

MINUTES

May 7, 2013

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

Charles Rossi, Chairman
Michael Smith, Vice Chairman
James Moran
Mark Motte
Gene Nadeau
Robert Strom
Ken Mason, P.E.

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to approve the minutes of the April 2, 2013, Plan Commission meeting.

ORDINANCES AND RESOLUTIONS

Ordinance 4-13-5 – Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (166 Cannon St.)

Change of Zone from C-5 to A-8

Ordinance 4-13-5 requests to change the zoning classification of the property from C-5 (Heavy Business / Industry) to A-8 (Single-family residential, 8,000 sq. ft. lot size) for AP 12/3, Lot 2085

Site Characteristics and Context

The subject lot has frontage on the northeasterly side of Cannon Street across from Walnut Grove Avenue. The site is vacant. The 2010 Comprehensive Plan – Future Land Use Map designates this area as “Residential allowing for 7.26 to 3.64 units per acre. The proposed A-8 zoning district conforms to this density calculation with 2.46 units per acre. In this instance, the Comprehensive Plan – Future Land Use Map is clear and the proposed zone change request is obligatory on the part of the City.

Findings of Fact

1. The proposed change of zone for AP 12/3, Lot 2085 from C-5 to A-8 is consistent with the City of Cranston’s 2010 Comprehensive Plan – Future Land Use Map which designates this area as “Residential allowing for 7.26 to 3.64 units per acre”.

Recommendation

Upon motion made by Mr. Motte and seconded by Mr. Smith, the City Plan Commission unanimously voted to adopt the finding of fact documented above and forward it along with a recommendation of **approval** to the City Council for the requested zone change.

Ayes: Chairman Rossi, Mr. Smith, Mr. Strom, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Mason.

Nay: none

SUBDIVISIONS AND LAND DEVELOPMENT

The Estates at Camden Woods – Master Plan

Major Subdivision with street extension – Residential Planned District (RPD)
Hope Road
AP 24, Lot 12

Mr. Pezzullo stated that this 80 lot subdivision is “three distinct residential areas” as the subdivision will be accomplished in phases. All of the proposed lots conform to zoning requirements and do not require a change of zone.

Attorney Robert Murray, representing Hope Road Land Investments, LLC, which is associated with Picerne Real Estate, explained that the proposal has had pre-application vetting that has produced the existing, conceptual, Master Plan. He stated that the property was previously owned by Edgewood Home Builders. He further explained that this is a multi-year, multi-phase project that will be serviced by public water and sewers; which will be provided at the expense of Hope Road Land Investments, LLC. He presented Exhibit 1, which is the Warranty Deed for the property. Exhibit 2 is a copy of the recorded plan for Section 1 of Mystery Farms and a portion of Maple Farms Estates (Kristen Drive). He explained that it was always the intention (since 1981) for the new roadway to connect to Kristen Drive.

Christopher Duhamel, P.E., DiPrete Engineering, stated that the proposed area to be developed is approximately 140 acres. An RPD (cluster development) is proposed which will preserve open space. The proposal is consistent with the Comprehensive Plan. He stated that the parcel has frontage on Hope Road to the North, Phenix Avenue to the East, (stubs have been preserved); as well as frontage on Meadowlark Drive and Kristen Drive to the South. There is a gas line easement (North to South) on Cardinal Lane. A water line has not yet been built. NRS Associates flagged wetlands that were approved in 2010 by RIDEM. Providence Water Supply has provided confirmation that public water is available. The majority of the site is zoned A-20, with 30 acres zoned A-80. The plan received approval from the Conservation Commission on 4/17/2013.

Mr. Duhamel, whose resume is Exhibit 3, explained that the project will be divided into three phases. Phase I will have 33 lots of ½ acre or more off Phenix Avenue. Phase 2 will have 23 lots off Meadowlark Drive, of which 2 lots will be on Phenix Avenue. Phase 3 will have 24 lots and will be accessed by Mystery Farm Drive to the north and Kristen Drive to the south. He explained that RPD requires 25% of the site remain open space where this development will have close to 60% of the site for open space for a total of 81 acres of open space; of which there will be 30 acres of upland open space which allows for passive recreation.

Regarding roadway width, a waiver is being required for 24 ft. of pavement rather than the required 30 ft. The applicant is also seeking waiver for sidewalk provision, which will also reduce runoff. Concrete curbing is proposed. Mr. Duhamel stated that the development will comply with new RIDEM storm water runoff requirements. Underground utilities and street trees are proposed. He further noted that homes will be of “substantial character”, with side entry garages. Mr. Murray provided Exhibit 4 – verification of wetland edge, approved in 2010. He stated that this verification is valid until 2014 or 2015.

David Russo, P.E., DiPrete Engineering, (whose resume was provided) stated that a low pressure sewer line is proposed. He stated that the applicant has met with the Public Works and Planning Departments on this. There is an existing sewer force main on Hope Road. Each home will have an individual grinder pump, which accommodates 700 lbs. per day. The grinder pump collects waste from each home and discharges to the sewer. The individual homeowners will be responsible for maintenance of the grinder pumps, which can be hooked up to generators. A homeowner’s association will be established. The City will be responsible for the sewer force main.

Mr. Murray introduced Judith Zimmerman Reich, P.E., RAB Engineers, and provided her resume (Exhibit 6). Ms. Reich is a certified traffic engineer. He explained that a traffic report is not required at the Master Plan level, however, it was being presented in anticipation of the residents concern with traffic. Ms. Reich presented her report (Exhibit 7).

The following area homeowners expressed their concern with “the proposed connector road to Kristen Drive” and the increase in traffic this development would bring to an already somewhat congested area and intersection at Wilbur Avenue, Hope Road and Phenix Avenue: George Villari, 139 Hope Road; a homeowner at 1485 Phenix Avenue; Tom D’Ettore, 10 Silo Drive; Don Web, 159 Cardinal Road; Councilman Mario Aceto, Councilman John Lanni, Councilman Michael Farina, Gina Conti, Colleen Crudale, Mystery Farm Drive; Michael Crudale, Mystery Farm Drive and Susan Mahoney, Mystery Farm Drive. Mr. Richard Tomlins, 400 Farmington Avenue, stated that “you can’t have development without traffic”. He stated his opinion that “this is a practical development we need

to allow to increase our tax base". Mr. DeCicero, 130 Mystery Farm Drive, expressed concern with the environmental impact of this development.

Mr. Murray stated that the subdivision regulations support connecting roadway connections. He reminded everyone that this is a Master Plan proposal and is subject to change in view of the residents concerns. He stated that the roadway intersection at Hope Road, Phenix Avenue and Wilbur Avenue can be improved. Chairman Rossi assured everyone that their concern with traffic will be addressed. Mr. Pezzullo stated that the Fire Department is certainly in favor of the connector road as it is safer. He also reminded everyone that the Planning Commission has the authority to require off-site improvements to be accomplished and paid for by the developer. Mr. Murray stated that he will provide copies of the traffic report to the Commissioners.

Their being no further comment, the Commission moved to a vote. Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to *continue* this matter to the June 4, 2013, Plan Commission Meeting at 7 p.m. in the Council Chambers.

Ayes: Chairman Rossi, Mr. Smith, Mr. Strom, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Mason. Nay: none

Gray Coach Estates - Phase 2 – Final Plan

Major Land Development – Residential Planned District (RPD)
Major Amendment to Final Recorded Plan (building and roadway modification / reduction in units)
Scituate Avenue
AP 36/3, Lot 54

Mr. Pezzullo stated that this plan was finalized in 2008, however, the applicant has come back to the Planning Department with a phasing plan. The proposal is reducing the number of units from 116 to 94. Town homes are now proposed rather than multi-family type buildings, and the club house is being eliminated from the plan.

Attorney Robert Murray, on behalf of Western Cranston Green, LLC, stated that he also represented the owner of Newbury Village. This portion of Gray Coach Estates was originally to be a future phase of Newbury Village. However, Newbury Village has been "built out and sold". His client now owns what would have been Newbury Village Phase II.

Mr. Murray further explained that on April 17, 2013, the Site Plan Review Committee approved the above changes, and all infrastructure for Phase II has been completed. Both Newbury Village and Gray Coach Estates are serviced by a private sewer line. Mr. Murray distributed a letter from George DuPont, P.E., to the Commissioners that stated the sewer line has adequate capability. Mr. William Landry, Busch and Cavanaugh, thanked Mr. Murray for quickly and adequately addressing the concerns of the occupants of Newbury Village with Mr. DuPont's letter.

No public comment was offered on this matter.

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to *approve* this Major Amendment to the Recorded Final Plan subject to the conditions denoted below.

Conditions of approval

1. Major Amendment of the Final Recorded Plan for Gray Coach Estates Phase 2 shall remain subject to the conditions of approval of the original recording.
2. Each individual new structure shall constitute a new sub-phase for the remainder of the project.

Ayes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Mason, Mr. Nadeau, Mr. Smith and Mr. Strom.
Nay: none

The Woods at Orchard Valley – Master Plan

Major Subdivision with street extension – Residential Planned District (RPD)
Terminus of Ashbrook Drive
AP 25/2, Lot 6
Verification of Findings of Fact / Master Plan Decision only

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to *approve* the Findings of Fact and Condition of Approval denoted below.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan RPD has been conducted. Property owners within a 100' radius have been notified via first class mail on 3/18/13 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 3/20/13 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .55 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 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 Master 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 Ashbrook Drive, an improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have 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.

Condition of approval

1. Applicant shall obtain all necessary written approvals from City and outside agencies (RIDEM, Veolia Water, and Providence Water Supply Board) prior to applying for Preliminary Plan consideration.

Ayes: Chairman Rossi, Mr. Moran, Mr. Motte, Mr. Mason, Mr. Nadeau, Mr. Smith and Mr. Strom.

Nay: none

PERFORMANCE GUARANTEES

Wildflower Estates – Bond Release Request

Mr. Pezzullo explained that there had been some outstanding issue with sewer pipes that has been corrected.

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to *release* in its entirety Domestic Bank Letter of Credit No. 168, in the amount of \$111,000; in accordance with the Department of Public Works recommendation.

Ayes: Chairman Rossi, Mr. Smith, Mr. Motte, Mr. Moran, Mr. Nadeau, Mr. Strom and Mr. Mason. Nays: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

SALICCIO INC 11 LAUREN COURT CRANSTON RI 02921 (OWN) AND GRILL 505 D/B/A SHARX BAR & GRILL & 505 TAPAS BAR & LOUNGE 505 ATWOOD AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to expand an existing business within an existing building with restricted off-street parking at **505 Atwood Avenue**. AP 12/4, lots 3114 & 3275, area 29,126 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.64.010 Off-Street Parking.

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

Findings of Fact:

1. The existing use is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City for Highway Commercial use.
2. The 2,500 sq. ft. expansion is 35.7 % of the total 7,000 square footage of the building, which requires approval from the Development Plan Review Committee prior to review by the Zoning Board. The owner has not submitted an application for Development Plan Review as of April 29th, 2013.
3. The floor plan submitted with the application shows a total of 111 seats. The Zoning Code requires 1 parking space per 3 seats for tables and chair areas, **or** 1 parking space for every 3 persons based on the capacity as determined by the fire chief or designee, whichever is greater. A call to the Fire Department revealed that currently, the capacity of the business is 228 people. (which requires 76 parking spaces.) The Fire Department stated that a 2,500 sq. ft. expansion of the business would increase the capacity to 394 people, which would require 131 parking spaces.
4. The area of the business expansion shows 5 tables with 20 seats that were relocated from other areas of the original lounge. The area behind the walls that are being removed in the expansion area, are not labeled as to whether additional tables and seats are proposed.
5. The site plan submitted shows a total of 34 off street parking places. The site plan also shows a shaded area of the parking lot for a proposed deck. There currently is a fenced-in patio area at this location.
6. The application also includes an **Access and Parking Agreement** that allows Sharx patrons access to the parking lot across Luigi Street on lot 3136, between the hours of 6:00 pm and 1:00 am. That lot contains 22 off street parking spaces.
7. The total parking spaces that are available for Sharx patrons is 56. This is 75 parking spaces short of what is required for the Lounge.

Recommendation:

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to *table* this matter until the application has received a Preliminary approval from the Development Plan Review Committee.

PLANNING DIRECTOR'S REPORT

Subdivision and Land Development Regulations / Cranston Zoning Code
Amendments to the Residential Planned Districts (RPD) Sections
Preliminary Discussion

Mr. Lapolla stated that the Planning Department is going to revise the current RPD requirements. The existing RPD requirements are missing minimum/maximum lot sizes, and these will be established.

Regarding traffic studies, Mr. Lapolla stated that he would like to use IDE Monograph.

ADJOURNMENT: Upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to adjourn at 9:47 p.m.

DATE OF NEXT MEETING: June 4, 2013 – City Council Chamber – 7:00 PM

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer

