

## **MINUTES**

August 1, 2017

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

Michael Smith, Chairman  
Kenneth Mason, P.E.  
Mark Motte  
Lynne Harrington  
Gene Nadeau  
Robert Strom  
Kimberly Bittner  
Kathleen Lanphear

Also present were:

Peter Lapolla, Planning Director  
Stephen Marsella, Esq. Assistant City Solicitor  
Jason M. Pezzullo, AICP, Principal Planner  
Lynn Furney, Senior Planner  
J. Resnick, Clerk

### **APPROVAL OF MINUTES**

Upon motion made by Mr. Motte and seconded by Ms. Harrington, the Commission unanimously voted (8/0) to approve the July 11, 2017, Plan Commission Minutes with a minor typo correction noted by Chairman Smith.

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **Hope Farm 10 MW Solar Array – Final Plan**

Private solar power facility  
840 Hope Farm Road  
AP 23, Lot 12, AP 24, Lot 66  
Minor modification to approved Final Plan by Planning Department

Mr. Lapolla stated that, as in most construction proposals, some of the layout has been changed, resulting in a reduction in land area used to construct the project. He stated that it is a minor change that is usually handled administratively, however, due to the nature of this project, the Planning Department thought it best to publically acknowledge this minor change. It was presented as information only.

#### **Champlin Heights - Final Plan**

Major Land Development without street extension  
152-Unit Multi-family apartment complex  
Scituate Avenue  
AP 20/4, Lots 2113 and 2117  
Capital Facilities Impact Fees – Dedication in lieu of fees

Mr. Pezzullo stated that the Preliminary Plan for Champlin Heights (Phase 2 – 152 Units) was approved by the Plan Commission on 1/3/17. As required by the Cranston Code of Ordinances as well as the Subdivision and Land Development Regulations, residential projects are assessed the Capital Facilities Impact Fee. The western Cranston fee is \$1,389.50 per residential unit for a total of \$211,204, one of the largest assessments since the ordinance was created. Carpionato Corporation has already been assessed and has paid the required impact fees for Champlin Hills (Phase 1 – 72 Units) in the amount of \$100,044 at the time of recording.

At this time, the developer has asked the City Plan Commission to entertain a Dedication in Lieu of fees. The Cranston Subdivision and Land Development Regulations Section III. I. 1. g. (3) states:

*“At the discretion of the Planning Commission, by a majority vote, all or part of the fee, for any or all functional categories, may be waived in return for land dedication or provision or construction of specific improvements of equal or greater value to that which is waived...”*

The applicant has proposed to construct and dedicate a 6’ wide walking trail through the property linking to adjoining multi-family properties. The trail will be owned and maintained by the developer and the public will be provided access through a perpetual access easement. This easement will be recorded as part of the Final Approval. The trail will be 2,100 +/- linear feet in length and will connect to Scituate Avenue and to the adjacent housing development on the western property line. Portions of the trail will be constructed of stone dust and gravel while other sections will be concrete sidewalks.

He stated that he has reviewed the proposal and finds that construction and dedication of the walking trail provides substantial value to the community comparable to the required fee:

- The walking trail construction and dedication are estimated to cost \$47,000 for the gravel portion and \$38,000 for the concrete portion. \$85,000
- The value of the land to be dedicated to this purpose is \$57,000 (12,600 sq.ft. at \$200,000 per acre)
- Maintenance of the trail will likely cost between \$2,000 per year;
- Few recreational amenities exist in the surrounding area.

He further stated that this area of Scituate Avenue and the surrounding multi-family neighborhoods are generally comprised of active older adults, senior citizens and renters who will benefit from the addition of a passive recreational amenity. Also, the area generally lacks formal passive recreation available to the public.

Attorney Karen Browning, Moses Alfonso, stated that the final plan will be submitted in the near future. Mr. Kelly Coates, Sr. Vice President, Carpionato Corporation, stated that the proposed path will connect with the existing walking path at Cranston High School West. He mentioned that it will also connect at the Scituate Vista housing complex. He reiterated that it will be open to the general public.

Mr. Strom asked who would maintain the proposed trail. Mr. Coates responded, stating that the owner would maintain the trail.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission voted (7/1 – Ms. Bittner voted nay) to *approve* the proposal to construct and dedicate a 6’ wide, 2,100 ft. length (approximate) walking trail through the property linking to adjoining multi-family properties in lieu of payment of Western Cranston Capital Facilities Impact Fees. The trail will be owned and maintained by the developer, and the public will be provided access through a perpetual access easement; which shall be properly designated (signage) for public use. This easement will be recorded as part of the Final Approval. The trail will be 2,100 +/- linear feet in length and will connect to Scituate Avenue and to the adjacent housing development on the western property line. Portions of the trail will be constructed of stone dust and gravel while other sections will be concrete sidewalks.

## WORKSHOP/ DISCUSSION – RI Department of Energy

Ms. Shauna Beland, Office of Energy Resources, State Office of Solar Programs and Policies, gave a one half hour presentation on solar programs.

## ZONING BOARD OF REVIEW RECOMMENDATIONS

**JOSEPH BOISVERT (OWN/APP)** has filed an application to construct a 5'x40' addition, and add a 30'x40' second floor addition over an existing legal non-conforming structure with restricted front, rear and side setbacks; and to expand an existing catering business at **9 Drowne Street, A/P 2/5, Lots 2781&2780, 6,779+/-** area, zoned A-6. Applicant seeks relief per Section 17.92.020 Variance; Section 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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 existing commercial/service use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for Single Family Residential use.
2. The building received a Zoning Variance in June 2011 to operate a commercial kitchen and catering business. At its June 2011 meeting, the Plan Commission forwarded a negative recommendation for that application.
3. There are no other commercial uses within the 400' zoning notification radius.
4. The existing front section of the building is 30' x 40'. The proposed 5' x 40' addition (to enclose the stairway to the proposed 2<sup>nd</sup> floor) will increase the first floor footprint to 35' x 40'.
5. The proposed 2<sup>nd</sup> floor addition is actually 35' x 40'. (Not 30' x 40')
6. The existing business contains 2,125 sq. ft. (1,200 sq.ft. for the front building and 925 sq. ft. for the rear building.)
7. The proposed additions will result in a total square footage for the commercial caterer to 3,725 sq. ft. (an increase of 1,600 sq. ft.)
8. Although no parking plan was submitted, aerial photography shows 6 vehicles parked on site.

**Recommendation:** Additions that will increase the commercial use by 1,600 sq.ft., further intensifies the inconsistency with the Residential designation of the Comprehensive Plan. In applying the standard as required by State Law Sec. 45-24-41.B, the Plan Commission cannot include a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan. Therefore, upon motion made by Mr. Motte and seconded by Ms. Bittner, the the Plan Commission voted (7/1 – Ms. Harrington recused) to forward a negative recommendation on this application to the Zoning Board.

### **GFY REALTY INC. (OWN) & DAVE'S FRESH MARKETPLACE OF**

**CRANSTON, INC.(APP)**, have filed an application to raze an existing dwelling and to allow the expansion a commercial use 100 feet into an adjoining lot without ingress and egress via the conforming lot at **550 Pontiac Avenue A/P 5, lots 18 and 2431; area 111,118+/- s.f., zoned C3 and B1.** Applicant seeks relief per 17.20.030 Schedule of Uses, Section 17.64.010 (C) Off Street Parking.

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 lot as Residential, Single/Two Family.

2. The existing house will be razed.
3. The new parking lot will have 38 parking spaces.
4. Per the Zoning Ordinance, commercial parking lots can encroach 200 ft. into residential zones, providing ingress and egress to the new parking lot is from the abutting commercial zone.
5. An 8 ft. stockade fence and landscaping will be installed along the southerly and easterly lot lines.
6. The existing low stone wall and hedges along the front yard will not be removed.
7. The City's Tax Assessor's field card states the square footage of Dave's is 28,958 sq. ft., requiring 145 parking spaces. The parking lot for Dave's contains 153 parking spaces. (exceeds the parking requirement by 8 spaces).

**Recommendation:** A commercial parking lot that extends up to 200' into a residential zone is allowed per the Zoning code, and is therefore, consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City and lot, as Single and Two Family Residential, and abuts a Neighborhood Commercial designation. Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission voted (7/1 - Ms. Harrington voted nay) to forward a positive recommendation to the Zoning Board.

### **ADJOURNMENT**

Upon motion made by Mr. Motte and seconded by Ms. Bittner, the Commission unanimously voted to adjourn at 8:30 pm.

**NEXT MEETING** September 5<sup>th</sup>, 2017 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer