

MINUTES

May 5, 2015

Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
Gene Nadeau
Kenneth Mason
Fred Vincent
Mark Motte
Kim Bittner
James Moran
Robert Strom (arrived at 7:35 pm)

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Nadeau and seconded by Mr. Vincent, the Commission unanimously voted to extend the approval of the April 7, 2015, meeting minutes to next month.

SUBDIVISION AND LAND DEVELOPMENTS

Estates at Camden Woods – Preliminary Plan
Major Subdivision (RPD) with street extension (80 new homes)
Hope Road, AP 24, Lot 12

Attorney Robert Murray, on behalf of the property owner, Hope Road Land Investments, LLC, stated that the entire parcel is 137.6 acres. The proposed major subdivision RPD consists of three distinct residential areas that will yield a total of eighty (80) new single family house lots. The RPD will provide 81.54 acres of open space with 29.79 acres of the total open space being suitable for development.

All of the proposed lots will conform to the A-20 (125' of frontage with 20,000 square foot minimum lot size) and A-80 (200' of frontage with 80,000 square foot minimum lot size) zones when designed as an RPD. The subdivision is consistent with the Cranston Comprehensive Plan – Future Land Use Map and will be serviced by public water and sewer. The proposed subdivision is planned in three (3) phases as follows: Phase I – Hope Road (33 lots); Phase II – Phenix Avenue (23 lots) and Phase III – Mystery Farm (24 lots).

Mr. Dave Russo, P.E., DiPrete Engineering, stated that the wetlands have been flagged and approved by RIDEM. Each phase will have its own stormwater system. Permits have been received from RIDEM for all stormwater systems to discharge to the existing wetland. The project has Providence Water Supply Board approval. Veolia Water has approved the proposed low pressure system, and each home will have a grinder pump, to be maintained by the individual homeowners. Fire hydrants will be placed every 500 ft. Underground utilities are proposed.

Commissioner Vincent asked about maintenance of the sewer system. Mr. Russo stated that the sewer main will be maintained by the City, and the HOA will maintain the laterals.

A resident of Mystery Farm Drive, Mr. George Villari, 139 Hope Road, and Mr. David Colombo, 53 Meadowlark Drive, asked where the sewer line would end and if they will be able to connect. Mr. Russo responded, stating that the system will handle additional connections (20-25 homes on Meadowlark Drive), and these additional tie ins will not be part of the HOA.

Mr. Charlie Argeanis, 21 Preston Drive, stated that the sewer line is next door to his property. Mr. Mason stated that the sewer line will get progressively larger as the development goes on (1 ½ - 3 inches). He further stated that at this time it is not the City's intent to extend the sewer line to Mystery Farm.

Mr. Mason stated that there is a dedicated 4" sewer line for Hope Highlands School only. The RISE Line goes to the power plant in Johnston and is a 12" line.

Mr. Jim Robinson, 32 Hope Road, expressed concern with additional traffic in the area in view of the traffic already created by Hope Highlands and the athletic complex and asked where the entrance and exit points will be. Mr. Russo showed him on the visual display.

Mr. Murray mentioned that Paul Bannon's traffic report, done at the time of the Master Plan submittal, determined that the additional traffic would not be detrimental.

Mr. George Villari suggested a traffic light be installed at the Hope Rd./Phenix Ave. intersection. He also mentioned that three miles away, in Coventry, a 100 unit apartment complex was approved that would bring additional traffic. Commissioner Moran asked about the possibility of using a round-about. Mr. Mason stated that the city does not own enough land to install a round-about without instituting a takings.

Mr. Douglas Doe stated that the plan proposes 17 acres of open space, however, he could not find 17 acres of open space on the proposed plan. He also asked what measures would be taken to prevent the spread of an invasive species that exists on site. Mr. Russo responded, stating that the RPD requirement for this subdivision is 32.2 acres of open space to be provided. This development exceeds that with 81.54 acres of open space being provided. Regarding the invasive species, Mr. Russo stated that the developer will follow the recommendations of the URI biologist recommendations as outlined in the RIDEM approval.

Mr. Jeffrey Butler, 755 Barn Door Lane, informed the Commission that there is a title issue pending that he wanted to make them aware of. Attorney Murray confirmed that there may be a question about the title, however, the area in question (the access easement to the detention pond) is 200-300 ft. away from Mr. Butler's property.

The matter of sidewalks was discussed. Ms. Debbie Vergis stated that when the Master Plan meeting was held she "fought to have sidewalks" at least on the one side of the street in the Phase III project.

Chairman Smith asked if Phase I and II would be able to connect sidewalks to Phase III. Mr. Murray responded, stating that there is no way to connect and only a portion of Phase III will have sidewalks.

Ms. Lisa Corsi expressed concern with safety and asked why sidewalks could not be provided. Mr. Murray responded, stating that the developer was asked to provide sidewalks on one side of Phase III. Maple Farms has sidewalks with which to connect.

Mr. Jim Robinson stated that Hope Road has sidewalks. He is concerned that Phase I will not have sidewalks and stated that the existing sidewalks are "well used". Mr. Douglas Doe, 178 Lippitt Avenue, and Mr. George Villari stated that sidewalks are a matter of safety for children walking to school.

Attorney Murray stated that most ½ acre lot subdivisions approved in the last 27 years do not have sidewalks. The Hope Road sidewalks were put in when Hope Highlands Elementary School was built. He stated that Phase I is a "closed in" cul-de-sac. He further stated that this Preliminary Plan was developed with a waiver from sidewalk provision, other than Phase III, at the Master Plan level. At the Preliminary Plan level, all drainage and design has been done in accordance with the Master Plan approval, therefore giving the property owner 'vested rights'.

There being no further comments, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, with the previously approved waivers for provision of a sidewalk only on the easterly side of Road E (Phase 3) and with a waiver for 26 ft. roadway width and roadway length; subject to the following conditions.

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan RPD has been conducted. Property owners within a 100' radius have been notified via certified and return receipt mailing on 4/21/15 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 4/22/15 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .58 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 1 unit per acre" (A-80) and "Residential" allowing 3.63 to 1 unit per acre" (A-20).
3. The proposed RPD will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Hope Road, Cardinal Road, Meadow Lark Drive, Mystery Farm Drive and Kristen Drive, improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Payment of Western Cranston Capital Facilities Impact fees in the amount of \$111,160. Phase I – 33 Lots (\$44,863.50), Phase II – 23 Lots (\$31,268.50), Phase III – 24 Lots (\$32,628).
2. Submit *draft* Homeowners Association documentation with all applicable deed restrictions, covenants, and maintenance requirements deemed necessary by the Public Works Director at the time of Final Plan submission. Final documents shall be reviewed and approved by the City's legal department and Public Works Director prior to the Final Plan recording.
3. Coordinate with the Fire Department regarding the final location of all fire hydrants prior to Final Plan recording for each phase.
4. Submission of performance guarantees in the following amounts:
 - Phase I – \$1,673,000 with a 2% administrative fee of \$33,460.
 - Phase II- \$1,029,000 with a 2% administrative fee of \$20,580.
 - Phase III - \$1,385,000 with a 2% administrative fee of \$27,700.
5. Reasonable measures shall be taken by the developer to prevent the spread of the invasive species during the course of development, in accordance with the URI biologist's recommendations as outlined in the RIDEM correspondence/approval.

Equestrian Estates - Final Plan

Major Subdivision with street extension

Laten Knight Road - AP 28, Lot 11

Homeowners Association use of Open Space

Chairman Smith stated that the Commission would only be considering the designation of the open space only at this meeting.

Attorney John DiBona stated that HOA documents have been provided to Jason Pezzullo; which satisfactorily address the concerns raised at the Preliminary Plan approval. Future property owners in this subdivision will own a 1/7th interest in the open space. A Zoning Certificate has been obtained.

Mr. DiBona stated that typically the final plan application is handled entirely by the administrative officer. In this particular case, the applicant agreed to appear back before the commission to address this specific single issue. All remaining conditions of the Preliminary Plan will be handled by the administrative officer.

The applicants Homeowners Association documentation for the use of the Open Space states the following:

“Proposed Use: Residential Planned Districts pursuant to Chapter 17.104 of the Zoning Ordinance of the City of Cranston. The Residential Planned District will contain single family dwelling, residential accessory uses, uses permitted in Open Space, including active recreation, passive recreation, buffers, conservation, agriculture, forestry, utilities, and drainage facilities, a road to be deeded to the City of Cranston and detention and drainage facilities. Record Lot No. 5 of the Residential Planned District will include an existing barn and other out buildings.

The owner of record for Lot No. 5 will use the barn presently location on the lot for the purpose of stabling horses for the owner of Lot No. 5, other owners of lots in the Residential Planned District and others not to exceed eight (8) horses, as an “Agricultural Operation” as defined in the Zoning Ordinance of the City of Cranston and permitted in an A-80 Zoning District.”

Mr. LaPolla mentioned that boarding of horses is considered agricultural use.

No public comment was offered on this matter, therefore, the Commission moved to a vote. Upon motion made by Mr. Vincent and seconded by Mr. Nadeau, the Commission unanimously voted (8/0) to *approve* the above referenced Homeowners Association language for the use of the open space.

Garden Vista – Preliminary Plan

Major Land Development (RPD) w/o street extension
Randall Street, Bellevue Drive - AP 12/6, Lot 2285
Request to reconsider condition of approval (power line easement)

Mr. Pezzullo stated that this RPD was approved in 2006. At issue is approval condition #9; which reads as follows: ‘National Grid’s written Assent Agreement approving the proposed construction within the easement area to be provided with Final RPD submittal’.

Attorney Sanford Resnick stated that in 1934 a single line easement was granted on this property. He stated that there are no State or local laws regarding this type of easement. Negotiations began with National Grid in 2007 to no avail. He is asking, on behalf of the property owner, to have Preliminary Plan Condition of Approval number nine removed from the approval of December, 2006. He stated that it is his client’s intention to construct the five duplex units as they were approved.

No public comment was offered on this matter. Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted (8/0) to re-advertise and re-notify the property abutters of a public hearing to be held on this matter, along with sewer approval language, for June 2, 2015.

ZONING BOARD OF REVIEW RECOMMENDATIONS

JOSEPH A PARENTI 3 WOBURN STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing 14’ x 18’ storage shed with restricted rear and side yard setback in its current location at **3 Woburn Street**. AP 5/3, lot 1727, area 3249+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Sub-standard lot of Record.

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 property’s land use is consistent with the Comprehensive Plan Future Land Use Map that designates this area of the City as Single Family.
2. The existing shed was constructed encroaching between 0 and 1.2 inches over the rear property line, where a setback of 5 ft. is required. There is a wood fence that encroaches between 1.2 ft. and 1.8 ft. onto the abutting lot, and a portion of the applicant’s concrete driveway also encroaches onto the neighbor’s lot.

3. Though not dimensioned on the plan, the side yard setback for the shed appears to be approximately 3 feet, which is allowed on a lot this small.
4. A review of the City's GIS maps that show the 65 residential dwellings located within the 400 foot zoning radius, also show that there are at least 25 accessory garages/shed buildings that have restricted yard setbacks of less than 3 feet.

Recommendation: Based on the Findings of Fact, upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board, as the application will not alter the general character of the surrounding neighborhood.

RHODE ISLAND INDUSTRIAL FACILITIES CORP C/O PAOLINO PROPERTIES 76 DORRANCE STREET PROVIDENCE RI 02903 (OWN) AND ALLIANCE SECURITY INC 60 JEFFERSON PARK ROAD WARWICK RI 02888 (APP) have filed an application for permission to have additional signage than that allowed by ordinance at **85 Garfield Avenue**. AP 7/2, lot 91, area 768,834+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 Signage.

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 proposed signage will be installed on the building that formerly housed the Katherine Gibbs School.
2. The proposed wall signage consists of the company logo that will be 105 sq. ft., and the words "Alliance" that contains 22.64 sq. ft. (2'-8" x 10'), and "Security" that contains 28.61 sq. ft. (2'-9-1/2" x 10'-3").
3. The total building signage proposed containing the logo and lettering is 160.85 sq. ft., where 30 sq. ft. of wall sign is permitted in a C-4 zone.
4. The applicant will be occupying 40,000 sq. ft. (2/3s) of the three story building.
5. The building is set back approximately 375 ft. from Garfield Avenue.
6. The business office use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area for Highway Commercial.

Recommendation: Given the size of the building and its location on the lot, the proposed signage will not alter the general character of the surrounding area; therefore, upon motion made by Mr. Moran and seconded by Mr. Strom, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board.

PETER J AND CATHY J BEAUDOIN 46 WOODMONT DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert an existing attached one car garage into living space with restricted side yard setback and build a new 22'X24' attached two car garage at **46 Woodmont Drive**. AP 15/2, lot 1405, area 8722+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural alterations, 17.20.040 Conformance to District 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 existing residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City for Single Family Residential. The existing garage has a side yard setback of 9.1 ft. where 5 ft. is required; the conversion of that area to living space (a bedroom) requires a 10 ft. side yard setback.
2. The proposed 22' x 24' attached garage will have a 7.16' side yard setback where 5 ft. is required.
3. The new garage will have the required front yard setback of 25 ft.
4. A review of the City's GIS aerials shows that there are about 19 out of 63 residential structures within the 400' Zoning Radius that also appear to have restricted side yard setbacks.

Recommendation: Based on the Findings of Fact, the Commission finds that the proposed 9.1 ft. side yard setback for conversion of the existing garage to living space will not alter the general character of the surrounding neighborhood, or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan, upon which the Ordinance is based. Therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board.

PLANNING DIRECTORS REPORT – Residential Planned District (RPD) Ordinance

Mr. Lapolla stated that the following three issues remain unresolved: 1) How do we handle lot size in RPD proposals?, 2) The Camden Woods subdivision is not what the Department is seeking as an example of an RPD and, 3) the Chapel View matter will be on the agenda next month.

ADJOURNMENT

Upon motion made by Mr. Moran and seconded by Ms. Bittner, the Commission unanimously voted to adjourn at 9:25 pm.

NEXT MEETING

June 2, 2015, in the City Council Chamber at 7 pm.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer