revisions were made via dialogue but no plans were re-submitted based on the dialogue. He recommended continuance of this matter to the February 2, 2021, Plan Commission Meeting. Mr. Pezzullo stated that the application was certified complete on 12/30/20 so the Commission has 90 days to render a decision. Mr. Vincent stated that he still had concerns with the Area D. Mr. Pezzullo stated that many of the issues raised have been rectified during the meeting. Regarding any new information to be put on the table by the abutters next month should come at least two weeks in advance of the meeting so that staff has ample time to vet this information and work it into the staff report.

Chairman Smith suggested the matter be continued. Upon motion made by Mr. Vincent and seconded by Mr. Morales, the Commission unanimously voted (9/0) to continue this matter to the February 2, 2021 regular Plan Commission Meeting at 6:30 pm via Zoom.

### **Garfield Avenue Subdivision**

Administrative Subdivision – Creation of 1 non-buildable lot

Garfield Avenue – AP 7-2, Lot 91

Achievement First use (7.44 acres) subdivided from the Tongue Pond area (10.21 Acres/unbuildable)

Mr. Pezzullo stated that the proposal is to subdivide Tongue Pond from the former Katherine Gibbs School. He stated that he was not "comfortable" handling this administratively due to the issue of maintaining the large existing drainage structures, therefore, he is seeking the Commission's guidance.

Attorney Wayne Kezarian, representing CP Associates, stated that the tenant is concerned with the walking path. He stated that the City was to maintain the walking path but this has not been done. The applicant is seeking a "legitimate conservation easement". He stated that homeless people are living there and the

property is not sufficiently maintained. He stated that he wants to “give it away” but cannot do so as is. He stated that the intention is for public use.

Carl Santucci, Conservation Commission Chairman, stated that the Pawtuxet River Authority is willing to “take care and custody” of the parcel. He stated that over 300 community service hours have been logged cleaning up the area, where several shopping carts have been pulled out of the pond. He noted that lately it has been difficult getting volunteers to clean up that area as vagrants are there and the police have been called. He stated that the PRA would like the opportunity to maintain this.

Mr. Pezzullo pointed out that in addition to the Pond and walking path, there are massive amounts of complex drainage infrastructure. He stated that these structures are larger than can be adequately maintained by the Pawtuxet River Authority if and when these installations fail. He stated that under that scenerio, ultimately, the City would have to be the backstop, which is what we are trying to avoid.

Ken Mason, Public Works Director, stated that his department has inspected these drainage facilities (as they are privately owned and maintained). He stated that there are vortechinics that would be maintained on a regular basis.

Attorney Kezerian stated that this is simply an administrative subdivision to be created for public use of the pond. Mr. Pezzullo disagreed. Proper maintenance of the property remains unclear under the existing scenerio. Chairman Smith suggested that we need more time to look at this issue, and therefore the matter should be continued to the February 2, 2021, Plan Commission Meeting.

Upon motion made by Mr. Mason and seconded by Mr. Vincent, the Commission unanimously voted (8/0) to continue this matter to the February 2, 2021, Plan Commission Meeting.

## **PERFORMANCE GUARANTEES**

### **Phenix Woods – Bond Release Request**

Major Subdivision with street extension  
Phenix Avenue - AP 22, Lots 226 and 227

Upon motion made by Mr. Mason and seconded by Mr. DiStefano, the Commission unanimously voted (8/0) to release, in its entirety, NGM Insurance Bond #285316 in the amount of \$136,250, in accordance with the Engineering Division’s recommendation.

## **ZONING BOARD OF REVIEW - RECOMMENDATIONS**

**CARLSON REALTY, LLC (OWN/APP)** has filed an application to convert an existing mixed use building into a two- family dwelling unit at **1540 Elmwood Avenue**, A.P. 4, lot 2203; area 4,420s.f; zoned C5. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.64.010- Off Street Parking; 17.88.030 -Extension-17.88.040- Change of Use; 17.88.050- Structural Alterations.

This matter was withdrawn by the applicant.

**GRACE ELIZABETH VARGHESE, TRUSTEE (OWN) and PAUL VARGESE (APP)** have filed an application to construct a garage addition to an existing single family residence at **41 Alderbrook Drive**, A.P. 16, lot 792; area 10,774 s.f; zoned A8. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Uses; 17.60.010(B) –Accessory Uses;17.64.010 (F) (2) - Off Street Parking.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application will not impact the general character of the surrounding neighborhood, upon motion made by Mr. DiStefano and seconded by Ms. Maccarone, the Plan Commission

unanimously voted (8/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

**ADJ REALTY CO. (OWN) and F&C DONUTS/ D.B.A. DUNKIN DONUTS (APP)** have filed an application to replace an existing changeable copy letter board with an electronic message center on an existing free-standing sign at **900 Cranston Street**, A.P. 7, lots 295, 299, 300; area 45,848 s.f, zoned C5. Applicant seeks relief per Section 17.92.010 Variance; Section 17.72.010 (6)- Signs.

Due to the finding that the application is inconsistent with the purposes of the Zoning Ordinance because of the excessive sign area, upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Plan Commission voted (7/1 – Mr. Coupe voted nay) to forward a **negative recommendation** on this application to the Zoning Board of Review.

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**ANTHONY D. LONGANO and CINDY LONGANO (OWN/APP)** have filed an application to install an in ground pool on a on a corner lot at **35 Sparrow Lane**, A.P. 35, lot 226, area 23,407, zoned A20. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Uses; 17.60.010(D) - Accessory Uses.

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, and due to the fact that the applicant has provided a mitigation element (row of Green Giant Arborvitae) to reduce the visual impacts and maintain the aesthetic character of the neighborhood, upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (8/0) to forward a **positive recommendation** to the Zoning Board of Review. The Plan Commission further recommends that the Zoning Board of Review consider including a condition as part of its decision that the existing row of Green Giant Arborvitae be maintained, and that any dead or significantly damaged trees be replaced as necessary, in order to preserve a continuous visual screen for the life of the swimming pool.

#### **2021 MEETING SCHEDULE**

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (8/0) to approve the 2021 Plan Commission Meeting Schedule.

#### **PLANNING DIRECTOR'S REPORT**

2021 Work Plan – This matter will be discussed at a workshop on January 20, 2021, at 6:30 pm via Zoom

#### **2021 ELECTION OF OFFICERS**

Chairman Smith nominated Mr. Vincent as Vice Chairman, which was seconded by Ms. Lanphear. All were in favor (8/0).

Vice Chairman Vincent nominated Chairman Smith to continue as Chairman, which was seconded by Mr. DiStefano. All were in favor (8/0).

Mr. Pezzullo then mentioned the APA award that the department is the recipient of for their excellence in coordinating virtual participation.

#### **ADJOURNMENT**

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted to adjourn at 11:35 p.m.

**NEXT REGULAR MEETING** – Tuesday, February 5<sup>th</sup> – 6:30 PM Teleconference