

MINUTES

February 2, 2016

Chairman Smith called the Planning Commission Meeting to order at 7:05 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
Fred Vincent
Gene Nadeau
Robert Strom

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission voted (6/1 abstained) to approve the minutes of the December 1, 2015, Plan Commission Meeting. Upon motion made by Mr. Vincent and seconded by Mr. Strom, the Commission unanimously voted (7/0) to approve the minutes of the January 5, 2016, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 1-16-01 In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone – 306 Scituate Avenue) **A-20 to B-2 - Champlin Hills.**

Attorney John DiBona, representing the property owner, West Bay LLC, stated that the applicant is seeking a zone change from A-20 to B-2; which is in keeping with the 2010 Comprehensive Plan-Future Land Use Map designation for this area. The proposal is also in keeping with the density requirement of 'residential allowing less than 10.39 units per acre'. He stated that his client has recently acquired AP 20, Lot 2113, which comprises 51,000 sq. ft., which will contain the newly proposed pool and clubhouse.

Mr. Pezzullo reminded the Commission that the original proposal was before them in March, 2014. He depicted the location of the newly added parcel on the graphic presentation, and further stated that the "zone change proposed is obligatory".

Mr. K. MacArthur Coates, Senior Vice President, Carpionato Corporation, stated that the property owner is also requesting ten additional units in the Master Plan Amendment that is also on the agenda. He stated that the entire development will have only one access point.

No public comment was offered on this matter

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (7/0) to adopt the finding of fact documented below and forward it along with a recommendation of **approval** to the City Council for the requested zone change.

1. The proposed change of zone for AP 20, Lot 2113 from A-20 to B-2 is consistent with the City of Cranston's 2010 Comprehensive Plan – Future Land Use Map which designates this area as “Residential allowing less than 10.39 units per acre”. The proposed B-2 zone is consistent with this density requirement.

Ordinance 1-16-03 In Amendment of Title 15.04 of the Code of the City of Cranston, 2005, entitled “Building Code” (Library Impact Fees)

This matter was inadvertently placed on the agenda.

SUBDIVISION AND LAND DEVELOPMENT

Unsworth Plat – Preliminary Plan
Minor Subdivision w/o street extension
Invernia Road
AP 12/5, Lots 2369, 2370 and 2371

Attorney John DiBona, attorney for the applicant, stated that this is a “simple and straight forward” minor subdivision application. The owner/applicant has an existing home on three 4,000 square foot nonconforming record lots totaling 12,000 square feet. The proposal is to subdivide the total area into two new conforming lots, 6,000 square feet each (60'x100'), to accommodate one additional housing lot for development. The proposed subdivision conforms to the minimum A-6 zoning density requirements and is consistent with the Cranston Comprehensive Plan – Future Land Use Map. Both lots will be serviced by public water and public sewer. He asked that the Final Plan be handled administratively. Mr. Pezzullo concurred with the above.

Ms. Lisa Cretion, Invernia Road, asked if the property owner is going to build a single family home. Mr. DiBona responded that the proposal is for a single family home.

No further public comment was offered, therefore, the Commission moved to a vote.

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted (7/0) to adopt the following Findings of Fact and *approve* your Preliminary Plan; with waivers for sidewalks and curbing, subject to the conditions denoted below.

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 first class mail on 1/26/16 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed residential subdivision and its resulting density of 7.26 units per acre conforms to the Comprehensive Plan – Future Land Use designation of “Residential 7.26 – 3.64 units per acre”.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code as the lots are proposed consistent with the A-6 zoning district.
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 lots in question have adequate permanent physical access on Invernia Road, 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. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final Plat recording.
2. Municipal Lien Certificate verifying that all taxes are paid up to date.
3. Correspondence from the Providence Water Supply Board certifying that there is adequate water supply to service the proposed lot.
4. Correspondence from Veolia Water stating that there is suitable sewer capacity to service the proposed single-family house lot.

Glen Road Plat – Preliminary Plan
Minor Subdivision w/o street extension
Glen Road AP 10, Lot 103

Attorney John DiBona, representing the owner/applicant, stated that the existing home was built in the 1920s and is nonconforming. The existing single-family home is on a 22,568 square foot lot. The proposal is to subdivide the total area into two new lots:

- Parcel A will have 12,000 square feet of land and 124' of frontage for the existing home;
- Parcel B will have 10,568 square feet of land with 92' of frontage to accommodate one new duplex structure.

The proposed subdivision will not conform to the M-2 Heavy Industrial Zoning designation. However, the Comprehensive Plan – Future Land Use Map designates this parcel as Neighborhood Commercial/ Services for a C-1, C-2 zone which would allow for two-family housing in a subdivision of this density. Both lots will be serviced by public water and public sewer.

Ms. Felicia Page, 20 Glen Road, stated that most homes on Glen Road are single family and asked that a new single home be considered rather than the proposed duplex. She expressed concern that the duplex will have an “adverse effect” on the area and is opposed to it.

Mr. DiBona responded, stating that there are a number of multi-family homes in the area. Commissioner Vincent informed Ms. Page that the Plan Commission is allowing the subdivision of the property. This matter also requires Zoning Board of Review approval.

No further comment was offered on this matter.

Upon motion made by Mr. Strom and seconded by Ms. Harrington, the Commission unanimously voted (7/0) to adopt the following Findings of Fact and *approve* your Preliminary Plan; with waivers for sidewalks, curbing and zoning, and subject to the conditions denoted below.

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 first class mail on 1/26/16 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed residential subdivision conforms with the Comprehensive Plan – Future Land Use Map for Neighborhood Commercial / Services C-1, C-2 for a two-family home.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code if the lots are zoned C-1 or C-2.
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 lots in question have adequate permanent physical access on Glen Road, an improved public roadways 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. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of (\$593.46 x 2) \$1,186.92 at the time of Final Plat recording.
2. Municipal Lien Certificate verifying that all taxes are paid up to date.
3. Correspondence from the Providence Water Supply Board certifying that there is adequate water supply to service the proposed lot.
4. Correspondence from Veolia Water stating that there is suitable sewer capacity to service the proposed single-family house lot.
5. Obtain all necessary variances from the Zoning Board of Review for the construction of a single or two family unit within the M-2 zone prior to Final Plan application with the Planning Department.

Champlin Hills – AMENDED Master Plan

Major Land Development

Scituate Avenue (southerly side)

Multi-family residential development without street extension

Increase from 62 units to 72 units

AP 20/4, Lots 2113 (**ADDITIONAL PARCEL**) & 2117

Attorney John DiBona, representing the property owner, West Bay LLC, reiterated the comments made for the zone change application, namely the amendment is for the incorporation of the abutting property, Lot 2113, a pool and club house and ten additional housing units.

Mr. Pezzullo pointed out that this plan is much more advanced and detailed than the previous Master Plan submittal. Mr. Coates added that the proposed landscaping will be similar to the Chapel View development. He further stated that the neighboring condominium owners had no concern with this proposal.

Mr. Steve Garofalo, Garofalo and Associates, addressed Planning Director, Peter Lapolla, concerns with traffic. He stated there will be 4 additional trips in the am peak and 6 additional trips in the pm peak. "There is adequate site distance, and the additional trips do not effect traffic in the area". He stated that the PAP will be modified for traffic and drainage. The drainage area is behind the smaller of the two proposed buildings. Run off will be the same amount before and after construction. The club house will be infiltrated.

Mr. Pezzullo displayed the original master plan on the screen to show the difference in the newly acquired lot added on this Amended Master Plan. There will be a total of 222 units on site.

No public comment was offered on this matter.

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on January 26, 2016 and the meeting agenda has been properly posted. Advertisement for this major land development was published in the Cranston Herald consistent with Section V.C.2.h of the City of Cranston Subdivision Regulations on January 26, 2016.
2. The proposed major land development and its resulting density of approximately 9.52 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcels as "*Residential* allowing less than 10.89 residential units per acre".
3. The amended proposal is consistent with the B-2 Multi-Family zoning district. Under the existing zoning, the applicant has the right to develop 91.8 units where 72 units are proposed. The proposal 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 Amended Master Plan.
5. The proposed land development promotes high-quality appropriate design and construction, will be well integrated with the surrounding neighborhoods, and will reflect its existing characteristics.

6. The proposed land development 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 Scituate Avenue, an improved public (State) roadway located within the City of Cranston.
8. The proposed land development 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

Prior to submission of the Preliminary Plan application with the Planning Department, the application shall be in receipt of the following items:

1. Physical Alteration Permit (PAP) from the RIDOT, including any required traffic analysis;
2. Providence Water Supply Board final engineering approval;
3. Veolia Water approval of sewer engineering stating that the plans conform to Annex A - Design of Sewers;
4. Preliminary Approval granted by the Development Plan Review Committee;
5. Municipal Lien Certificate certifying that all taxes are paid up to date;
6. Receive zone change from A-20 to B-2 from the Cranston City Council.

CAPITAL IMPROVEMENT PROGRAM 2016- (CAPITAL BUDGET)

Presentation / Discussion of First Draft Capital Budget 2016-2021.

Mr. Pezzullo stated that he has received the raw submissions, which will be sent to the commissioners soon and reviewed at the March meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

M FLAHERTY & ASSOCIATES INC 45 ERIC COURT CRANSTON RI 02921 (OWN/APP) has filed an application for permission to install an electronic message board to an existing building with restricted front, rear and side yard set-back and off-street parking on an undersized lot at **526 Pontiac Avenue**. AP 5/1, lot 646, area 1614+/- SF, zoned C-3. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Sub-Standard lot of Record, 17.72.010 Signs, 17.64.010 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 building is located on a triangle with three street frontages, with zero yard setbacks on all three streets. The Zoning Code states "Lots fronting on two or more streets are allowed the permitted sign area (30 sq. ft.) for each street frontage."
2. The building already has 5 wall signs and two additional projecting (blade) signs, on the Pontiac Avenue and Richard Street frontages.
3. Existing wall signage on the building totals 94.25 sq. ft. according to the site plan submitted. However, the sign areas were not calculated correctly, according to the formula in the Zoning Ordinance.
4. The proposed LED sign is 3.42 ft. x 1.25 ft., for a total of 6 square ft., to be attached under the 3.5 ft. x 4 ft. existing wall sign that faces the intersection of Pontiac Ave. and Richard St. that was recently installed without a sign permit. That sign is located over a 5' x 7', 35 sq. ft. building wall sign. The site plan submitted

says that this building wall sign is 3' x 4', which is incorrect, as illustrated by the photo submitted by the applicant.

5. The Zoning Code states in section 17.72.010 F, *No signs shall be allowed in the public right of way unless Article XIV, Section 1407 of the State Building Code is applied, which requires a bond be posted by the applicant between \$100,000 to \$300,000 for personal injury, and \$50,000 for property damage. The two perpendicular blade signs are projecting over the City's street right-of-ways (sidewalks) for both Pontiac Avenue and Richard Street.*
6. The Sign Ordinance states that projecting signs shall not exceed 10 sq. ft. per side. The Pontiac Ave. projecting sign is 12 sq. ft. per side, according to the site plan. No variance was received for these signs.
7. Building inspections records show the property received 2 sign permits in the 1970's, but nothing since then.
8. The projecting sign on Pontiac Avenue was recently changed, but no sign permit was applied for. No detail drawings showing dimensions, design, structure or location were submitted for this application.
9. Signs are also located on the glass entrance door facing Pontiac Avenue that were not included in the total sign calculations.

Recommendation: Staff research for the Findings of Fact on the property revealed that the 2 projecting signs on the building are in violation of the State Building Code, and 5 signs were installed without receiving sign permits or additional sign variances; therefore, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted (7/0) to forward a negative recommendation on this application to the Zoning Board.

WEST BAY LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP) has filed an application for permission to build a 72 unit apartment complex with building height in excess of that allowed by ordinance at **306 Scituate Avenue**. AP 20/2, lot 2113 & 2117, area 259,000+/- SF, zoned A-20 & B-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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.*"

The attorney for the applicant has requested that this application be continued to the March 2016 meeting.

THOMAS G ROSELLI PO BOX 152 SLOCUM RI 02877 (OWN/APP) has filed an application for permission, pending minor sub-division approval, to leave an existing legal non-conforming single family dwelling with restricted frontage, front and side-yard setback on a proposed 12,000 SF undersized lot [parcel A], and build a new two family dwelling with restricted frontage, front and side-yard setback on the abutting remaining proposed 10,568 SF undersized lot [parcel B] at **22 Glen Road**. AP 10, lot 103, area 22,568+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 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 Comprehensive Plan Future Land Use Map designates this area of the City as Neighborhood Commercial, which would include C-1, C-2 and C-3 zones. Residential single and two family dwellings are only allowed in C-1 and C-2 zones. The application to maintain the single family and construct a new two family is therefore consistent with the Neighborhood Commercial designation of the Comp Plan for this area.
2. There are 25 single family dwellings, 3 two family dwellings, 3 three family dwellings, 2 four family dwellings, 6 commercial buildings and 11 industrial uses within the 400 ft. radius.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code if the lots are zoned C-1 or C-2 in the future.

4. The proposed setbacks are 16.8' side, 66.8' rear, and 28.3 ft. front, which conforms with a C-2 zone, but does not meet the 25' side, 30 rear, and 40' front setbacks in the existing M-2 zone.
5. The minimum lot size in an M-2 zone is 60,000 sq. ft.

Recommendation: The application is consistent with the Comprehensive Plan Future Land Use Map's designation of Neighborhood Commercial, which allows for single and two family residential use. Upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Plan Commission unanimously voted (7/0) to forward a positive recommendation on this application to the Zoning Board.

PLANNING DIRECTORS REPORT – Status of Sign Ordinance & 2/16/16 Workshop on RPD

Mr. Lapolla stated that he has invited the City Council, the Land Trust members and the Conservation Commission to the February 16, 2016, workshop; to be held in the Council Chamber at 7 pm., at which time the Conservation Subdivision and RPD draft will be discussed. Mr. Pezzullo asked members of the Commission to present during the meeting. Mr. Lapolla will provide and outline, Mr. Mason will speak on the benefits, Chairman Smith will make the introduction, Mr. Vincent will speak about the Comprehensive Plan and Mr. Pezzullo will present current zoning and examples of RPD.

Mr. Lapolla also informed the Commission that the new signage proposal is about 90% complete. He stated that he is struggling with setting the amount of signage in the City. Commissioner Motte suggested that we consider the sign lumens as well.

ADJOURNMENT

Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 9:10 pm.

NEXT MEETING March 1, 2016 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer