

MINUTES

April 2, 2013

Chairman Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:05 p.m. The following Commission members were in attendance

Charles Rossi, Chairman
Michael Smith, Vice Chairman
James Moran
Mark Motte
Robert Strom
Ken Mason, P.E.

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Jason Pezzullo, Principal Planner
Lynn Furney, Senior Planner
J. Resnick, Sr. Clerk
Sally Brassard, Stenographer

APPROVAL OF MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to approve the minutes of the March 5, 2013, Plan Commission meeting.

SUBDIVISION AND LAND DEVELOPMENT

The Woods at Orchard Valley – Master Plan

Major Subdivision with street extension – Residential Planned District (RPD)
Terminus of Ashbrook Drive
AP 25/2, Lot 6

Attorney Robert Murray, on behalf of Picerne Real Estate, on property owned by Edgewood Home Builders, began the presentation by stating that the level of detail in the plan submitted is far more than what is required at the Master Plan level. The site comprises 36 ½ acres, is zoned A-20, and twenty single family homes are proposed. He stated that he and the developer have met with the Planning Department staff and Public Works Director to review the proposal. He noted that the first four phases of Orchard Valley were developed as a standard subdivision. The fifth phase, The Oaks at Orchard Valley, was developed as an RPD, and this last phase, “The Woods”, is an RPD proposal as well.

Mr. Murray explained that two plans were submitted to the Planning Department: a conventional (yield plan) subdivision plan, as is required, and the RPD proposal. He cited Subdivision Regulation 17.104.010 which states that an RPD is allowed, by right, in any residential zone. In the A-20 Zone, the RPD regulations allow a minimum 10,000 sq. ft. lot with 80 linear feet of frontage. He asked that the Plan Commission decide if the public is sufficiently served by the RPD proposal.

Mr. Duhamel, P.E., PLS, DiPrete Engineering, stated that 15 acres of the 36 acre site are wetlands that have been delineated by Scott Rabideau of NRS. He stated that 22 lots could have been proposed, however, the developer remained conservative and has proposed twenty lots. The RPD proposal provides for 21 acres of open space. Reduced frontage on nine of the twenty lots is proposed in the RPD. The lot area remains at 20,000 sq. ft. He further stated that new RIDEM stormwater regulations require LID (low impact development), and the proposed RPD achieves that. The roadway proposed is 24 ft., where traditionally 30 ft. is required, with concrete curbing, thus producing less stormwater runoff. He stated that the wetland area (there is enough upland area) can be used as walking trails (six acres of upland area for passive recreation) and will also act as a buffer. He noted that the RPD proposal is preferred by the Conservation Commission. The lots will be serviced by public water and the RISE (sewer) line. He concluded by stating that the RPD design better serves the homeowners.

Mr. Scott Rabideau, professional wetlands scientist, presented copies of the existing yield and site plans. He stated that he typically assists clients with wetland flagging and the permitting process, which is verified by RIDEM. He stated that this is an "unusual wetland" due to the fact that there are a good deal of large trees that provide a mature canopy. He stated that it is deemed a wetland because it has a high seasonal water table.

Mr. Jason Pezzullo stated that the proposal is "technically sound". He stated that his recommendation of denial is due to the fact that the yield plan and the RPD plan submitted are nearly identical and he feels "we are not getting any additional open space". He stated that the Planning Department feels that the RPD proposal is being used to prevent the need for waivers for insufficient frontage. He stated that "this is not the purpose of an RPD option for development". He stated that a conventional plan (yield plan) meets frontage requirements.

Mr. Paul Monahan, 25 Orchard Valley Dr., expressed concern with preservation of the existing stone wall and large trees. Chairman Rossi stated that this is a matter normally considered at the Preliminary Plan stage of development.

Mr. McCarthy, 9 Red Oak Dr., asked what the different color tape on the existing trees mean. Mr. Duhamel responded, stating that blue tape denotes wetlands and orange tape are survey flats or limits of disturbance.

Mr. Vince Cerilli, Mohawk Trail, asked what limits there are for public use of the open space. Mr. Murray responded, citing regulation 17.94.030, whereby in a homeowner's association each homeowner would own a 1/20 share of the open space.

Ms. O'Connor, 15 Orchard Valley Dr., stated the area behind her is wet. She was told that the area behind her is a forested wetland.

There being no further comments, upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to *approve* the Master Plan RPD proposal.

Ayes: Chairman Rossi, Mr. Mason, Mr. Motte, Mr. Moran, Mr. Smith and Mr. Strom. Nay: none.

The Livingston Plat – Preliminary Plan

Minor Subdivision with street extension

Terminus of Gaunt Drive

AP 18/3, Lot 555

Attorney Robert Murray, on behalf of SM Realty Co. LLC, explained that in 2002 Mr. Livingston obtain Preliminary Plan approval for a similar subdivision (3 lots). SM Realty has entered into a purchase and sale agreement with the property owner, Mr. Livingston. The property is zoned A-8, and 3 new house lots are proposed but in a different configuration than was approved in 2002. Mr. Murray explained that on Friday, March 29, 2013, a revised plan was submitted with a slight shift of the

common lot line between lots 2 and 3. This change came about at the request of Stan Pikul, Director, Building Inspections.

Mr. Pezzullo stated that the project has Veolia Water and Kent County Water approvals. He stated that the Public Works director recommend 35 ft. of pavement for the cul-de-sac bulb. He also stated that the Public Works Department does not want easements provided for the rain gardens proposed behind the properties. Attorney Murray stated that deed restrictions and covenants will be provided at the time of final plat recording. A waiver is required for sidewalk provision.

Ms. Brenda McKenzie, 8 Manor Road, expressed concern with the fact that there is only one entrance/exit into their plat. She asked that access be considered to and from New London Avenue. Chairman Rossi responded, stating that there are approximately 144 homes and the additional of only three more homes will not have an impact.

There being no further comments, the Commission, upon motion made by Mr. Moran and seconded by Mr. Smith, unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision with waiver for sidewalk provision and underground utilities.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return receipt requested mail on 3/19/13 and the meeting agenda has been properly posted. Advertisement for this minor subdivision was advertised in 3/20/13 and 3/27/13 (Corrective Notification) editions of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .44 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing 7.26 – 3.64 residential units per acre".
3. The proposal conforms to the A-8 zoning district and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Gaunt Avenue, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Final Plan application shall include draft deeds and covenants denoting the development restrictions for the rain garden drainage areas.

2. Final Plan application shall depict the modified cul-de-sac radius with a minimum radius of 35'.
3. Payment of Eastern Cranston Capital Facilities Impact Fees of \$1,780.38 (\$593.46 x 3) at the time of Final plat recording.
4. Submittal of a check payable to *Allied Court Reports* in the amount of \$300 for the stenographer service for the Preliminary Plan Public Hearing.
5. Provide a performance guarantee in the amount of \$14,500 with a 2% administrative fee of \$830 to be provided at the time of Final Plat Recording.
6. Per the applicant's request, the Final Plan will be handled administratively.

Ayes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith, Mr. Mason and Mr. Strom. Nays: none.

PERFORMANCE GUARANTEE

Wildflower Estates – Bond Release Request

Mr. Pezzullo explained that there are outstanding matters that remain to be resolved prior to release of this performance guarantee. Therefore, upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to *table* this matter.

Ayes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Smith, Mr. Mason and Mr. Strom. Nays: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

GARFIELD AVENUE DEVELOPMENT LLC 14 FIELD STREET CRANSTON RI 02920 (OWN) AND HARVEY BENNET C/O THE PARADIGM GROUP 887 GREENWICH AVENUE WARWICK RI 02886 (APP) have filed an application for special permit to build a new restaurant with drive-in facilities on an undersized lot at **110 Garfield Avenue**. AP 7, lots 2561, 2562, 2593, 2594, 2595, 2596, 2597 and 3768, area 32,924 +/- sf, zoned M-2. Applicant seeks relief from Sections; 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.28.010 (B) (4) Drive in Uses, 17.72.010 (7) Signs billboards.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map, designates this Industrially Zoned 4 block area of the City as a Special Redevelopment Area, recognizing that the 4 block area contains 31 residential dwellings, (comprised of single, two and three family houses), one industrial building, and this vacant parcel of land abutting Route 10.
2. The opposite side of Garfield Avenue directly across the street from this parcel contains a restaurant.
3. The minimum lot area requirement in an M-2 zone is 60,000 sq. ft., where this parcel is 32,924 square feet.
4. The minimum lot area required for a restaurant with drive-through is 40,000 sq. ft.
5. Although restaurants without a drive-thru are allowed by special permit in an M-2 Zone, restaurants with a drive-thru are not.
6. The proposed restaurant has over 250 feet of frontage on Garfield Avenue, where 200 feet of frontage is required for a drive-thru.

7. The proposed building setbacks comply with all property line setback requirements for a drive-thru restaurant.
8. The site plan provides 32 parking spaces total - 27 spaces are for the 81 seats, and 5 spaces are required for the drive-thru.
9. There is stacking room for up to 10 cars, where 6 stacking spaces are required by ordinance.
10. The curb cut on Garfield Avenue is 42', where 35' is the maximum allowed for a drive-in use.
11. Landscape coverage on the site is 28%, where a minimum of 15% landscape coverage is required in an M-2 zone.

Recommendation: The 2010 Comprehensive Plan Future Land Use Map designates this area of the City as a Special Redevelopment Area. To date, no requests have been submitted for redevelopment of this entire 4 block area; therefore, the underlying M-2 zoning prevails for this site, resulting in the applications' inconsistency with the Comprehensive Plan. However, the Plan Commission recognizes that industrial use of this property is not probable, given that the size of the parcel is almost ½ of the lot area required in an M-2 zone. The property is surrounded by commercial and residential uses in the immediate area. Therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward no specific recommendation on this application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Mason, Mr. Smith and Mr. Strom. Nays: none.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to adjourn at 9:50 p.m.

DATE OF NEXT MEETING: May 7, 2013 – City Council Chamber – 7:00 PM

Respectfully submitted,

Jason M. Pezzullo, AICP
Administrative Officer/Principal Planner