

**MINUTES**

**August 5, 2008**

Chairman Paul Petit called the Planning Commission Meeting to order at 7:10 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Paul Petit, Chairman  
Councilwoman Paula McFarland, Vice Chair  
Corsino Delgado, Finance Director  
Anthony Sylvia, P.E., Public Works Director  
Charles Rossi  
James Moran  
Robert Cicerone

Also present were:

Peter Lapolla, Planning Director  
Jason M. Pezzullo, AICP, Principal Planner  
Vito Sciolto, Esq., City Solicitor  
Ron Ronzio, Stenographer  
J. Resnick, Senior Clerk

For those members of the public that were in attendance please refer to the meeting sign-in sheets located in the Planning Department.

**MINUTES**

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to *approve* the minutes of the June 3, 2008, Planning Commission Meetings.

Upon motion made by Councilwoman McFarland and seconded by Mr. Sylvia, the Commission unanimously voted to *approve* the minutes of the June 24, 2008, and July 8, 2008, Planning Commission Meetings.

**ORDINANCES**

**Ordinance # 01-08-1** To Establish a Cranston Redevelopment Agency

**Ordinance # 01-08-2** To Designate Marine Drive as a Redevelopment Area

Ordinance 01-08-01 proposes to establish a 7 member redevelopment agency and to confer upon that agency the power and authority to undertake redevelopment of projects in accordance with State Law [RIGL Chapters 45-11 thru 45-33].

Ordinance 01-08-02 proposes to designate the land located off Marine Drive [Assessor's Plat 5, Lots 2425, 2426 and 2561] as a redevelopment area.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *table* both ordinance proposals as they have been removed from the Ordinance Committee Docket and need to be reintroduced.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Cicerone and Mr. Moran. There were no nay votes.

## **SUBDIVISION AND LAND DEVELOPMENT PROJECTS**

### **Tory Woods – Preliminary Plan**

Major Subdivision with street extension  
Old Scituate Avenue  
AP 36/4, Lots 1 & 20, and AP 37/3, Lot 138 & 839

Attorney John DiBona gave a brief history of the proposal, stating that the matter has been before the Commission several times over the past few years. He stated that land owned by the Caito family is no longer part of the proposal. The applicants are: F. Paolino Homes, Inc. of 1150 New London Avenue, Cranston RI; Everil S Barney Life Estate & Michelle Barney, 901 Scituate Avenue, Cranston RI; M Paolino-Ferry and Thomas R Ferry, 111 Sundale Road, Cranston RI.

Mr. DiBona went on to explain that the previous Preliminary Plan proposal was for 18 lots (15 new building lots). This revised Preliminary Plan is for ten lots that will contain one drainage/utility lot, two lots for the existing homes and seven new building lots. The proposed building lots conform to the frontage and area requirements of the Cranston Zoning Code. The subdivision is proposed to be serviced by public water and private ISDS. Also, the project will be completed in two phases; with Phase 1 containing Lot 1 and merger of a small lot with an abutting property owner. Phase 2 will be creation of the seven new house lots and all of the associated roadway and drainage infrastructure. An Open Space covenant will be provided for Record Lot #7 and will indicate the portion zoned S-1 Open Space shall have no disturbance or development.

Kevin Morin, P.E., DiPrete Engineering, stated that he has been involved with the project since its inception, and the plan has undergone several changes. The revised plan proposes only seven new house lots. There are no wetlands on the site, and the water table is 3 - 8 ft. A 980 ft. long, 28 ft. wide, roadway is proposed which required waivers of the Subdivision Regulations which were granted at the Master Plan stage of review. The RIDOT has issued a Physical Alteration Permit (PAP) contingent upon receipt of an \$83,209 bond for the proposed work within the State Right of Way. Drainage onsite is to the proposed catch basin that will discharge into the State drainage system in Scituate Avenue.

An attorney representing the Carisi family, abutting Lot 139, expressed safety concerns to protect their driveway. Mr. Morin stated that a 'limit of work' will be established, the site distance is very good, a retaining wall is proposed that will range from 0 – 6 ft. maximum and reach approximately 175 ft. The proposed roadway will be lower (approximately 6 ft.) than the Carisi property. Additionally, 5 – 6 ft. white pine trees and typical street trees will also be planted so as to provide a buffer. A stop sign will be placed at the end of the proposed road where it intersects with Scituate Avenue.

Ms. Ellen Falvey, Charcalee Drive, expressed concern with quality of life, safety and noise (blasting) as her complaints to the Police Department regarding blasting at the industrial site

behind her property resulted in unsatisfactory results (she was told by the Police Department that the noise meter is not used during the day). Councilwoman McFarland and Chairman Paul Petit stated that notice will be sent to the Police Department regarding her complaint.

Ms. Linda Pasek expressed concern with blasting and underground water as she has been subject to water in her basement. Mr. Morin responded, stating that a landscape plan and stormwater management report has been provided which indicate a decrease in runoff and no impact to abutters. He also stated that this development should not impact the existing high water table of the abutting property owners.

As the neighbors were concerned with what type of trees would be planted, Councilwoman McFarland requested a written submission from the Conservation Commission be provided. Developer Frank Paolino stated that 5 – 6 ft. white pine trees, which grow approximately 18 inches per year, are proposed on top of the 6 ft. retaining wall. He further noted that the landscape plan provided was done according to City specifications.

Mr. Pezzullo presented his memorandum, which is attached and is part of these minutes, and offered staffs recommendations for Findings of Fact and Conditions of Approval. Attorney DiBona questioned Condition #7, "Provide final Homeowners Association Documentation for the shared maintenance of all drainage structures and Open Space within the plat to be recorded with the Final Record Plan". He stated that he was unaware that the development would require Homeowner's Association documents. Mr. Sylvia, Public Works Director, responded, stating that it is the City's preference to have the proposed drainage basin become the responsibility of a duly created Homeowners Association.

There being no further testimony the Commission moved to a vote. Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact denoted below and to *approve* the revised Preliminary Plan in two phases, subject to the following conditions.

#### Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

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/return receipt mailing and the meeting agenda has been properly posted. This major subdivision has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations. The required advertisement appeared in the 7/23/08 edition of the *Cranston Herald*.
2. The proposed subdivision and its resulting gross density of approximately .85 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property in question as "Residential" allowing 1-4 units per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the **A-20** single family residential zone
4. The property in question has adequate permanent physical access to Old Scituate Avenue, an improved public roadway located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.

7. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
8. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on subject lots, according to pertinent regulations and building standards would be impracticable.
9. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.
10. There will be no significant negative environmental impacts from the proposed subdivision.

Conditions for Approval

The following conditions shall apply to this Preliminary Plan approval, in addition to other applicable state and local requirements:

1. Provide final design approval for the proposed water main extension from the Providence Water Supply Board at the time of Final Plan submission.
2. Provide a temporary easement for the construction of the retaining walls that abut AP 37/3, Lot 139 if deemed necessary by the Public Works Department.
3. If required by the Building and Zoning Department, depict an appropriate safety fence consistent with the City Building Code at the top of the proposed retaining wall.
4. Final Plan submission shall include correspondence from the City Engineer approving the final design of the retaining wall to be located within the new public ROW and for the proposed drainage structure located on proposed Lot 2.
5. Final Plan submission shall depict projected limits of disturbance on the proposed lots to minimize the loss of natural vegetation within the plat.
6. Installation of permanent bounds denoting the S-1 zoned open space buffer shall be depicted on the Final Plan submittal's record plan.
7. Provide final Homeowners Association Documentation detailing the shared maintenance responsibility of all drainage structures within the plat to be recorded with the Final Record Plan.
8. Phase 2 of the Final Record Plan shall include an appropriate conservation easement for subdivision Lot 7 for the permanent protection and preservation of the S-1 open space land.
9. The Final Plan submission shall include written comments from the Conservation Commission to be made part of the permanent record of approval.
10. Prior to Final Plan submission, the Planning Department shall contact the Cranston Police Department and request a sound reading to establish a baseline for ambient noise.
11. Applicant shall ensure that abutting property owners are duly notified in writing prior to the commencement of any blasting on site; consistent with State law.
12. Provide a performance guarantee in the amount of \$445,000 with a separate 2% administrative fee of \$8,900.
13. Payment of \$9,726.50 (1,389.50 x 7 units) in Cranston Capital Facilities Impact fees at time of Final plat recording of Phase 2 of the subdivision.
14. Payment of \$9,464.00 (1,352 x 7 units) in Western Cranston Water District Impact fees prior to Final plat recording of Phase 2 of the subdivision.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Cicerone and Mr. Moran. There were no nay votes.

### **Glen Hills Drive Minor Subdivision - Preliminary Plan**

Minor Subdivision without street extension

Glen Hills Drive and Evans Way

AP 16/1, Lot 1286

Attorney Robert Murray, Taft & McSally Law Office, 21 Garden City Drive, Cranston, appeared on behalf of the property owner, the State of Rhode Island, Department of Transportation. He stated that a public hearing is not required for a minor subdivision application without street extension. He stated the subject parcel is comprised of 28,000 sq. ft., and three proposed lots conform to the A-8 zoning district for frontage and area. He outlined the process of the purchase/sale agreement, stating that proper procedure for the sale of the land had been followed by the State of Rhode Island during the Summer of 2007.

Kevin Morin, P.E., stated that no wetlands have been identified on the site, and a RIDOT highway plan has been submitted to the City Highway Department. The sewer will be tied to Belvedere Drive, with an approximately 58 ft. sewer extension. The project has Providence Water Supply Board approval. A 15 ft. utility access on Lot 3 is proposed in order to provide public utilities to an abutting property if the owner ever wished to develop their land. All driveways will be located on Evans Way. A waiver is requested for provision of sidewalks as there are none in the area.

Public Works Director, Anthony Sylvia, expressed concern with the proposed access easement to Lots 2 and 3, stating that it is "not feasible" and asked if other alternatives have been considered as the area is too dense. Mr. Murray responded, stating that the lot in question is not owned by Glen Hills LLC, and the property owner cannot "landlock" this lot; therefore, Glen Hills LLC is obligated to provide this access/utility easement. He further stated that the Comprehensive Plan specifically designates this area for this type of single-family housing development.

City Council President Aram Garabedian, 173 Belvedere Drive, stated that he has lived in the area for 45 years. He stated that the City should acquire the parcel in question and designate it Open Space. He stated that the health, safety and welfare of the neighborhood are at issue. He provided the Planning Commission with a copy of the City ordinance regarding the procedure of the sale of such parcels. He stated that on January 3, 2008, the City was notified by certified mail that the parcel was for sale and the "process of the City has been violated" as no action was taken by the City to purchase this parcel for Open Space. He asked that the Commission deny the proposed plan.

The following members of the community spoke in opposition of the proposal; noting the following reasons: Flooding, lack of soil retention, noise, negative affect on Glen Hills School, pollution from Route 37, displacement of wildlife species, reduction of feeding grounds for these species, destruction of over 50 mature trees, destruction of 700 other vegetation species, the area is overbuilt, the impact to the School Department, additional stress on City services, 14 residential homes are currently for sale in the area, devaluation of surrounding properties, concern with the standard of building, removal of the existing guardrail, open terrain will be hazardous to children in the area, increased traffic to overburdened Evans Way, the School Department uses this space for parking during events at Glen Hills School, and only one accident has been reported to the Police Department, however, there are other undocumented accidents.

Those who spoke: Representative Peter Palumbo, Councilman John Lanni, Attorney Joe Dennis, Representative Jacquard, Senator Hannah Gallo, Suzanne Arena, Rick Sorenson, Lynn Marcel.

The following members of the public expressed concern that the State's sale of the property was not handled appropriately: Councilman Garabedian, Steve Carrera, Linda Marcello, Councilman Lupino and Gary Moore.

Attorney Robert Murray rebutted, stating that the State properly placed an RFP advertisement in the Providence Journal and held a pre-bid meeting on the site, consistent with State law during the summer of 2007.

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to *continue* this matter to the September, 2008, Planning Commission Meeting.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to seek legal opinion by the City Solicitor on this matter.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Cicerone and Mr. Moran. There were no nay votes.

## **PERFORMANCE GUARANTEES**

### **Sanctuary Estates**

#### Request for Bond Reduction

The Planning Commission reviewed Mr. James Bellini's request for a reduction in the existing \$234,000 cash bond.

Upon motion made by Mr. Sylvia and seconded by Councilwoman McFarland, the Commission unanimously voted to reduce the remaining cash bond in the amount of \$234,000 by \$137,000, leaving a balance of \$97,000; in accordance with the Engineering Division's recommendation.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Moran, Mr. Rossi, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

### **Jenny Estates**

#### Request for Bond Release

In response to Mr. Pezzucco's request for release of existing Citizens Bank Letter of Credit #902687 in the amount of \$34,000, the Planning Commission took the following action:

Upon motion made by Mr. Sylvia and seconded by Mr. Cicerone, the Planning Commission unanimously voted to *release* the above referenced Performance Guarantee, in accordance with the Engineering Division's recommendation.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Moran, Mr. Rossi, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

## **MISCELLANEOUS**

### **Award Peer Review Contract**

Planning Director, Peter Lapolla, reviewed his memorandum, dated August 5, 2008, regarding the Planning Department's solicited bids to undertake a peer review of the fiscal impact report submitted in support of the Phenix Terrace Comprehensive Permit Application. (See August 5, 2008, memorandum; included in the minutes.) He stated that only one bid from the five solicited firms was submitted for an \$1,800 base bid and \$500 additional if a second review is necessary.

Commissioners Charles Rossi and Paula McFarland expressed concern with passage of this proposal as the Phenix Terrace Comprehensive Permit Application will not be heard before October.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Planning Commission unanimously voted to *table* this matter until the applicant appears back before the Planning Commission.

Aye votes: Chairman Petit, Councilwoman McFarland, Mr. Delgado, Mr. Moran, Mr. Rossi, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

Birchwood Estates

Mr. Lapolla stated that the Planning Department is in receipt of correspondence from Walter Skorupski, Engineering Division, asking that the Commission notify the developer of Birchwood Estates that Performance Guarantee Insurance Bond #02BCSAA8195 in the amount of \$135,250 by the Hartford ITT will be used by the City for appropriate completion of the improvements at Birchwood Estates.

**COMPREHENSIVE PLAN UPDATE – Upcoming Meeting Dates:** 8/6, 8/13, 8/20

**NEXT REGULAR MEETING**

Tuesday, September 9, 2008 at 7 p.m. in the City Council Chamber

**ADJOURNMENT**

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to adjourn at 11:20 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary