

Kenneth J. Hopkins
Mayor

Michael E. Smith
President

Jason M. Pezzullo, AICP
Planning Director



Ken Mason, P.E.
Robert Strom
Kathleen Lanphear
Frank Ritz
Ann Marie Maccarone
James Donahue
Robert Coupe
Steven Frias

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

ADOPTED MINUTES

Tuesday, February 2nd, 2022 – 6:30PM

Teleconference Meeting (Zoom)

CALL TO ORDER

Chairman Michael Smith called the City Plan Commission Meeting to order at 6:31 p.m. on Zoom.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, Ken Mason, Ann Marie Maccarone, Robert Strom, James Donahue, Robert Coupe, Kathleen Lanphear, Frank Ritz, and Steven Frias.

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director; Douglas McLean, AICP, Principal Planner; Joshua Berry, AICP, Senior Planner; and Alexander Berardo, Planning Technician.

Also attending: Steve Marsella, Esq., Assistant City Solicitor.

APPROVAL OF MINUTES

- 1/11/22 Regular Meeting

Comm. Frias said he had emailed a few suggested edits and additions to the January meeting minutes to Planning Director Jason Pezzullo prior to the meeting. He read his edits aloud while Senior Planner Joshua Berry displayed a Word document showing the proposed changes in the minutes.

In the Planning Director's Report section, Comm. Frias felt that the minutes understated Director Pezzullo's belief that the City would imminently lose its exemption from accepting comprehensive permits for the construction of affordable housing. He also asked that two sentences be added toward the end of the Policy Guide section, one to note City Solicitor Steve Marsella's concerns about the adequacy of the findings of fact that staff provided for zoning recommendations earlier in the evening, and another to state that Comm. Lanphear suggested a workshop be held to further study the draft Policy Guide.

Upon motion made by Commissioner Frias, and seconded by Commissioner Lanphear, the City Plan Commission voted unanimously (9-0) to **approve** the regular City Plan Commission meeting minutes of 1/11/22 as amended by Comm. Frias.

EXTENSION OF TIME

- **Natick Avenue Solar**

1-year extension of time for the Master Plan

Approved by Plan Commission on 2/5/19 and extended for one year on 3/2/21

Major Land Development

23-acre / 8 MW Solar Farm on 64-acre site

Natick Avenue - AP 22, Lots 108 and 119

Director Pezzullo said that Atty. Robert Murray, representing the applicant, requested extending Master Plan approval for an additional year. He said the project has been under appeal in Superior Court for over two years and noted that granting these sorts of extensions are allowed by ordinance and are fairly common.

Atty. Murray echoed Director Pezzullo's comments, saying that state law provides for these extensions, and reminded the Commission that the project had received preliminary and final approval. He added that in the unlikely case that the Court would reserve Master Plan approval, the extension would amount to an exercise in caution.

Chairman Smith opened the matter to public comment, but no members of the public spoke. Chairman Smith then invited the commissioners to pose any questions they had.

Comm. Frias asked Solicitor Marsella what the consequences to the project's path forward would be if the Commission voted to deny the extension – whether such a decision would imply the legal end of the project or whether the developer could simply resubmit the application. Commissioner Marsella said he would have to research the question and follow up later.

Upon motion made by Commissioner Mason, and seconded by Commissioner Strom, the City Plan Commission voted unanimously (9-0) to **approve** the extension of time for the Natick Avenue Solar project Master Plan.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

- DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots merged under 17.88.101 (B) and to leave an existing single-family house on an undersized lot with reduced frontage and width at 15 Usher Avenue, A.P. 11, lot 2524, area 4,000 s.f., zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120-Schedule of Intensity Regulations; 17.29.090- Specific Requirements; 17.88.010 (B) - Substandard lots of record.
- DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots, merged for zoning purposes under 17.88.010 (B) to construct a new single-family house with restricted frontage, width, lot size (area); encroaching into the required front corner yard setbacks at 0 Midvale Avenue, A.P. 11, lot 2523, area 4,618 s.f., zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.29.090- Specific Requirements; 17.88.010 (B)- Substandard lots of record.

Senior Planner Joshua Berry gave the staff presentation for the project, which required two separate votes and agenda items because there were two parcels involved. He said the applicant was proposing to

split two substandard but merged lots to yield an additional single-family residence at 0 Midvale Avenue. An existing home on a 4,000 ft² lot at 15 Usher Avenue would see no new development except for a new driveway to satisfy off-street parking requirements.

Mr. Berry said the applicant was seeking relief on 15 Usher Ave for the merger clause, substandard lot area, and substandard lot width; and on 0 Midvale Ave for the merger clause and the front setback. He noted that zoning in the surrounding 400-foot radius is entirely A-6, and that there is no uniform development pattern in the area as there are many irregularly-shaped lots. Although the applicant is proposing to construct a house that would encroach 17' into the 25' front setback, Mr. Berry pointed to the variety of lot shapes and sizes in the neighborhood as a factor that lessened the visual impact of the encroachment.

Mr. Berry said staff made positive and negative findings. He said that the cumulative proposed density for the two parcels would be 10.12 units per acre, which is inconsistent with the Future Land Use Map (FLUM)'s designation of 7.26 to 3.64 units per acre. Conversely, he noted the proposal satisfies multiple housing-related goals expressed in the Comprehensive Plan. Finally, he stated it was inconclusive whether or not the encroachment into the front setback negatively impacts the neighborhood's aesthetic qualities.

Mr. Berry said staff felt the benefits outweighed the drawbacks on this project and advocated a positive recommendation be forwarded to the Zoning Board of Review.

Chairman Smith asked to confirm if the recommendation applied to both parcels; Mr. Berry said yes. Chairman Smith then invited the applicant to speak.

Atty. Robert Murray, representing the applicant, Donald B. Coletti, said that his client had owned the site for 15 years and used the house as a rental property. He said it was his understanding that Mr. Coletti intended to use the new house as a rental property as well.

Chairman Smith then opened the matter to public comment. Receiving none, he invited the commissioners to speak.

Comm. Frias said he would not vote in favor of the staff recommendation because it was not only inconsistent with the current zoning of the neighborhood but also with the FLUM. He also noted that the public had not commented on it. He said if the abutters appeared at the Zoning Board meeting in support of the variance then the Zoning Board meeting could vote in favor of the variance.

Comm. Lanphear agreed with Comm. Frias' concerns over the proposal's inconsistency with the FLUM. She agreed that the City needed more housing units to meet its needs, but also felt that applicants could try to justify many types of inconsistencies in their applications simply by proposing to build more housing if the argument were accepted here.

Comm. Donahue asked Mr. Berry to elaborate on the comparable lots he mentioned in his presentation. Mr. Berry pointed to three houses built on 4,000 ft² lots just 200ft away from the subject site as comparable in density, lot coverage, and setbacks. He added that much of the neighborhood appeared to have been platted prior to zoning, which meant the existing development pattern was varied enough that the proposal would not stick out like a sore thumb. Comm. Donahue then asked Mr. Berry whether increased housing was the factor that caused staff to lean positive on the recommendation. Mr. Berry said yes, pointing to the housing goals in the Comprehensive Plan and reminding the commissioners that the undeveloped lot is a corner lot, which could be considered a hardship since it is subject to two front lot lines and therefore has comparatively less by-right buildable area.

Chairman Smith then asked for a motion. Upon motion made by Commissioner Frias, and seconded by Commissioner Lanphear, to forward a **negative recommendation** on the application to the Zoning Board of Review, the Commission voted 4 to 5 (Comms. Frias, Lanphear, Maccarone, and Ritz in favor, and Comms. Coupe, Donahue, Mason, Smith, and Strom opposed). The motion therefore failed.

Upon motion subsequently made by Commissioner Mason, and seconded by Commissioner Strom, to forward a **positive recommendation** on the application to the Zoning Board of Review, the Commission voted 5 to 4 (Comms. Coupe, Donahue, Mason, Smith, and Strom in favor, and Comms. Frias, Lanphear, Maccarone, and Ritz opposed). The motion passed.

- JAMES J & VANESSA JAWORSKI (OWN/APP) have applied to construct a garage addition to a single-family house encroaching into the required front yard setback at 29 Carpathia Road, A.P. 12, lots 2354, 2355, and 2356, area 12,000 s.f. zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations.

Due to the findings that the application is generally consistent with the Comprehensive Plan and that it does not alter the character of the neighborhood, upon motion made by Commissioner Coupe, and seconded by Commissioner Strom, the City Plan Commission voted unanimously (9-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

CAPITAL BUDGET AND IMPROVEMENT PROGRAM

- Department submissions and first draft presentation

Director Pezzullo said he is in receipt of all City department directors' budget requests and posted all their submissions to the City's website the previous day. He said he is starting to assemble the City's Capital Budget and will be working with Mr. Strom and the administration to ensure the budget is balanced and formatted properly. He added that he would distribute the final draft budget to the Commission prior to the March meeting, for which all department heads would be present to discuss and defend their budget requests.

ORDINANCE WORKSHOP – 17.108 Zoning Board of Review Section 070 Public Hearings

- Workshop / Discussion

Senior Planner Joshua Berry prefaced the discussion by saying that the idea for the ordinance change was the result of conversations with Stan Pikul, Zoning Secretary, concerning the cost of placing ads in the Providence Journal.

Mr. Berry presented a draft revision to the ordinance which included the following modifications (language taken directly from preamble):

- *The required newspaper ad is revised from being required to be in a paper of **daily** circulation (ProJo) to a paper of **general** circulation (Cranston Herald) for two consecutive weeks;*
- *The newspaper publication and mailer notification requirements have been revised from **20** days to **14** days prior to the public hearing;*
- *State law language dictating the rendering and recording of decisions has been included;*
- *Notification of **decisions shall be posted to the City website instead of mailed** to abutters within 4 days of recording;*
- *Language dictating how the Zoning Board renders decisions has been removed.*

Mr. Berry said that the Building Department spent more than \$8,000 last year on ad space in the (daily circulation) Providence Journal, where it could spend about \$2,500 for the same number of ads each year

if it were able to publish them in the (weekly/general circulation) Cranston Herald. As for notification requirements, revising downward to 14 days allows for two weeks of advertising in the Herald.

Regarding the notification of decisions, Mr. Berry said the Building Department's current practices – to mail a decision to all abutters within a 400ft radius – cost the department a full day of work stuffing envelopes for each round of mailing, tally up to \$800 per year in expenses, and are actually in excess of state law requirements. The recommendation to post notification of decisions on the City website saves the time and money currently spent on physical mailings.

Chairman Smith invited the commissioners to share their comments.

Comm. Frias disclosed that he receives a small amount of financial compensation as a freelance writer for the Herald and would need to recuse himself from any future votes on the matter.

Comm. Mason asked when the Commission would vote on the proposed ordinance change. Solicitor Marsella said it would be introduced at the City Council because it is a change to a zoning ordinance. Once introduced, it would then be remanded back to the City Plan Commission for a recommendation to be made to the Council.

Comm. Lanphear asked if any mailing costs were borne by applicants; Solicitor Marsella said that he believed the cost of placing ads has exceeded the revenues the City gains from its filing fees on applications, as the price of Journal advertisements has risen steadily over the years while filing fees have held constant. Rather than raising the applicants' fees, the ordinance is aimed at lowering the cost of the whole process.

Comm. Lanphear also said she was uncomfortable with reducing the lead time on the notices from 20 to 14 days and moving to online decision notices. She said that in the past, she has received mail from City Hall a week later than expected, and felt that the Commission could not assume that everyone has internet access. In her view, the time and cost savings didn't justify the possibility that abutters without internet service would be left without a means of staying informed.

Addressing Comm. Lanphear's second concern, Director Pezzullo said the first zoning notice to be mailed out for any given matter would ask the recipient to reply if they wished to receive their decision in writing via mail as opposed to finding it online. Mr. Berry added that the Commission doesn't send notice for its own decisions to everyone it initially notifies.

Atty. Murray offered a few comments as an observer familiar with the City's processes. He thought the language in the stricken section concerning appeals to the Superior Court may need to be left in the revised version. He also said that Mr. Pikul should be made aware of the process for recording decisions as described in Subsection C ("Rendering and Recording of Decisions"), as it differs from his current practice. Atty. Murray said that in some communities, the Zoning Board Clerk and the Zoning Officer are one and the same, but technically the language in Subsection D should specify that the Zoning Officer should send mail notice. Finally, he voiced his agreement with Comm. Lanphear's request to re-examine the extent to which the Commission is willing to curtail the practice of physical mailings. He said there is no requirement to mail decisions, but it has been the practice.

ELECTION OF CITY PLAN COMMISSION OFFICERS

- President / Vice President

Chairman Smith asked to begin by nominating and electing a Vice President so that he or she would be able to preside over the vote for President. Chairman Smith nominated Comm. Coupe for the office of Vice President, which was seconded by Comm. Donahue. He asked for additional nominations, but none were made.

Upon motion made by Commissioner Donahue, and seconded by Commissioner Mason, the City Plan Commission voted unanimously (9-0) to close the nominations for the office of Vice President and proceed to a vote.

Upon motion made by Commissioner Smith, and seconded by Commissioner Mason, the City Plan Commission voted unanimously (9-0) to elect Commissioner Robert Coupe to the office of Vice President.

Comm. Coupe, in his capacity as Vice President, opened nominations for the office of President. Comm. Mason nominated Chairman Smith to serve another term as President, seconded by Comm. Ritz. No other nominations were made.

Upon motion made by Commissioner Lanphear, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously (9-0) to close the nominations for the office of President and proceed to a vote.

Upon motion made by Commissioner Lanphear, and seconded by Commissioner Donahue, the City Plan Commission voted unanimously (9-0) to elect Commissioner Robert Coupe to the office of Vice President.

APPOINTMENT OF ADMINISTRATIVE OFFICER

- Alexander Berardo – Planning Technician

Director Pezzullo said that all Planning Staff serve as administrative officers to carry out their duties to the Commission, so he asked that new Planning Technician Alexander Berardo be appointed an administrative officer as well.

Upon motion made by Commissioner Coupe, and seconded by Commissioner Strom, the City Plan Commission voted unanimously (9-0) to appoint Mr. Berardo as an administrative officer.

PLANNING DIRECTOR'S REPORT

(no votes taken)

- **2022 Work Program**
 - i. Comprehensive Plan – Progress update
 - ii. City Plan Commission Policy Guide – schedule special meeting
 - iii. Joint workshop on affordable housing in February/March
 - iv. Joint site walk - Legion Bowl rezone – Saturday February 19th – 9:00AM

Director Pezzullo said staff is starting to work on the Comprehensive Plan rewrite in advance of onboarding the consultant. For the time being, he said that staff is working through one element at a time, verifying whether each of the general points of the State Guide Plan are already written or need to be covered in the rewrite. He said that staff would continue this process in-house over the next four or five months to allow the City to economize, as it does not have enough funds to hire a consultant to do the entire job.

Turning to the Policy Guide, Director Pezzullo said a revised version has been posted to the City's website. He said this version should incorporate all comments made during the January meeting, and noted it was much longer because it includes direct quotations of the law instead of citations and paraphrasing. He also said he agrees with Solicitor Marsella in recommending a Special Workshop be held to finalize the document. He suggested scheduling the workshop at some point during the next meeting, but added it was more important to get it right than to rush to complete it.

Director Pezzullo then raised the Legion Bowl rezone to the Commission's attention. He reminded the commissioners that the applicants had submitted materials related to their proposed mixed-use project,

which would require significant Zoning and Comprehensive Plan amendments. He recommended conducting a site walk to give the Commission a chance to review the plans and tour the property, since he felt they had been helpful in the past. He suggested Saturday, February 19, 2022, at 9:00am; the Commission agreed to that date and time.

Lastly, regarding affordable housing, Director Pezzullo said that he and City Council President Christopher Paplauskas agreed on the need to hold a discussion on affordable housing in Cranston, ideally with the participation of advocates, developers, and other knowledgeable individuals who could contribute to the discussion. On a related note, Director Pezzullo felt he had spoken too hyperbolically during the previous meeting in suggesting the City's exemption was all but gone. He said he reviewed HousingWorksRI's most recent fact book and found that 16.5% of the City's full-time rental pool qualified as affordable, 1.5% above the 15% threshold established by the State. He stood by his assertion that as more multifamily projects with no affordable housing component come online, the percentage will continue to decline. Comm. Frias thanked Director Pezzullo for following up on his request to double-check the current figures on affordable housing and to report back to the Commission.

ADJOURNMENT / NEXT REGULAR MEETING

- Tuesday, March 1st, 2022 – 6:30 PM – Location TBD

Solicitor Marsella said that a decision on whether online meetings will be permitted for an additional 60 days could be issued from the Governor's office by Friday, but for the time being, the executive order allowing for a return to Zoom meetings is set to lapse. The location of the March 1st meeting could therefore be online or in-person.

Upon motion made by Commissioner Lanphear, and seconded by Commission Coupe, the City Plan Commission voted unanimously (9-0) to adjourn the meeting at 8:10 p.m.