

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **PUBLIC WORKS COMMITTEE**

Regular meeting of the Public Works Committee was held on Thursday, January 16, 2020, in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 P.M. by the Chairman.

Present: Councilmember John P. Donegan  
Councilmember Edward J. Brady  
Councilmember Christopher G. Paplauskas, Vice-Chair (appeared at 6:02 p.m.)  
Councilmember Kenneth J. Hopkins, Chair  
Council President Michael J Farina

Also Present: Council Member Paul J. McAuley  
Council Member Steven A. Stycos  
Council Vice-President Michael W. Favicchio  
Daniel Parrillo, Director of Administration  
John Psilopoulos, Deputy Director of Administration  
Kenneth Mason, Director of Public Works  
John Verdecchia, Assistant City Solicitor  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

### **MINUTES OF THE LAST MEETING:**

On motion by Council President Farina, stated that Councilmember Paplauskas, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE:**

None.

## **PUBLIC HEARING:**

The following residents appeared to speak regarding the speeding on Peveril Rd.:

**Gregory Ventura**, 39 Derbyshire Dr., appeared to speak and stated that traffic and safety is a concern and something that needs to be done for the safety of the kids, house value and enjoying the neighborhood. The One-Way seems to be the only and best solution. This issue has been on the Safety Services and Licenses Committee and Public Works Committee Agendas going back approximately ten years and studies have been done on the possibility of making the street a Dead End and the residents were told that that would not be approved. This has been ten years of talking about this. He and his neighbors are present this evening asking for some kind of plans to move forward on this.

**Giacomo Bisclegio**, 35 Peveril Rd., appeared to speak and stated that the residents of the area work really hard to support their families and they do not need to worry about people speeding on their road. They do not want a tragedy or accident to happen. They are hoping for some kind of solution this evening.

## **OLD BUSINESS:**

None.

## **NEW BUSINESS:**

- ***Northeast Tree (Councilmember Stycos). Referred from Nov. 25<sup>th</sup> City Council.***

**Robert Grazewicz**, 30 Eddy St., appeared to speak and stated that in the past few years, it has become very difficult for him to use his backyard due to dust, noise and smells coming from this business. He would like to be able to enjoy a nice day without any of these issues and he would like to have a barbecue. He is paying taxes and cannot enjoy his backyard.

**Councilmember Hopkins** stated that he has been to the area and has taken videos where he can hear the mulching going on from the playground in Garden City. He does not know how the neighbors that live there near this business put up with it. He has seen the piles, which are very high and are pretty dangerous. This business has grown too big and something needs to be done.

**Richard Ayres**, 40 Meadow View Dr., appeared to speak and stated that he has a pool in his yard and during the summer, he is constantly cleaning the pool of all the dust coming from this business and he has children swimming in the pool. He also stated that any mulching being done, the smell is horrendous and his house shakes. He can't use his backyard. This should not be happening in a residential neighborhood. There are kids in the cul-de-sac breathing in the fumes. The piles are 40 feet high. This is unacceptable and the neighborhood should not have to deal with this on a daily basis.

**David Hauser**, 63 Meadow View Dr., appeared to speak and stated that the children in the neighborhood cannot play in their backyards. This is not a healthy environment for everyone, including the animals.

**James Walsh**, 47 Meadow View Dr., appeared to speak and stated that this business has grown too big for this neighborhood and it is destroying the quality of life and everyone on the street and the neighborhood. His house shakes from the grinding going on.

**Sean McAteer, Esq.**, 203 South Main St., Providence, appeared to represent this business and stated that he has known Mr. Sepe, the owner of this business, for many years and has represented him for years. He quoted RIGL 2-19-4.2 and stated that this section governs this operation. This business has been in the City for decades and employs over 140 people and pays taxes in the City. He also stated that there is no evidence that any mulch products are toxic.

**Councilmember Hopkins** questioned, since Mr. Sepe has been owner of this property, how many pieces of properties he has purchased surrounding the business and expanding the size of the property. Attorney McAteer stated, under 10, most are used as rental properties and some of his employees live there. Councilmember Hopkins stated that Mr. Sepe has not been a good neighbor to these people. He stated that he lives in Garden City and he has smelled the mulch and heard the noise and knows people that live in Garden City that have sold their homes and most because of this business.

**Councilmember Stycos** asked how many acres is the operation on. Attorney McAteer stated, eight acres. Councilmember Stycos questioned the tax rate Mr. Sepe is paying on his property. He stated that he checked and 2 ½ acres are being taxed on a commercial rate and the rest Mr. Sepe is paying residential rate. He also indicated that all the properties are Zoned Residential A-8 and there are 15 different lots.

**Councilmember Stycos** stated that this operation is an illegal operation in the City and it should not continue. Mr. Sepe is only covered under the mulching and he is paying commercial tax on 2 ½ acres, not 5 and not 8. The business has expanded into the residential properties. This business is not covered under the Freedom of Farm Act as has been argued by Mr. Sepe, it would be covered under the Agriculture Statute if it was 5 acres, but it is not 5 acres. As to the properties Zoned Residential that he purchased, there is no variance for the owner to use expanding his business. This operation is out of control and it is harming the neighborhood and he is not following the law. The City has to take action to enforce the law. The law has to be fair to Mr. Sepe and his business and has to be fair to the residents. He asked the Administration to review this situation and come back to the Committee in a month with a plan of what they are going to do about it.

**Director Parrillo** stated that, based on Planning information, there are 15 lots at 6.84 acres and it fits under RIGL 2-19-4.2 and residential properties are legal non-conforming use. He will follow-up on the 2 ½ acres paying commercial tax and he will also follow-up with the Planning Department, Tax Assessor and Inspections.

**Councilmember Brady** stated that he does have a relationship with the business and hopes there can be a common ground solution that would make both sides happy, but if and when it comes time for a vote on this, he will recuse.

**Councilmember Paplauskas** stated that this issue will be continued to next month's meeting for Administration to report back.

**Councilmember Stycos** addressed the residents who live near this business and stated that if there are any issues and feel the air quality is bad, they call the State and they will come out to the site.

***Request from National Grid and Verizon for joint pole location at Magnolia St.***

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to approve this pole location. Motion passed unanimously.

***Peveril St. speeding (Councilmember Brady)***

**Councilmember Brady** stated that there is a serious issue on this street. He asked Administration for any plans to address this.

**Director Mason** stated that this issue has been discussed for several years and this neighborhood is not that different than other neighborhoods in the City, such as Summit Dr. and Narragansett Blvd., where we have speeding issues. He indicated that the Castleton Estates area has a lot of traffic controls already in place. He also stated that in October of last year, the City sent out 163 surveys to Wildflower Dr. and Castleton Estates residents with two options, which were both rejected by the constituents. One option was to make Peveril Rd. One-Way there were 116 responses, and that was rejected 90-26. The other option was to limit Right Turn on Castleton at certain time of day. Both proposals were widely rejected. The suggestion of installing bump outs on Peveril, the City would be willing to try that. If the Council wishes to do that, he can put that in the Capital request because that is not cheap.

**Councilmember Brady** stated that he would be in favor of bump outs and making the neighborhood safer and if it works, then we can proceed with other areas.

**Councilmember Hopkins** stated that he is not opposed to trying the bump outs, but we need to think outside the box and he is concerned about the cost. He would like to try the three-dimensional crosswalks. It is used in certain towns in Massachusetts and they seem to be working.

**Director Mason** stated that he is not opposed to trying bump outs, but the three-dimensional sidewalks are not recognized by the Federal DOT Uniform Traffic Control Devices. We would rather use true methods and not experimental. He also indicated that there are no crosswalks on Peveril.

**William Gyra**, 16 Peveril Rd., appeared to speak and suggested making Peveril a Dead End street where Derbyshire and Peveril meet, which would be inexpensive. He also stated that most of the traffic in the evening is mostly coming from Comstock through the Estates.

**Council President Farina** asked what the challenge would be in making Peveril a Dead End street. Director Parrillo stated that the issue would be Police and Fire response. Right now, it is a cut through for everyone, including Police and Fire. Council President Farina asked that the Administration follow-up with the Police and Fire to see what the opposition is.

**Director Mason** stated that if we make Peveril a Dead End street, the next group of people you are going to hear from are Wildflower and Comstock.

**Councilmember Hopkins** addressed the statement made by Director Mason regarding the three dimensional sidewalks not being recognized by the Federal DOT and questioned why they are allowed in Massachusetts and not in Rhode Island. He also questioned what Massachusetts is doing with Federal DOT that we cannot do here in Rhode Island. He reiterated that we should try the three dimensional sidewalks as an experiment to see if it works.

**Councilmember Paplauskas** asked Director Mason to check into the Federal DOT guidelines in regards to the three dimensional sidewalks and report back next month.

**Councilmember Brady** stated that he would like to hear back from the Administration at the next meeting so we can move forward with this so we do not delay this year after year and he would like to go back to the bump outs plan as a second option.

**Councilmember Stycos** suggested creating a bike bath with cones. **Director Mason** said he could investigate that.

**Michelle Cicchitelli**, 60 Peveril Rd., appeared to speak and stated that she runs in the neighborhood and she is constantly yelling at drivers and her kids cannot ride their bikes in the neighborhood because of the speeding. She asked that the Council consider the One-Way or Cul-De-Sac. **Councilmember Paplauskas** asked that until the next meeting, additional enforcement be added in that neighborhood.

*Wilbur Ave. speeding (Councilmember Brady)*

**Councilmember Brady** stated that Director Parrillo has been responsive and there is a plan of action to address this issue. No discussion is needed.

The meeting adjourned at 7:25 P.M.

Respectfully submitted,

/s/ Rosalba Zanni  
Assistant City Clerk/Clerk of Committees