

Kenneth J. Hopkins
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Michael E. Smith
President

Jason M. Pezzullo, AICP
Planning Director



Thomas Barbieri
Robert Coupe
David Exter
Steven Frias
Kathleen Lanphear
Lisa Mancini
Justin Mateus
Thomas Zidelis

CITY PLAN COMMISSION

MINUTES

Tuesday, December 5, 2023 – 6:30 PM

3rd Floor – City Council Chamber, 869 Park Avenue, Cranston RI

CALL TO ORDER

Chairman Smith called the City Plan Commission meeting to order at 6:45 p.m. in the Council Chamber, 869 Park Avenue.

The following members were in attendance for the meeting: Chairman Michael Smith, Thomas Zidelis, David Exter, Steven Frias, Thomas Barbieri, Kathleen Lanphear, and Lisa Mancini. Vice Chair Robert Coupe and Justin Mateus were absent.

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director and Gregory Guertin, Senior Planner.

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

ORDINANCE RECOMMENDATIONS

(vote taken)

- **10-23-01 ORDINANCE** in Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled 'Zoning' (Amendments related to the 2023 State legislative session)

Director Pezzullo gave the staff presentation. Mr. Pezzullo lead the discussion regarding §17.20.030 – Table of Principal Use.

Commissioner Frias inquired about recommended changes and specific typographical errors made to the use table by staff. Mr. Frias voiced concerns about staff recommendation regarding changes of certain uses specified within the Table of Principal Use. He explained that if a use is allowed by special use permit, an applicant must receive permission from the city to engage in that use. However, if a use is allowed under the table of uses, it would become a by-right use. If the city denies an applicant's by-right use, it could lead to litigation. A more cautious approach would be to prohibit the use. An applicant can could then seek a use variance or some type of zoning change if the applicant wanted to engage in the prohibited use. He noted that in the city there are many residences within a short distance of areas zoned industrial.

Commissioner Barbieri inquired if staff recommended these changes based on state law changes. Mr. Pezzullo stated that Special Use Permits are not allowed in zoning code without specific criteria/performance standards, per changes in state law.

Assistant City Solicitor Steve Marsella stated that it was of the purview of the City to review each use and provide specific criteria for any use in which a Special Use Permit were to be allowed.

Commissioner Lanphear stated that the Commission should be protective in their decision, not to allow certain uses by-right to allow the Commission time to review the use table after consideration of objective and specific criteria. Mr. Frias reiterated these concerns.

Mr. Zidelis stated that upon review he has concerns about the recommendation, but is not prepared to vote in favor of amending the recommendation to disable all uses that currently allow Special Use Permits.

Seeing no further discussion, Mr. Pezzullo continued the presentation regarding § 17.20.040 – Conformance to District Regulations and other sections pertinent to state law changes.

Pertinent to §17.88.010 – Substandard Lots and Lot Mergers, Chairman Smith inquired if, under this provision, lots could be automatically merged. Atty. Marsella and Mr. Pezzullo clarified.

Pertinent to §17.20.030 – Table of Principal Use, Mr. Pezzullo stated that if the Commission voted to make all heavy manufacturing in the City non-conforming, expansion of the non-conforming use would require further review, which would be problematic. Mr. Frias stated that use variances are granted routinely by governing bodies. Mr. Frias reiterated his concerns related to the recommended changes of the use table.

Chairman Smith asked for public comment.

- Douglas Doe, 178 Lippitt Avenue – Shared concerns regarding the recommended changes to the use table relative to renewable energy.
- Robert Murray, 21 Garden City Drive – Offered comments regarding the recommended changes to the use table, specifically regarding the proposed changes to commercial and industrial use allowances.
- Drake Patten, 684 Natick Avenue – Provided comments regarding the proposed changes to the use table relative to renewable energy.

Chairman Smith accepted a motion to close public comment, seeing no further discussion in-person nor online.

Upon motion made by Mr. Zidelis, and seconded by Mr. Exter, the City Plan Commission voted unanimously (7-0) to close public comment.

Commissioner Frias suggested an amendment to the recommendation. Chairman Smith asked Mr. Frias for further clarification. Atty. Marsella provided further clarification regarding the process pertinent to proposed changes in the table of uses.

Commissioner Frias proposed an amendment to the recommendation to change financial institutions in the C-4 zone to a “Y” in the use table.

Upon motion made by Mr. Frias, and seconded by Mr. Barbieri, the City Plan Commission voted unanimously (7-0) to amend the recommendation to include the aforementioned change.

Upon motion made by Mr. Frias, and seconded by Ms. Lanphear, the City Plan Commission voted (4-3) to amend the recommendation to reflect a change from all “S” uses to “N” / *not allowed*. Chairman Smith, Mr. Barbieri and Mr. Zidelis voted against the amendment.

Upon motion made by Mr. Frias, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (7-0) adopt a positive recommendation as amended.

ZONING BOARD OF REVIEW RECOMMENDATIONS

(votes taken on all items)

- **GAENSLY & ERIKA LUCEUS (OWN/APP)** have applied to construct an addition to an existing single-family residence within the required front yard setback to be used as an accessory family dwelling unit at 72 Lincoln Park Avenue, A.P. 18, Lot 331; Area 9,000 sq. ft., zoned A-6.

Applicant seeks relief per Sections 17.92.010 – Variances and Section 17.20.120 – Schedule of Intensity Regulations.

Due to the findings that the application is generally consistent with the goals and purposes of the Comprehensive Plan, and is compatible with the general character of the surrounding neighborhood, upon motion made by Mr. Barbieri, and seconded by Ms. Mancini, the City Plan Commission voted unanimously (7-0) to forward a **positive recommendation** to the Zoning Board of Review.

- **HAML BRIGGS PROPERTIES (OWN) and MANDEVILLE SIGN CO. (APP)** have applied to install a new free-standing sign greater than which is allowed at 800 Wellington Avenue, A.P. 5, Lot 2434, Area 173,440 sq. ft., zoned M-2. Applicants seek relief per Sections 17.92.010 – Variances and Section 17.72.010 – Signs.

Due to the findings that the application is neither consistent nor inconsistent with the goals and purposes of the Comprehensive Plan, and is seemingly compatible with the general character of the surrounding neighborhood, upon motion made by Mr. Frias, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (7-0) to forward a **positive recommendation** to the Zoning Board of Review.

WORKSHOP

- **Subdivision & Land Development Regulations – Workshop 2** (no vote taken)
(Amendments related to the 2023 State legislative session)

Chairman Smith presented the next agenda item, subdivision and land development regulations pertinent to changes made by the Rhode Island General Assembly during the 2023 session.

Director Pezzullo presented the Staff memorandum regarding changes to existing subdivision and land development regulations and administrative process. Mr. Pezzullo clarified that the changes presented mainly affect administrative process, not in the purview of the City Plan Commission.

Chairman Smith suggested that Director Pezzullo discuss substantive changes for the Commission to discuss. Mr. Pezzullo reiterated that all substantive changes conform to changes in state law.

Atty. Marsella provided clarification regarding additional criteria eligible for review by the Development Plan Review Committee.

Director Pezzullo stated that the Commission should note that Staff previously revised land development checklists to include all necessary application materials for review.

Pertinent to the proposed changes to the subdivision and land development regulations, Atty. Marsella stated that there will be an imminent learning curve for the Plan Commission, Planning Departments, building officials, developers, and legal counsel following adoption.

Director Pezzullo stated that a public hearing must be held regarding these changes, advertised for three (3) weeks in the Cranston Herald, to be discussed on January 2nd, 2024. Director Pezzullo stated that this item can be advertised for public hearing based on consensus by the City Plan Commission.

Commissioner Frias inquired if the hearing could potentially be held during the last week of December. Director Pezzullo and Atty. Marsella had no concerns about the hearing being held after January 1st. Mr. Pezzullo stated that other municipalities in the state will not meet the January 1st deadline, in which the City of Cranston is on target to meet all state requirements enacted in the new year.

Director Pezzullo stated that if the Commission were to offer comments, suggestions, or corrections to the proposed changes, all communications must be received prior to the hearing date of January

2nd, 2024. Director Pezzullo stated that the meeting information must be advertised the following week. Staff would need to vet all comments and/or amendments in advance.

Commissioner Smith stated that he does not foresee any or amendments being proposed on the subdivision and land development regulation changes, as much of the document includes current language or mandated changes. Director Pezzullo suggested that if any changes were to be proposed that they be submitted two weeks from the following day for review.

Commissioner Lanphear asked Director Pezzullo if Staff intends on changing the documented, as present. Director Pezzullo stated that this draft will be posted for final adoption if the Commission does not propose any changes or amendments to the document.

Consensus was met, verbally to allow two (2) weeks for edits or amendments to the document to be proposed for Staff review.

2024 REGULAR CITY PLAN COMMISSION CALENDAR

(vote taken)

Mr. Pezzullo shared the proposed calendar for the regular City Plan Commission meetings for 2024. Mr. Pezzullo stated that the only issue with the proposed calendar would be the November 5th meeting date, due to Election Day. Mr. Pezzullo proposed an amended meeting date for November 6th or 7th, to be decided by the Commission.

Chairman Smith suggested changing the date of the regular meeting to be scheduled for November 7th, 2024.

Upon motion made by Mr. Barbieri, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (7-0) to adopt the calendar as amended.

PLANNING DIRECTOR'S REPORT

(no votes taken)

- Open positions / hiring process

Staff is currently soliciting for the Planner Technician and Senior Planner positions. Mr. Pezzullo stated that prior solicitation for Planner Technician yielded few responses, but response has grown in the second phase of solicitation. Planning Staff is also soliciting for Senior Planner, a position allocated by the City Council earlier in the year.

- Comprehensive Plan – Scheduling the late January community meeting

The consultant for the Comprehensive Plan, Weston and Sampson, in collaboration with Staff is looking to schedule a public hearing on the fourth Wednesday of January, 2024. Mr. Pezzullo stated that draft chapters are currently in process, following the agreed upon schedule.

- Staffing levels into January

Director Pezzullo stated that staffing levels in December would be in flux.

Chairman Smith stated that the Commission has advocated for additional staffers previously, and that on behalf of the Commission, he is appreciative of City administration for the allocation of the Senior Planner position.

UPCOMING MEETINGS / ADJOURNMENT

(vote taken)

- Tuesday, January 2, 2024, 6:30PM – **Regular City Plan Commission Meeting**
City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Zidelis, and seconded by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to adjourn the meeting at 9:05 p.m.