

MINUTES

February 5, 2019

Chairman Smith called the City Plan Commission Meeting to order at 7:10 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Michael Smith, Chairman
Fred Vincent
Ken Mason, P.E.
Robert Strom
Kathleen Lanphear
Steven Spirito
Ann Marie Maccarone
Robert DiStefano
Joseph Morales

Also present were:

Jason M. Pezzullo, AICP, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Minutes of the January 5th, 2019, City Plan Commission – Site Visit (100 Sockanossett)

Upon motion made by Mr. DiStefano and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to approve the minutes of the January 5, 2019, site visit.

Minutes of the January 8th, 2019, City Plan Commission Regular Meeting

Upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to approve the minutes of the January 8, 2019, monthly meeting with corrections.

CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

First draft budget and submissions by department heads

Mr. Pezzullo stated that he would send out the first draft requests tomorrow with the full draft to follow. A full presentation by the department directors will take place in March.

SUBDIVISIONS AND LAND DEVELOPMENTS

OLD BUSINESS

Natick Avenue Solar (Continued from 12/4/18 & 1/8/19)

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)

AP 22, Lots 108 and 119

Natick Avenue

Joshua Berry, Senior Planner, presented changes to the Master Plan application since the January 8th meeting. He stated that the revised site plan shows the relocation of the 500 solar panels in question and the minor change to the lease area. Much of his presentation was spent addressing the six requests of the Drake Patton letter entitled "Requests from Abutters", and the Ashley Sweet planning analysis both presented to the City Plan Commission the night of the January 8th meeting. The applicant also provided a response to these documents which were incorporated into the final staff report for the commission. Mr. Berry detailed the response to the request letter as well as other comments and concerns raised at the January meeting. A summary of this presentation was provided to the City Plan Commission in the 2/4/19 Final staff report and is provided in these minutes in its entirety:

"Buffering Plan

The request for a 400' project setback from the south, south-east, north and north-west faces of the project area would eliminate over 80% of the project area. The proposed panel area is approximately 1,200 feet (east/west) by roughly 1,000' (north/south). The 400' buffers along the north and south property alone would restrict the site to 1,200 feet (east/west) by roughly 200' (north/south), a reduction of 960,000 ft² or 22 acres (80.6%) of the proposed 27.3 acres. The applicant's response reflects that they cannot feasibly work with this request, but emphasize that buffer width is not the most critical element to effective screening. SSRE's response states that they are willing and committed to working out the details of an effective screen during the Preliminary Plan phase, as is recommended as a condition of approval. The abutter request also includes a proposed 100 no-clear zone from the wetland edge. The panels are almost all 100' setback from the wetland's edge, although the applicant holds that they may need to remove trees that cast shade on the solar arrays.

The abutters request a new plant inventory that will provide both understory and canopy as to be well integrated into the existing vegetation. SSRE has confirmed that this request can be considered. Staff cautions that the cost of mature specimens may be a concern when considering this request, particularly as the request does not include any quantifiable measure that would satisfy the intent. The applicants holds that the stipulation that the abutters choose the landscape architect and nursery are not viable expectations as they could create issues over the project management, although their suggestions should be taken into account as part of the "inclusive approach."

As a result of this request and the applicant's response, Staff recommends the following condition:

- *The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.*

1. Protection of Property

The abutters request inspections of septic systems, foundations, wells and well water prior to work commencing, accompanied by the obligation of SSRE to pay for any damages caused by project work. The State Fire Marshall's regulatory scheme for any potential blasting will be followed and adhered. It is not reasonable to single out an applicant for enhanced inspections and testing beyond what is required under law. To alter the requirements would potentially set a

precedent for all developments in any zone. Nevertheless, Southern Sky stated that they will consider testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties. The requested intervals for well water testing and the request for the abutter's authority in choosing the inspection company are not tenable.

As a result of this request and the applicant's response, Staff recommends the following condition:

- The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.

2. Protection of Life

The abutters request ten (10) day notification prior to any blasting and to house individuals and their pets for the duration of the blasting period at a mutually agreeable location. Again, the State Fire Marshall's regulatory scheme for blasting will be followed and adhered. The request far exceeds the legal and regulatory framework for blasting and would potentially set a precedent for blasting protections within the City and could be very complicated in the event that the City have to enforce this proposed condition. Modification of the State Fire Marshall's regulatory scheme could create potential hazards. Therefore, staff believes this is not a viable request.

Staff does not recommend any additional condition based on this request by abutters.

3. Hours of Operation

The abutters request that construction hours be limited to 9AM-5PM, no weekends or holidays. The strict adherence to this request would lengthen the time of construction, and presents the City with problematic enforcement issues. To alter the requirements would potentially set a precedent for all developments in any zone.

Staff does not recommend any additional condition based on this request by abutters.

4. Wildlife and Pollinator Protections

The abutters request both native and invasive pollinators (honeybees) be protected. SSRE holds that a low growth grass seed is used in all their projects and that no chemicals or herbicides are used to manage the vegetation.

Additionally, SSRE offers to pay for and construct a public walking trail on the former Moreau property (now Hurricane Hill Farm) currently owned by Drake Patten, along with a parking area on each end of the trail. Staff appreciates the gesture for the proposed public amenity, but cautions a strict condition of a path that involves property that does not belong to the applicant and an easement that has not been researched by staff. Staff would like the opportunity to look into the matter further should the Master Plan be approved.

As a result of this request and the applicant's response, Staff recommends the following condition:

- Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
- Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
- During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).

5. Protection of Real Estate Values

The abutters request the creation of a “developer-funded escrow account to allow abutters with standing who are not able to sell their property at appraised value to be made whole.” Due to the numerous factors that contribute to the assessment of property values, staff is not aware of any mechanism that could single out the impact of the solar development. This condition is not something imposed on any other forms of development, nor does the City have the capacity to be able to monitor and enforce this proposed request.

Staff does not recommend any additional conditions based on this request by abutters.”

Mr. Berry also pointed out that correspondence had been sent to staff and Commissioners after the public comments portion of the Public Informational Meeting was closed at the January meeting.

Mr. Vincent asked the staff's position on maintaining the overall 8.1 megawatts in regard to the need for additional buffering. He stated that “having an appropriate buffer is important to this project and the buffer widths may need to vary”.

Ms. Lanphear questioned the vesting of this project at its current 8.1 megawatts with the adjustment of the setbacks. Mr. Marsella responded, stating that could potentially affect the buffer but it doesn't mean the buffer zones cannot be adjusted further at the Preliminary Plan stage. She particularly questioned staff memo's language referring to the buffer to be “as wide as necessary” and asked “as determined by whom?” Mr. Berry stated that the Conservation Commission, Development Plan Review Committee and City Plan Commission at the Preliminary Plan stage would address the final buffer width and determine whether or not there is sufficient screening proposed.

Mr. Vincent then presented a prepared statement to members of the Commission:

“At the January 8 planning commission meeting, the presentation by Mrs. Drake Patten appeared to me to be a well-articulated summary of the main concerns the commission had heard from so many neighbors and abutting property owners to the Natick solar development proposal. I, therefore, suggested that this letter be added as a condition of approval to the eight staff recommendations presented, in order to assure a dialog occur between the developer and the neighborhood property owners that would hopefully result in some constructive changes to the master plan, changes which I hope would at least mitigate, if not eliminate, some of the repeated objections to a solar master plan as submitted. I assume that this dialogue might bring parties face to face to listen and discuss directly the problematic issues presented to the commission in the previous two public hearings. That did not happen. Not even close. Instead, Southern Sky owner directed his attorney to draft a response to the six areas of concern in the Patten letter. That response was not sent to Miss Patten, nor was it even copied to her. Instead, it was sent to the planning office. This is not community involvement or inclusion by the developer. This is covering your legal bases in writing. As a commissioner, I am very disappointed in Southern Sky and can only assume that their pledge to work with the neighbors was only an empty promise. Obviously, there was a misunderstanding of the staff of my intention in our last meeting. But I think that there was enough discussion that evening when Southern Sky agreed to work with the community on these issues. For that reason I have serious doubts that the promises to work collaboratively with abutting property owners on buffering plantings and screens will be done professionally. Perhaps a 400-foot buffer request surrounding the entire site is not attainable or even realistic. But could not selected areas that abut property owners be modified beyond the 50-foot clear zone to address inadequate existing vegetation. Southern Sky says such landscape design and analysis may only be done in the preliminary plan phase when more site information and specifics are known. I personally do not agree with that position. And because of this lack of site information, I believe that this commission needs to engage its own landscape architect to conduct a peer review on any and all buffer plans proposed should this master plan be approved as submitted. The commission's landscape architect would work with an advisory committee

composed of the developer's representative, a planning department representative, a commissioner appointed by the chair of the commission, and two representatives of the neighborhood, one of which should be an abutting property owner. Obviously, we should include a member of the conservation commission on that advisory committee. The advisory committee would follow the intent of the planning staff recommendation that reads: "The applicant shall use an inclusive approach with direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutters request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous, and deciduous species." Other than the removal of 500 solar panels from the sensitive wetlands area, the commission has not, in my opinion, seen any measurable change to the master plan submission. Offering to underwrite public access trails on adjoining farm property is not the mitigation that this commission needs to see on this master plan. Thank you."

He stated that there has been no 'movement' on the concerns expressed by the residents. Mr. DiStefano commended Mr. Vincent for his comments and also expressed concerns with water runoff. He stated that he, too, was disappointed that there had been no discussion between the staff, the abutters and the developer. However, both Mr. Smith and Mr. Spirito stated that they were not under the impression that this dialogue was intended to occur since the last Plan Commission meeting, and the record did not clearly reflect this sentiment. Mr. Vincent then suggested the landscape architects plans presented at the next stage should be peer reviewed by the Plan Commission. Ms. Lanphear stated that she agrees with Mr. Vincent's comments and further stated that the Plan Commission has the "authority to review, on a site by site basis" particulars of a project in accordance with State law.

Upon motion made by Mr. DiStefano and seconded by Ms. Lanphear the Commission unanimously (9/0) voted to add Mr. Vincent's suggestion that a professional landscape architect PLA be hired by the City, at the applicant's expense, to conduct a peer review on any and all buffer plans proposed. The Commission's landscape architect will work with an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood-one of which should be an abutting property owner. The Advisory Committee would follow the intent of the Planning Staff Recommendation that reads: 'The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.'

Regarding the start of work time during construction, Mr. Mason stated that the City ordinance states that work start time is 7 a.m., however, there is no "end time" mentioned.

Mr. Marsella suggested the Plan Commission review the landscape plan after all other committees (the special committee to be created and the Conservation Commission and the DPR Committee) have reviewed the plan.

Chairman Smith stated that the proposed changes made "have been good", however, one matter that was not discussed during all of the deliberation has been climate change. He stated that a mature tree can mitigate 48 lbs. of carbon dioxide but a solar installation would prevent 5,913 tons of carbon dioxide. He further stated that, in visiting the site, he does not find that 20 homes could not be built. He stated that a family of four produces 830 tons of greenhouse gases into the atmosphere and would use 2.6 million gallons of water per year. He stated that "we are preparing for the future". He urged "think globally, act locally; there are overarching reasons for doing this".

Attorney Doherty stated that the public comment portion of the meeting had been closed prior to the relocation of 500 panels. He stated that 120+ pages of communications have been "added to the record". He made mention of the Hope Farm solar project court case and stated that the project is in violation of "protection of property". He stated that he and his clients have not had an opportunity to "meaningfully

participate” in the discussion of the project. He suggested “beefing up” the conditions. He stated that he has not been able to refute Attorney Murray’s response to the concerns, and he asked the Commission to deny the project.

Attorney Murray stated that he reviewed the transcript and was under the impression that Ms. Patton’s letter of concerns would be addressed by staff at the Preliminary Plan stage. He stated that it is possible that the project could come back at Preliminary Plan stage with less or greater megawatts as currently proposed and that would depend on the detailed engineering plans. He stated that he has no objection to Mr. Vincent’s comments. Mr. Murray stated that the “zoning code declares, as a matter of right, ground mounted solar in a residential zone (A-80).” He stated that he would not consent to an extension of time and asked that the project be approved with the conditions as stated.

Upon motion made by Mr. Strom and seconded by Mr. Mason, the Commission voted (5/4 – Mr. DiStefano, Mr. Vincent, Ms. Lanphear and Ms. Maccarone voted nay) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions:

Required Findings of Fact

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 and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 11/22/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.
3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400’ from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. No signage is proposed with the project, maintaining the existing character of the roadway. The applicant proposes a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the DPR and Preliminary Plan approval processes to ensure the preservation of the rural character of Western Cranston. The project is consistent with the City’s long-term land banking strategy which is intended to preserve the rural character of western Cranston.
4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission meeting on the Master Plan project application finding that the proposal is consistent with the City of Cranston’s Comprehensive Plan and the State Energy Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.

7. The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston’s solar performance ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

8. This finding pertains specifically to the final plan. There is proposed clearing and a yet undetermined amount of grading and/or potential blasting. However, the project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development.
9. Project engineer Dave Russo, PE of DiPrete Engineering discussed the ability of the solar arrays to run with the existing slopes to the greatest extent possible, as well as the intent of the applicant to manipulate the site as little as possible in order to effectively engineer the site. Mr. Russo’s project narrative dated 11/9/18 details and verifies the intent to comply with all environmental regulations through RIDEM and the City.
10. Meadow grass is proposed between and under the solar panels.
11. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
12. Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*”

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

13. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

14. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
15. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of Approval

1. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for buffer widths, both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan (including buffer widths) may result in alterations to the current proposed layout of the solar installations. The widths of the buffers will be required to be as wide as necessary to effectively screen the solar panels and equipment. Required widths may vary depending on topography or other site conditions.
3. Under the provisions of the City of Cranston's Subdivision Regulations Section III (C)(9), a professional landscape architect will be hired by the City to conduct an independent review on any and all buffer plans proposed. The Commission's landscape architect will work with an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood - one of which should be an abutting property owner. The Advisory Committee shall follow the intent of Condition of Approval #1.
4. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
5. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
6. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
7. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such shall be mechanical as much as possible.
8. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
9. As discussed at the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
10. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
11. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
12. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
13. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (February Staff Memo Exhibit K).

Whiting Street Minor Subdivision

Preliminary Plan – Minor Subdivision with street extension

Applicant seeks to improve and connect the final segment of Whiting Street

Five (5) additional single-family house lots are proposed

AP 12-4, Lots 1065-1070 & 1105, 1106

Mr. Berry presented the Preliminary Plan application to the City Plan Commission. He stated that the property owner, Whiting Development, LLC, is proposing to combine/subdivide eight existing nonconforming lots into 5 conforming lots in A-6 zoning and construct roughly 126 linear feet of roadway to connect Whiting Street between Randall Street to the north and Bellevue Drive to the south. The total area of the 8 existing lots is 32,000 ft² or 0.73 acres. The subject properties are currently wooded and undeveloped. The A-6 zoning allows for single-family residential homes on lots that have a minimum of 60' of frontage and 6,000 ft² of land area. All of the proposed lots will meet or exceed the A-6 zoning requirements. All of the proposed new lots will be serviced by public water and sewer. The proposed project is allowed by-right per City Zoning Ordinance and is consistent with the Comprehensive Plan Future Land Use Map allocation of [Single Family Residential 7.26 to 3.64 units / acre] with a proposed density of 6.85 units / acre. He presented slides of the site pointing out the steep contours that exist in the area. He stated that homes on the west side of the street typically have retaining walls and retaining walls are proposed by the applicant. There is a concern for storm water runoff. He presented a 1964 'street connection plan' which showed that it was always the intent for the street to extend. Waivers are sought for the provision of sidewalks.

Attorney John Mancini reiterated Mr. Berry's findings and further stated that no variances are required for this proposal.

Mr. Timothy Behan, P.E., Commonwealth Engineering, stated that the proposed road width will be maintained. A Storm Water Management Plan has been submitted as part of the Preliminary Plan application package. The proposal is for the installation of drywells that will catch rooftop water runoff. Sediment controls have been doubled for this project. He also stated that Fire Department requirements have been met.

Mr. Vincent asked if the site would be completely cleared and when perimeter sediment controls would be installed. Mr. Behan responded, stating that the Storm Water Plan takes into consideration all trees being removed. Regarding storm water controls, he stated that once they start construction, the controls will have to be in place. He stated that a Soil Erosion Plan will be submitted as part of the building permit phase. He stated that the four homes proposed will be "walkouts" that work with the topography. He stated that the property across the street would have a retaining wall.

Mr. Strom expressed concern with cut-thru traffic and water runoff from the condominiums (Garden Vista Condominiums) to Cornell Street. Mr. Behan responded, stating that a net increase in stormwater runoff will not increase from these properties per state law. He mentioned that public water and sewer connections have been approved.

Ms. Ann Blackmar, 155 Whiting Street, stated that she has a "considerable" amount of water that flows onto Cornell Street. She also stated that residents in the area "had problems with natural gas" when the Garden Vista Condominiums were built. She also expressed concern with cut-thru traffic.

Mr. Dave Capuano, 163 Whiting Street, provided a thumb drive (exhibit A from objector 1) with a video presentation of the water runoff in the area. He asked the matter be "tabled due to significant flooding from the condos above". He stated that rocks from his property have been washed away. He also stated that the City is aware of his problem and that he experienced no flooding during the 2010 flood events. He questioned the engineer's decision that it was appropriate for the condos (Garden Vista) to be built. He also expressed concern with cut-through traffic.

Attorney Mancini stated that the lots already exist and the applicant “can build now” as pre-existing lots of record. He stated that storm water controls are in compliance and that the concerns raised are not germane to this project. He further stated that Whiting Street was always intended to connect.

Councilman/President, Michael Farina, Redberry Circle, stated that the complaints from the residents are true and he feels that the potential stormwater runoff could impact the area.

Mr. Nicholas Coyette, Cornell Street, stated that he “gets water in his basement” and he is also concerned with “encroachment”.

Mr. Strom stated that the ledge elevation is depicted on the sewer plan. He stated that blasting would be up to the contractor, however, it seems that ledge can be mechanically removed. Attorney Mancini stated that there is no need to blast as the proposed walkout basements “will not be that deep”.

Mr. Mason, P.E., Public Works Director, stated that there is “no drainage on Whiting or Cornell Streets and that there are no immediate plans to put in any new piping.” He stated that the Garden Vista Condominiums have two detention ponds and he questions whether they are functioning properly. He stated that public works biggest concern is during construction when the site is not stabilized.

Attorney Marsella stated that the City administration is attempting to resolve this matter with the condominium association, however, they has been no response from the association or the developer to date.

Ms. Lanphear stated that she would like more information from Engineering, therefore, upon motion made by Mr. DiStefano and seconded by Ms. Maccarone, the Commission unanimously voted (9/0) to continue this matter to the March 5, 2019, Plan Commission Meeting.

Pontiac Avenue Solar

Master Plan – Major Land Development

7 +/- acre, 3.1 MW Solar Farm Installation on a 45 +/- acre capped former landfill

1690 Pontiac Avenue, AP 13, Lot 1

Mr. Berry explained that the applicant proposes to install and operate an approximate 3.1 megawatt (DC) ballast ground-mounted solar installation on top of an impermeable landfill cap. The panels will be 2-3 feet off the top of the cap. The arrays are proposed only in the center of the landfill, where the slopes reduce near the top of the mound. No earthwork is proposed and there will be no clearing of natural vegetation. As the landfill site is already fenced, no new fencing is proposed. Because the landfill cap may not be breached, normal topsoil and hydrology impacts are not applicable to this project and buffer planting on the landfill is not feasible.

Mr. Dave Russo, P.E., DiPrete Engineering, representing ISM Solar Development, LLC, stated that the existing fencing will remain with a gated, locked entrance with signage. He stated that the hydrology will not be changed. Drainage was completed with the cap. There will be 7.4 acres of panels that will sit on top of the cap (ballast system). There will be no disturbance of wetlands. He stated that no ‘earthwork’ is required.

Mr. Greg Lucini, ISM Solar, stated that “this is responsible solar development”. He stated that his company looks for “closed turf” for ballast solar arrays.” He informed everyone that his is a national company owned by Berkshire Hathaway. He stated that he is waiting for the closure report. He stated that the installation will not affect the cap and the closure plan will be submitted at Preliminary Plan stage. He mentioned that interconnection is existing and that this is a “community solar project”.

Mr. Douglas Doe, Lippitt Avenue, spoke in favor of the application.

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and approve this Master Plan subject to the following conditions.

Findings of Fact

This Master Plan application has been reviewed 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:

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 and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 1/23/19.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

3. The proposed solar and existing landfill uses are permitted uses by-right in the M-2 zone.
4. The project site is compliant with the requirements of M-2 zoning. No variances are request as part of this proposal.
5. The project does not involve tree clearing or disturbance of topsoil. The narrative by project engineer Dave Russo, PE, of DiPrete Engineering states that a sound study will be provided prior to issuance of a building permit. These project attributes demonstrate direct compliance with Cranston's solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.” (emphasis added)

6. This finding pertains specifically to the final plan. However, no clearing or earthmoving is proposed and the project will be subject to all local, state and federal standards regarding environmental impacts. A RIDEM Wetlands Preliminary Determination permit will not be required. Further details will be provided as necessary if the project moves to the DPR and Preliminary Plan stages of Development.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. The project does not involve subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

8. The property in question has adequate permanent physical access from Pontiac Ave, improved public roadways located within the City of Cranston.

- The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of approval

- The applicant will obtain and submit all applicable permits and/or reports from RIDEM to the Planning Department prior to submittal of a Preliminary Application with the Planning Department.
- The applicant shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
- Any changes to the plans shall be subject to review and comment from the Conservation Commission, and must be approved by the Development Plan Review Committee and Plan Commission during the Preliminary Plan phase.

PERFORMANCE GUARANTEE

The Oaks at Orchard Valley

Existing Letter of Credit set to expire

Upon motion made by Mr. Strom and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to continue this matter to the March 5, 2019, Plan Commission Meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

EUGENE L. AND BARBARA FOLGO (OWN/APP) have filed an application to install a freestanding sign at 815 Oaklawn Avenue, A.P. 18, Lot 1575, area 6,833 s.f. zoned C2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.72.010(3) Signs. Application filed 1/9/19.

Variance Request:

- To allow a 15'4" tall, 116.66 ft² (100" x 84" two-sided) freestanding sign in a C-2 zone exceeding the 12' height maximum by 3'4" and 25 ft² area maximum by 91.67 ft². The sign would replace a taller (18.5' high) and larger (dimensions unknown) freestanding sign in the same location, roughly 3' from the right of way when a 5' setback is required. [17.72.010 Signs]

PROPOSAL SUMMARY

	Freestanding Sign Area (ft²)	Freestanding Sign Height (ft)
Previously Existing	(unknown)	18'6"
Proposed	116.66 (58.33 / side)	15'4"
C-2 Maximum	25	12
Deviation from Max	+91.66	+3'4"

FINDINGS OF FACT:

1. The subject site is located at 815 Oaklawn Avenue on a commercial C-2 (neighborhood business) lot with an approximate area of 6,833 ft². The proposed sign is for a business which has been operating at this site since 1972. According to the applicants, the previously existing freestanding sign was knocked down by wind on March 2, 2018. The applicants cite that the loss of the sign is having a negative effect on their business, particularly as the building was designed with residential architectural characteristics.
2. Per City Code, C-2 zoning allows freestanding signs at a maximum area of 25 ft² and maximum height of 12'. The proposed sign is 116.66 ft² (58.33 ft² per side) and 15'4" tall, which would replace the previously existing larger (exact dimensions unknown) 18' tall sign.
3. The sign is proposed in the exact location of the previously existing sign, roughly 3' from the right-of-way of Oaklawn Avenue. Due to existing conditions of the site, there are no alternative locations which would not conflict with the existing building, parking spaces or vehicle travel lanes.
4. The proposed sign is in kind with others in the surrounding area. The sign for 800 Oaklawn Ave, the address for the the commercial strip mall across the street known as Garden Hills Place, was granted a variance in 1979 to install two signs, in excess of the zoning requirements (dimensions unstated) with the restriction that they be no more than 18' high. The sign for Oaklawn Carwash, the business directly north of Strand Optical, appears to be taller than the proposed sign (roughly 20'), and has multiple signs on the property (there is no record of a variance for signage at this location). Considering these adjacent signs and the fact that the previously existing sign for Stand Optical was taller and larger than the proposed, the proposed sign will not detriment the public welfare or be out of character with the area.
5. The use of the site is consistent with C-2 zoning as well as the City of Cranston Comprehensive Plan Future Land Use designation which calls for Highway Commercial/Services. The C-2 zone is less intense than the prescribed C-3, C-4 and C-5 zonings recommended for Highway Commercial/Services which allow for greater freestanding sign height (15') and area (35 ft²). The proposal would still require a variance from said standards, but the proposal does not impair the intent or purpose of zoning or the Comprehensive Plan.

ANALYSIS:

Oaklawn Avenue is host to a combination of residential and commercial uses. The Strand Optical site does not abut residential, but is located within a commercial area that has been serving the nearby residential communities for decades. The applicants report that the previous sign for Strand Optical was blown down by heavy winds on March 2, 2018, which is an important fact in understanding the context for the request. The request is NOT for a big new sign, but to replace a long-standing nonconforming sign that has been lost to weather events with a shorter and smaller free standing sign in the same location. Due to the unexpected loss of the previous sign, and understanding the business's need to convey to its patrons that they are still operating out of this location, the request for the freestanding sign is justified, but the question remains - are the details (dimensions) of the request appropriate?

The City of Cranston Zoning Code Chapter 17.72.010 – Signs Sec. (M) reads:

Nonconforming Existing Signs, Permits and Terms. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair or maintenance would constitute an expense greater than twenty-five (25) percent of the original value or replacement value of the sign, whichever is less.

Appropriateness of the request can be measured by considering the character of the surrounding area, the existing conditions of the site and circumstances generating this application. The proposed location is the same as the previous location, roughly 3' from the right-or-way, which does not comply with the required 5' setback. Given that this is not a new project site, the sign location must work within the

confines of existing conditions. There are no locations on site which would not be in conflict with the existing building, parking spaces or vehicle lanes. Seeing that no concerns were raised over the location of the previous sign, that there are conflicts with relocating the sign on site, staff finds that the proposal to erect the sign in the same location is reasonable. The area and height of the proposed sign are both less than the previously existing sign, and are consistent with other signage in the immediately surrounding area. A 25ft² area maximum for freestanding signs in a commercial zone may be something that the City wants to revisit, especially as both faces of the sign count towards the area. To comply with the area requirement, the sign would have to be reduced to roughly 3.5" x 3.5". The sign for 800 Oaklawn Ave, the address for the the commercial strip mall across the street known as Garden Hills Place, was granted a variance in 1979 to install two signs, in excess of the zoning requirements (dimensions unstated) with the restriction that they be no more than 18' high. The sign for Oaklawn Carwash, the business directly north of Strand Optical, appears to be taller (roughly 20') than the proposed sign, and has multiple signs on the property (there is no record of a variance for signage at this location). Taking into consideration the existing surrounding signage and the previously existing sign lots to weather conditions, approval of the request would not have negative impacts on the area, would not detriment the general welfare, and would not undermine the zoning code or Comprehensive Plan.

Although it is not directly within the scope of the zoning request, staff would like to comment that the brick foundation that served as the base to the previously existing sign is much preferred to the yellow bollards shown on the rendering. The yellow bollards are not consistent with the architecture of the existing building, and are not commonly found surrounding freestanding signs in this area or elsewhere and are therefore not commonly considered as required elements of freestanding signs. If at all possible, staff would request that the existing brick foundation remain, that the bollards not be proposed at all, or that something of similar aesthetic character be selected in place of yellow bollards.

RECOMMENDATION:

Finding that the sign will not alter the character of the area, detriment the general welfare, or undermine the intent of the zoning ordinance and Comprehensive Plan, upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

MJV ENTERPRISES, LLC (OWN/APP) has filed an application to construct a new two family dwelling on vacant land at 0 Cleveland Ave. A.P. 8, lots 752 & 753, Area 6,652 s.f. zoned B2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.2.120 Schedule of Intensity Regulations. Application filed 1/11/19. John S. DiBona, Esq.

Variance Request:

1. To allow a two-family dwelling to be constructed on 2 substandard lots of record in a B-2 zone (combined lot size of 6,654 ft² whereas 8,000 ft² is required). [17.20.120 Schedule of Intensity Regulations]

FINDINGS OF FACT:

1. Currently, the owner has 2 contiguous substandard lots at this location that are merged into 1 lot for zoning purposes, per City Code Section 17.88.010 *Substandard Lots of Record*. The total area of the combined lots measures 6,654 ft².
2. The combined lots are currently undeveloped.
3. The applicant is proposing to construct a two-family dwelling totaling 1,976 ft². The property is zoned B-2 in which 2-family dwellings are an allowed use.
4. The zoning code requires that two-family dwellings in a B-2 zone have a minimum lot size of 8,000 ft². The size of the applicant's combined lot size (6,654 ft²) is approximately 83.2% of the

- required minimum lot size (8,000 ft²).
5. The applicant's proposal meets all other dimensional requirements of zoning.
 6. The surrounding neighborhood is zoned B-1 and B-2 and is primarily developed as a mix of single- and two-family dwellings. Based on a narrative provided by the applicant, the percentage of land uses within 400' is as follows:
 - Single-family: 27%
 - Two-family: 26%
 - Municipal: 27%
 - Vacant: 12%
 - All other land uses: 8%
 7. Based on a narrative provided by the applicant, the average lot size for all of the two-family dwellings within 400' feet of the subject property is 5,253 ft². This indicates that the surrounding neighborhood is developed more densely than what is being proposed in the immediate application.
 8. If approved, the resulting density of the project would be approximately 13.09 residential units per acre. The Comprehensive Plan's Future Land Use Map designates the subject parcels as *"Residential Less Than 10.39 units/acre"*. However, the Land Use Element provides policy direction that supports the development of undersized lots in B-2 zones in eastern Cranston, as detailed in findings of fact # 9-11.
 9. Page 45 of the Comprehensive Plan Land Use Element states: *"The lot sizes of many parcels in the A-6, B-1 and B-2 zoning districts are, on average, under the minimum lot size of 6,000 square feet for single family and 7,500 square feet for two-family homes. To reduce the number of variances that are required to improve buildings and permit new development, the City should amend the zoning ordinance to allow expansions to preexisting nonconforming lots in an expedited manner."* This statement provides policy direction that the City is not opposed to development two-family dwellings on preexisting nonconforming lots.
 10. Page 31 of the Comprehensive Plan Land Use Element states: *"Most properties in the A6, B1 and B2 zoning districts have less than the 6,000 square feet minimize lot size. In fact, about half (over 48 % and 55% of the A6 and B1 zones, respectively), are less than 5,000 square feet in area. This inconsistency between the lot sizes and zoning occurs typically in the older parts of the City, which limits development potential, and requires variances for changes to existing properties. However, the City grants variances routinely when properties are 5,000 square feet, limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock."* This statement provides policy direction that the City is not opposed to development at a higher density than prescribed by zoning in order to reflect the historic pattern of the surrounding housing stock.
 11. Page 22 of the Comprehensive Plan Land Use Element states: *"Provide Opportunities in Eastern Cranston: Underutilized properties and infill development sites could be improved to address current and future land use, transportation, and economic needs in the eastern part of the City."* There are many similar statements as this in the Comprehensive Plan that provide policy direction that the City is not opposed to infill development in eastern Cranston. The immediate application is located in eastern Cranston.
 12. Based on findings of fact # 9-11, staff finds that the proposal to develop a two-family dwelling on substandard lots of record totaling 6,654 ft² in eastern Cranston is consistent with the Comprehensive Plan.
 13. The subject property is considered a corner lot at the intersection of Cleveland Avenue and Puritan Avenue and is subject to the front yard setbacks from both these streets. The proposed building setback from both these street by 25 feet and is compliant with zoning.

ANALYSIS:

The applicant has proposed to construct a two-family dwelling on 2 substandard lots of record with a combined area of 6,654 ft² in a B-2 zone. The lots in the surrounding neighborhood were established prior to the effective date of the Zoning Map, the majority of which are below the minimum lot size requirement in a B-1 or B-2 zone. The applicant has provided a narrative analysis that states that 26 percent of the properties within a 400' radius of the subject property are classified as two-family. The narrative also states

that the average lot size for all of the two-family dwellings in the area is 5,253 ft², which is denser than what is being proposed in the immediate application. The application appears to be consistent with the surrounding neighborhood in terms of the land uses and historic pattern of development in the area. Although the proposal is denser than what is allowed by its classification in the Comprehensive Plan - Future Land Use Map (Residential Less Than 10.39 units/acre), findings of fact # 9-11 illustrate additional policy direction within Comprehensive Plan that is consistent with the proposed application.

RECOMMENDATION:

Due to the consistency in parcel size and land use with the surrounding neighborhood, as well as consistency with the Comprehensive Plan, upon motion made by Mr. Spirito and seconded by Mr. DiStefano, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

CITY PLAN COMMISSION POLICY – PUBLIC MEETINGS

A first draft of the Plan Commission Meeting policy was presented by Mr. Pezzullo. Chairman Smith suggested the addition of a curfew time. There was discussion of a change to the meeting start time to 6:30 p.m. Upon motion made by Mr. Vincent and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to begin future Plan Commission Meetings at 6:30 p.m. starting in April.

CITY PLAN COMMISSION 2019 REGULAR MEETING SCHEDULE / WORKSHOP SCHEDULE

In addition to the regular monthly meetings that usually take place on the first Tuesday of the month, Mr. Pezzullo added four quarterly workshops (on the third Wednesdays of the month – time and location TBD) as follows: March 20, 2019, (Winter); May 15, 2019 (Spring); August 21, 2019 (Summer) and November 20, 2019 (Fall).

ELECTION OF CITY PLAN COMMISSION OFFICERS

Upon nomination made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted (8/0) to elect Mr. Smith as President.

Upon nomination made by Mr. Smith and seconded by Ms. Lanphear, the Plan Commission unanimously voted (8/0) to elect Mr. Vincent as Vice President.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that the Department needs to begin working on the new solar farm ordinance. He also thanked the Commission for bearing with an unusual string of heavy agendas and contentious proposals.

ADJOURNMENT

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted to adjourn at 11:15 p.m.

NEXT REGULAR MEETING March 5th, 2019 – City Council Chamber, 7 pm