

## **MINUTES**

January 3, 2017

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

Michael Smith, Chairman  
Kenneth Mason, P.E.  
Lynne Harrington  
Jennifer Lepre  
Gene Nadeau  
Mark Motte  
Fred Vincent  
Robert Strom  
Kimberly Bittner

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 Ms. Harrington, the Commission unanimously voted (9/0) to approve the minutes of the December 6, 2016, Plan Commission Meeting.

### **SUBDIVISION AND LAND DEVELOPMENT**

**SSRE Gold Meadow Farms – Solar Farm**  
Preliminary Plan – Major Land Development without street extension  
Lippitt Avenue  
AP 23, Lots 6,7,8,15,20 and 36  
AP 30, Lot 240

Attorney Robert Murray stated that the project was granted Master Plan approval in July, 2016. The site is 108+/- acres and is owned by DSW Corporation and CWW, LLC. The project was granted DPR Preliminary Plan approval in August, 2016, received RIDEM insignificant alteration permit on November 30, 2016. Draft conservation easement was submitted on December 7, 2016. He stated that proper notice was sent. He further stated that project engineer, Dave Russo, DiPrete Engineering, met on site with neighbors.

Mr. Russo reiterated Mr. Murray's comments. He stated that the proposal is for a 21.5 megawatt solar farm. He further described the site density and slopes. He stated that there is a large wetland area to the east. He stated that there is some ledge on site. He stated that a 20 ft. wide "ring road" is proposed, as requested by the fire department. A 6 ft. perimeter fence is also proposed, with 8 inch gaps in some wetland areas for wildlife to pass. The existing driveway will be improved to prevent "wash out". Neighboring property owners, the Santilli's, water line will be considered during construction. Stone trenching in the solar field and ring road is proposed. Existing natural hydrology will be maintained on site. The existing road through the two existing wetland areas will be an emergency access. A 20 ft. sideyard setback will be maintained (most are located 60 ft. away). There is a 1,000 ft. buffer from Burlingame Road. Traffic will be minimal, and drainage facilities will be maintained by the property owner.

Mr. Vincent asked about a noise study. Attorney Murray stated that a consultant has analyzed this project and the noise level will be in compliance with the ordinance. Mr. Russo stated that a soil erosion log will be kept by the contractor during construction for RIDEM compliance. The project will provide an annual report to Public Works by June 30 of each year, as required.

Property owner, Ralph Palumbo, thanked the Commission and staff for their cooperation throughout this approval process. Ms. Harrington asked about vegetation around the proposed fence. Mr. Russo stated that no vegetation is proposed other than what exists.

Mr. Douglas Doe, 178 Lippitt Avenue, spoke in opposition and read from his letter dated January 2, 2017, with five points of concern (please refer to this document, which is made part of the record in the Planning Department). He stated that the project is over-intensive. He expressed concern with deforestation and zoning compliance. He objected to the perimeter road versus an internal road, comparing it to the proposed Hope Road Solar Farm; which is located along the Historic Farm Route. He further objected to the hearing scheduled around the holidays. He urged the Commission to perform a site visit. Mr. Doe asked that the Commission consider pushing back the panels 20 ft. from the conservation land. He stressed that this was not a "lot to ask".

Attorney Murray stated that Mr. Doe made the same comments at the Master Plan meeting. He refuted Mr. Doe's comment about the project not complying with zoning lot coverage requirements. He stated that the developer is not asking anyone to maintain a buffer. He further refuted Mr. Doe's comments on deforestation. He stated that the powerline will be brought down the gravel road and will be in compliance with National Grid requirements. He concluded by stating that notice was provided via certified mail to abutting property owners in compliance with City regulations.

Mr. Lapolla pointed out that each project is designed unique to the site. He stated that this project is not along the Historic Farm Route. He further stated that most panels are 50-60 ft. from the property line. Regarding Mr. Doe's request for a Commission site visit, he suggested that Commission members do this on their own. Regarding Mr. Doe's comparing the City of Cranston ordinance requirements with requirements set forth in other communities is irrelevant. He stated that each community sets their own requirements for various projects. He concluded by stating that the "choice is solar panels or a 38-40 lot subdivision".

Mr. Motte praised the developer, stating that it is clear that this project has been a well thought out proposal from the beginning.

Mr. Nadeau asked how long it will take to construct. Mr. Palumbo responded, stating usually 8-10 months, being weather dependent.

Ms. Heather Tibideau asked if the City has looked at ordinances in other communities. Mr. Lapolla responded, stating that the zoning use table was changed last year to allow for solar farms in the A-80 Zone. He further stated that it is quite common, when writing ordinances, to research other communities.

Mr. Pezzullo reviewed his memorandum, stating that a fourth condition of approval regarding the finalization of the conservation easement will be added.

Upon motion made by Commissioner Motte and seconded by Commissioner Strom, the Plan Commission voted (7/2 – Commissioners Bittner and Harrington voted *nay*) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, subject to the following conditions:

The Commission makes the following positive findings of fact consistent with R.I.G.L. § 45-23-30 and § 45-23-60 for the proposed Preliminary Plan / Major Land Development (MLD):

***R.I.G.L. § 45-23-30: General purposes of land development and subdivision review ordinances, regulation and rules. – Land development and subdivision review ordinances, regulation and rules shall be developed and maintained in accordance with this chapter and with a comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which complies with R.I.G.L. § 45-24-27 et seq. Local regulation shall address the following purposes:***

***(1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivision;***

An orderly, thorough and expeditious technical review of this Preliminary Plan – Major Land Development been conducted. City staff has reviewed the proposal and their comments have been summarized in Section IV of this staff memo. Property owners within a 100' radius have been notified via certified and return/receipt

mailing and meeting agenda was been properly posted. Newspaper advertisement for this project was published in 12/21/16 edition of the Cranston Herald.

**(2) Promoting high quality and appropriate design and construction of land developments and subdivisions;**

The proposed Major Land Development will be constructed with best management practices and will follow all applicable building and development performance standards set forth by the City. In addition, the applicant is required by law to follow the RIDEM approvals for soil erosion and stormwater quality control.

**(3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;**

The proposed development, as presented with the Preliminary Plan level of detail and required approvals, promotes the protection of the existing natural and built environment and the mitigation of all significant negative impacts on the existing environment. The major land development is not a permanent use and has the potential to return to forested land or used for agricultural purposes once the solar power generation onsite has ended.

**(4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;**

The proposed development is not designed or constructed as a permanent use. All natural wetlands features will remain undisturbed and the impacts of this land use will be mitigated by screening and appropriate buffering where necessary.

**(5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;**

The proposal is consistent and supports the open space preservation goals and policies of the City's Comprehensive Plan.

**(6) Promoting thorough technical review of all proposed land developments and subdivision by appropriate local officials;**

Local officials have had a chance to review the proposal three times as the plan has increased in engineering detail. A summary of their comments have been provided in Section IV of this staff memo. There are no comments from any city staff which amount to a negative recommendation of the proposed project. In addition to the approvals gained by city officials, the applicant has received the RIDEM permits as required.

**(7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and**

Impacts will be mitigated through the design and construction of this facility consistent with the specific performance standards enacted by the City Council. In addition, all other local performance standards will be adhered to in order to mitigate any public impacts.

**(8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.**

Staff practices the consistent application of procedures for local record-keeping on all matter of land development and subdivision review, approval and construction.

**§ 45-23-60 Procedure – Required findings. – (a) All local regulations shall require that for all administrative, minor and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in R.I.G.L. § 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval.**

**(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues were there may be inconsistencies;**

The proposal is consistent with the goals and policies set forth in the City of Cranston Comprehensive Plan.

**(2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;**

The proposed large scale solar power facility is consistent with the Cranston Zoning Code which authorizes this as a use allowed by-right.

**(3) There will be no significant negative environmental impacts from the proposed development as shown on**

***the final plan, with all required conditions of approval;***

The applicant has received approvals from the RIDEM for Insignificant Alteration of Wetlands and the RIPDES permit for soil erosion and stormwater control.

***(4) 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. 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; and***

Building on this lot according to all pertinent regulations will not be impracticable based upon the materials submitted to date at the Preliminary Plan level of detail.

***(5) 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.***

The proposal has permanent physical access to Lippitt Avenue, a public street within the City of Cranston.

***(b) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.***

The above findings of fact have been supported by legally competent evidence and testimony from expert witnesses qualified by the City Plan Commission on the record which discloses the nature and character of the observations upon which the fact finders acted.\*

**Conditions of approval**

The following conditions shall be met by the applicant prior to filing the Final Plan application with the Planning Department for recording:

1. **The owner, or Association, agent, manager or entity of this Project submit as part of the project maintenance and property drainage maintenance program an annual report of compliance with the MS-4 report requirements with the City of Cranston by June 30<sup>th</sup> of each year;**
2. **Performance bond in the amount of \$31,500 and a 2% administrative fee of \$620.**
3. Receive Final Plan approval from the Development Plan Review Committee and verify that all conditions have been met and incorporated into the Final Plan set;
4. Ensure the conservation easement is finalized.

**Champlin Heights**

Preliminary Plan – Major Land Development without street extension  
152-Unit Multi-family apartment complex  
Scituate Avenue  
AP 20/4, Lots 2113 and 2117

Attorney John DiBona, on behalf of Champlin Heights II, LLC, described the project as a 152 unit apartment complex to be located in six buildings. The project has received DPR approval and will require a zoning variance for height, which is on this agenda.

Project engineer, Richard Bourbonnais, stated that the site is steep and has wetlands. All permits have been received from RIDEM. There will be one access road from Champlin Hills. He explained the drainage proposal, which meets RIDEM requirements. Water will be provided through the Champlin Hills complex and sewer will be connected to Scituate Avenue.

He stated that he has met with the neighboring Turning Point Condominiums HOA, who requested certain landscaping, fence and screening, which will be done. Their representatives will be present during tree removal and will have input into new plantings, and the City will be made aware of any blasting that may be required. Mr. Lapolla pointed out that blasting permits are issued by the RI State Fire Marshall.

Mr. Coates stated that a zoning variance for height is required due to the pitched roof of the “walk-out” buildings, which is 64 feet to the ridge. He pointed out the building locations on the diagram. He stated that the project has received all State permits. A flashing speed sign is proposed on Scituate Avenue to curtail speeding. In response to Mr. Vincent’s concern with the level of detail contained in the “book” that was provided at the meeting. Mr. Coates stated that there have been changes to the plan since the Master Plan approval. He stated that the buildings are not as “monolithic”. In

response to Ms. Harrington's inquiry regarding the use of permeable pavement, Mr. Coates stated that this has been considered, and test cases are now being done, in their other retail developments.

Mr. Douglas Doe, stated that the Conservation Commission would like to receive electronic copies of plans going forward. He expressed concern with traffic. He further wants to know who would enforce tree caliper requirements and invasive species. Mr. Bourbonnais stated that all native planting materials will be used. No invasive materials are proposed.

Mr. Pezzullo reviewed his memorandum, reading various agency comments and conditions of approval, to which a list of agreements between the developer and the Turning Point Condominium HOA will be included. Attorney DiBona asked that the Final Plan submission be handled administratively.

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and *approve* this Major Land Development proposal; subject to the following conditions.

#### Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return/receipt requested mail on 12/22/16 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 12/21/16.
2. The proposed major land development and its resulting density of approximately 9.0 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "*Residential* allowing less than 10.89 residential units per acre".
3. The proposal is consistent with the B-2 Multi-Family zoning district. Under the existing zoning, the applicant has the right to develop 186 units where 152 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. The applicant will need to obtain dimensional height variances from the Zoning Board of Review prior to Final Plan application.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan as the applicant has obtained all necessary permits from the RIDEM.
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 RIDOT Physical Alteration Permit verifies that the proposed land development provides for safe and adequate local circulation of pedestrian and vehicular through traffic. The RIDEM alteration permit verifies 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 and State requirements for mitigation of flooding and soil erosion.

#### Conditions of approval

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

1. Veolia Water approval of sewer engineering stating that the plans conform to Annex A - Design of Sewers;
2. Final Plan approval from the Development Plan Review Committee and verification that all conditions have been met and incorporated into the Final Plan set;
3. Written comments from the PWSB that the final water line configuration is suitable for water supply and fire suppression. (PWSB does not issue final approval until after a plat goes on record);

4. Written comments from the RIDOT about the possibility of installing an LED advanced warning sign within the State right-of-way for the proposed intersection;
5. The owner, or Association, agent, manager or entity of this Project submit as part of the project maintenance and property drainage maintenance program an annual report of compliance with the MS-4 report requirements with the City of Cranston by June 30<sup>th</sup> of each year;
6. Payment of Cranston Herald (Beacon Communication) newspaper display advertisement in the amount of \$111.20; and,
7. Performance guarantee in the amount of \$144,000 and a 2% administrative fee of \$2,880.
8. The final plan will be completed administratively.
9. Removal of the remaining trees behind Building A, B, C and D that will be tagged by the landscape architect and an Executive Board Member of Turning Point Condominiums;
10. Selective removal and replacement of vegetation on Turning Point's Property to be approved by the Executive Board of Turning Point's Condominium Association;
11. A Representative from Turning Point Condominium Association must be present on the date(s) of any tree and vegetation removal;
12. Installation of a mix of evergreens and canopy trees surrounding Turning Point Condominiums' property creating a buffer of 10 to 20 feet;
13. Five (5) foot, black vinyl coated, chain link fence with black poles to be installed on the entire perimeter of Turning Point Condominiums' property;
14. The City of Cranston's Building Official is to inspect Turning Point Condominiums' property prior to the commencement of blasting and construction of the projects named Champlin Heights and Champlin Hills and then again once the projects are completed. Any damages incurred as a result of the blasting and construction will be the responsibility of West Bay, LLC for Champlin Hills and Champlin Heights.

#### **ZONING BOARD OF REVIEW RECOMMENDATIONS**

**PAULA HEBERT 17 SCENIC DRIVE CRANSTON, RI 02920 (OWN/APP)** has filed an application for permission to construct a 36'x26' second story addition to a single family dwelling to be used as an accessory family dwelling unit at **17 Scenic Drive**. A/P 15/2, lot 1135, area 8,000 +/- SF, zoned A-8. Applicant seeks relief per 17.92.010 Variances, Section 17.24.010 (F) 1. Accessory Family Apartments.

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 second floor addition has already been permitted by the Building Inspections Department.
2. The proposed residential use for an accessory family dwelling unit is not inconsistent with the Residential use designation on the 2010 Comprehensive Plan Future Land Use Map.
3. The existing first floor is 24' x 36' for a total of 864 sq. ft.
4. The second floor addition to be used as the accessory family dwelling unit is 26' x 36', for a total of 936 sq. ft., where 600 sq. ft. is the maximum area permitted per the zoning code.
5. The second floor addition has 2 bedrooms, bathroom, a great room, and kitchen.
6. The dwelling unit on the first floor has 2 bedrooms, living room, kitchen and bath.
7. Per the Zoning code, the accessory family apartment shall have no more than one bedroom, the accessory apartment has 2 bedrooms.
8. Access to the 2<sup>nd</sup> floor accessory family apartment is from an interior staircase, as well as sliding doors from a 2<sup>nd</sup> story deck with staircase at the rear of the house.

**Recommendation:** The application for an accessory family apartment is not inconsistent with the residential designation on the 2010 Comprehensive Plan Future Land Use Map, therefore, upon motion made by Mr. Motte and seconded by Ms. Lepre, the Plan Commission voted (5/4 Mr. Vincent, Mr. Nadeau, Ms. Bittner and Ms. Harrington voted nay) to forward a positive recommendation on this application to the Zoning Board.

**ROBERT E. GAMBA 175 ROYAL AVENUE, CRANSTON, RI 02920 (OWN/APP)** has filed an application for permission to construct an addition to an existing mixed use building to create two additional dwelling units at **1340 Plainfield Street** A/P 12, Lots 406 & 409, zoned C-2. Applicant seeks relief per 17.92.010 Variances, Section 17.20.120, Section 17.20.120 Schedule of Intensity Regulations.

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

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates this area of Plainfield Street as Highway Commercial, which does not permit multi-family residential, but does allow residential use above commercial uses on the first floor.
2. The existing use is commercial (day spa) on the first floor and one residential unit on the second floor.
3. The existing C-2 Neighborhood Commercial zone, does permit multi-family dwellings.
4. The existing garage on Fletcher Avenue will be removed to provide parking for 3 cars.
5. The site plan shows 6 parking spaces for the residential use and 5 spaces for the health spa for a total of 11 parking spaces.
6. The proposed 40'-6" x 28', 2 story addition meets the required rear yard setback requirement of 20 ft.; however, the proposed new 1 story entry addition does not, as it is located 16' from the property line.
7. The proposed side yard setback is 12', where 8' is required.
8. Per the Zoning Ordinance requirements for mixed commercial/residential uses, 6,000 sq. ft. is required for the Commercial use, plus 6,000 sq. ft. for the 3 residential uses (2,000 sq. ft. per unit), for a required lot size of 12,000 sq. ft.
9. The area of the lot is 10,450 sq. ft.; therefore, the application's lot size is 1,550 sq. ft. short of the required lot size for the proposed uses.

Recommendation: The mixed Commercial/Residential use is consistent with the Highway Commercial designation on the Comprehensive Plan Future Land Use Map, therefore, upon motion made by Mr. Motte and seconded by Ms. Lepre, the Plan Commission unanimously voted (9/0) to forward a positive recommendation on this application to the Zoning board.

**ALFRED CARPIONATO 1414 ATWOOD AVENUE, JOHNSTON, RI 02919 (OWN/APP)** has filed an application to construct six multi-unit residential buildings totaling 152 units at **0 Scituate Avenue** A/P 20/1 Lot 2128, and A/P 12/6, Lot 3108, Zoned B-2. Applicant seeks relief per Section 17.92.010 Variances, section 17.20.120 Schedule of Intensity Regulations.

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 development contains six buildings: three, 3-story buildings with 24 units each; one, 4-story building with 24 units; and two, 4-story buildings with 28 units each. Three buildings will have a 50' height, and 3 buildings will have a maximum height of 64', where 35' is the maximum height allowed per the Zoning Ordinance.
2. The 64' height of the 4-story buildings, only appears on the rear of those buildings because a drop in contour allows for walk out units in the rear. The front of those buildings are actually 3 stories and 50' from finished grade.
3. This site is adjacent, and connected, to the multi-family apartment complex known as Champlin Hills, which received a height variance for a 4 story, 63 ft. high building last year.
4. This multi-family proposal is allowed by-right within the **B-2** zoning district.
5. The proposed use conforms to the surrounding neighborhood as a multi-family development situated among other high density multi-family housing developments, ranging in height between 2 stories and 4 stories.
6. The proposed major land development and its resulting density of approximately 9.0 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "*Residential* allowing less than 10.89 residential units per acre".
7. The project received Development Plan Review approval on October 5, 2016.

Recommendation: Staff finds that the application's residential density is consistent with the 2010 Comprehensive Plan

Land Use Map that designates the subject parcels as *Residential, allowing less than 10.89 residential units per acre*. Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Plan Commission unanimously voted (9/0) to forward a positive recommendation on this application to the Zoning Board.

**BIGNEY AND BARROS PROPERTIES LLC 334 EAST AVENUE PAWTUCKET RI 02860 (OWN/APP) AND NURSING PLACEMENT INC 334 EAST AVENUE PAWTUCKET RI 02860 (LESSEE)** have filed an application for permission to install an LED electronic message board at **480 Reservoir Avenue**. AP 6/2, lot 1446, area 5000+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.92.010 Signs.

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

Findings of Fact:

1. The existing lot is 7,000 sq. ft. smaller than the 12,000 sq. ft. required in a C-4 zone.
2. The site plan provides parking for 4 cars, plus one handicap space.
3. The 1,575 sq. ft. office building would require 7 off-street parking spaces, per the Zoning Code.
4. The proposed new freestanding and L.E.D. sign is 4 ft. by 6 ft. The double sided L.E.D. sign alone is 24 sq. ft., for a total of 48 sq. ft. of freestanding signage.
5. Per the Zoning Code, the maximum area of a freestanding sign in a C-4 zone is 50 sq. ft.;
6. The proposed sign street yard setback scales to 3-1/2 ft. from the Reservoir Avenue property line, and 10 ft. from the Preston Drive property line, where a 5' minimum front yard setback is required.
7. The height of the proposed sign is 13 ft. high, where 15 ft is the maximum allowed.
8. Section 17.72.010 B.1.c. states the effect of the section is "*to prohibit all signs not expressly permitted by this section.*" (Electronic message boards fall under that category)
9. LED electronic message boards are prohibited per the Sign ordinance. In addition to the dimensional variance, the application is seeking a use variance for a sign not allowed. As such, the review standard should be greater than the presence of a mere inconvenience. Sec.17.92.020 Variances, states "*In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance*". The office building, built in 1963, has always used conventional signage for its tenants.
10. Section 17.72.010 B.1.b. of the Sign Ordinance, states the applicability and effect of this section is "*to allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located.*"
11. Page 34 of the Comp Plan, in the Land Use Strategies and Actions section, reads: *The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Ave., Park Ave., Elmwood Ave., Atwood Ave. and Oaklawn Ave., to improve the attractiveness and quality of the business.* To the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance.

Recommendation: Based on the fact that the applicant is seeking a use variance for a use not allowed, to the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance. Therefore, upon motion made by Mr. Nadeau and seconded by Ms. Bittner, the Plan Commission unanimously voted (9/0) to forward a negative recommendation on the proposed L.E.D. sign, but no specific recommendation on the parking variance, as there is limited area for parking, but redrawing the site plan to provide for 4 legal spaces, is better than the existing condition.

**CRANSTON CASTING COMPANY, INC (OWN) AND EAST GREENWICH ANIMAL PROTECTION LEAGUE (APP)**, have filed an application for permission to operate an animal shelter in an existing industrial building at **44 Worthington Road** A/P10, lot 768, zoned M-2. Applicant seeks relief per 17.92.020 Special Use Permit and Section 17.92.010 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 2010 Comprehensive Plan Future Land Use Map designates this area as industrial, therefore the application is consistent with the Comprehensive Plan, as animal shelters are allowed by special permit in industrial zones.
2. The building was formerly an industrial use (Cranston Casting), on a nonconforming 18,044 sq. ft. lot, where 60,000 S.F. is required per the zoning code.
3. The site plan submitted, which has not been approved by the City's Traffic Engineer, shows 12 off street parking spaces.
4. Also depicted on the site plan is a large grassy exercise area for the dogs located on the right side of the lot which abuts the Pawtuxet River.

Recommendation: The application is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Industrial; therefore, upon motion made by Mr. Nadeau and seconded by Ms. Lepre, the Plan Commission unanimously voted (9/0) to forward a positive recommendation on this application to the Zoning Board.

#### **WORKSHOP- RPD ORDINANCE - REVIEW AND DISCUSSION**

Mr. Lapolla stated that the RPD revision is prepared but does not have a sponsor. Comments have been made that the perception is that property rights will be taken away. Therefore, the proposal is for developers to be given a choice. The proposal is that maintenance will be provided by the City to developments that choose an RPD, as well as a ten percent density bonus. Developers who choose a conventional subdivision will be held responsible for their own street and drainage facility maintenance. This matter is open for further discussion.

#### **PLANNING DIRECTORS REPORT** – Sign Ordinance, Citywide Rezoning, Comprehensive Plan

This matter will be further discussed at a meeting to be held with the Zoning Board of Review, the City Council and the Plan Commission on Tuesday, January 24, 2017.

#### **ADJOURNMENT**

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

**NEXT MEETING** February 7, 2017 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer