

*(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).*

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Wednesday, September 15, 2021 in the Council Chambers, City Hall, Cranston, RI.

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

The meeting was called to order at 7:25 p.m. by the Chair.

Present: Councilman Robert J. Ferri  
Councilwoman Lammis J. Vargas  
Councilwoman Aniece Germain  
Councilwoman Nicole Renzulli, Vice-Chair  
Councilman Matthew R. Reilly, Chair  
Council President Christopher G. Paplauskas

Also Present: Councilman John P. Donegan  
Councilwoman Jessica M. Marino  
Paul McAuley, Deputy Chief of Staff  
John Verdecchia, Assistant City Solicitor  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

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

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **COMMITTEE MATTERS CARRIED OVER:**

**5-21-06**      *Ordinance in amendment of Chapter 10.12.260 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic – One Way Streets-Enumerated". Sponsored by Councilwoman Germain. (Cont. from 6/17/2021). **WITHDRAWN BY SPONSOR.***

Ordinance withdrawn by Sponsor.

**5-21-07**      *Ordinance in amendment of Chapter 10.08.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Pedestrian Control Signals”. Sponsored by Councilwoman Germain. (Cont. from 6/17/2021).*

**Councilwoman Germain** asked that this Ordinance be continued.

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance. Motion passed unanimously.

**5-21-08**      *Ordinance in amendment of Chapter 10.12.210 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Through Trucking Prohibited On Certain Streets”. Sponsored by Councilwoman Germain. (Cont. from 6/17/2021).*

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to continue this Ordinance. Motion passed unanimously.

**5-21-09**      *Ordinance in amendment of Chapter 10.32.100 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – No Parking-Between Signs”. Sponsored by Council President Paplauskas. (Cont. from 6/17/2021).*

No one appeared to speak in favor or to oppose.

On motion by Councilman Ferri, seconded by Councilwoman Vargas, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

**6-21-01**      *Ordinance in amendment of Chapter 8.36 of the Code of the City of Cranston, 2005, entitled “Rodent Control” Complaints. Sponsored by Councilman Donegan and Councilwoman Renzulli. (Referred back from 8/23/2021 City Council).*

Ordinance withdrawn by Sponsor.

**6-21-03**      *Ordinance in amendment of Chapter 6.08 of the Code of the City of Cranston, 2005, entitled “Animals Generally-Dogs and Other Animals”. Sponsored by Councilman Reilly, Councilwomen Renzulli and Germain. (Cont. from 7/26/2021).*

On motion by Councilman Ferri, seconded by Councilwoman Germain, it was voted to continue this Ordinance for two months. Motion passed unanimously.

## **PUBLIC HEARINGS:**

None.

## NEW MATTERS BEFORE THE COMMITTEE:

**7-21-09**      *Ordinance in amendment of Chapter 2 of the Code of the city of Cranston, 2005, entitled "Administration and Personnel – Filming and Recording of Meetings". Sponsored by Councilman Donegan, Councilwomen Marino, Vargas and Germain.*

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Councilman Donegan** stated that this Ordinance would ensure that all meetings would be filmed and would be available online. He asked that the following amendments be made: line #27, after "session", add "or at a site visit".

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to amend this Ordinance as follows: line #27, after "session", add "or at a site visit". Motion passed unanimously.

**Council President Paplauskas** asked to be added as co-sponsor.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed unanimously.

**7-21-10**      *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 1369 Park Ave. and 0 Park Ave.). Petition filed by Sprague Covington LLC*

**John DiBona**, Esq., appeared to represent the applicant.

On motion by Council President Paplauskas, seconded by Councilwoman Vargas, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Attorney DiBona** stated that the proposal is to have a Zone Change from C-3 to C-2 and it would permit eight units of condominiums. The proposal would be for two buildings with four units each of 1,100 to 1,300 sq. ft. condo. Each would have two bedrooms and a garage underneath. The Traffic Engineer requested two changes: 1) eliminate one of the driveway openings. Requirements for this project is sixteen parking spaces and they have twenty-four; 2) the Traffic Engineer raised a question that if this were to turn into apartments instead of a condo, there would have to be a dumpster and there would certainly be enough space to accommodate that. This conforms with the Comprehensive Plan.

No one appeared to speak in favor or to oppose.

**7-21-11**      *Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles & Traffic-Multi-Way Stop Intersections – Enumerated” (Quail Hollow Dr. and Wildberry Dr. 4 Way Stop). Sponsored by council President Paplauskas.*

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance. Motion passed unanimously.

**7-21-12**      *Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Multi-Way Stop Intersections-Enumerated” (Randall St. and Whiting St. 4 Way Stop). Sponsored by council President Paplauskas.*

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance. Motion passed unanimously.

**7-21-13**      *Ordinance in amendment of Chapter 10.32.020 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Stop Intersections-Enumerated” (Quail Hollow Dr. and Wildberry Dr.). Sponsored by Council President Paplauskas.*

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance. Motion passed unanimously.

**7-21-14**      *Ordinance in amendment of Chapter 2.72 of the Code of the City of Cranston, 2005, entitled “Juvenile Hearing Board”. Sponsored by Council President Paplauskas.*

Ordinance withdrawn by Sponsor.

**7-21-17**      *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 0 Sage Dr.). Petition filed by John Casale III.*

Council President Paplauskas motioned to recommend approval of this Ordinance. Councilwoman Germain seconded the motion for discussion.

Under Discussion:

**Joseph Shekarski, Esq.**, appeared to represent the applicant and stated that also present to answer any questions are Ed Pimental, Land Use Expert and David Provencial, Project Engineer. He stated that this is residential application and his client would be allowed to build four houses on this property. He is seeking a Zone Change to allow eight houses, the same Zoning that everyone else in the neighborhood enjoys. The Planning Commission gave a unanimous approval.

Public Speakers:

**Cheryl Carbone**, 4 Thyme Dr., appeared to oppose to this Zone Change for many reasons: the Comprehensive Plan, the traffic flow, the overcrowding of the schools, the water pressure and so on and so forth. There is only one entrance and exit into Alpine Estates so it is concerning. When Mr. Casale bought this property, he knew it was Zoned A-80. What she wants is Mr. Casale to build his four houses A-80 and enhance her property instead of devastating her property.

**Janice Cataldo**, 65 Sage Dr., appeared to oppose to this Zone Change and addressed the letter the residents received from Mr. Berry in the Planning Department. She stated that there is no benefits to the City, no benefit to the Alpine Estates neighborhood. Only benefit is to the developer and Mr. Casale.

**Ben McCrystal**, Sage Dr., appeared to oppose to this Zone Change and stated that the notice the residents received states that the public hearing will be held on Wednesday, September 15, 2021 and also states that there will be a public hearing on September 27, 2021 before the City Council. The reason the public did not attend the Planning Commission meeting is because the notice did not state it was a public hearing or they would have been there. The residents have been fighting this for decades. Mr. Casale was well aware that the residents of the neighborhood were opposed to this when he purchased this property and he was well aware that this property was Zoned A-80 when he purchased it.

**John Marland**, 41 Caraway Dr., appeared to oppose to this Zone Change and stated that the water table is an issue in the neighborhood.

**Joe Narcisi**, 22 Caraway Dr., appeared to oppose to this Zone Change and stated that he hopes the City Council will take the residents' concerns to heart and truly examine the decision they are about to make because it is an important decision. He is concerned about the long-term impact.

**Frank Gibbons**, 50 Sage Dr., appeared to oppose to this Zone Change and echoed prior speakers' statements. He also stated that the letter that was sent to the residents was misleading on how it did not state that the Planning Commission was a public meeting as it was stated for the Ordinance Committee and City Council meetings.

**Christine Narcisi**, 22 Caraway Dr., appeared via Zoom to oppose to this Zone Change and stated that Mr. Casale purchased the land at A-80 and she asked that it remain A-80. By changing the Zone, you would be setting a precedent for other landowners to rezone as well, which can result in hundreds of homes added to across our neighborhoods in Cranston. She fully supports Mr. Casale in building four homes in A-80.

**Tricia Rougas**, 33 Caraway Dr., appeared via Zoom to oppose to this Zone Change and stated that this will add to the already increase in traffic pattern and to the high water table in the neighborhood.

**Danielle Marlin**, 41 Caraway Dr., appeared via Zoom to oppose to this Zone Change and stated that she agrees with the statement made earlier about precedent being set.

**Anthony Manfredi**, 15 Thyme Dr., appeared to oppose to this Zone Change and stated that he has the same concerns as everyone else in the neighborhood.

**Annette Ohsberg**, 33 Belle Isle Way, appeared to oppose to this Zone Change and asked that the Council vote this down because it does not benefit the City of Cranston any way at all.

**Lindsey & David Delprete**, 15 Dove Court, appeared to oppose to this Zone Change and echoed the neighbors' statements. Ms. Delprete asked that the Council decline the request in the interest of the City and the people who abut that property.

**Resident** of 10 Pine Dr., appeared to oppose to this Zone Change and reiterated that Mr. Casale was aware that the land was Zoned A-80 when he purchased it.

**Jason Pezzullo**, City Planner, appeared to speak and clarified that the Comprehensive Plan was approved in 2012 and expired in 2017. This means that for State purposes, it is no longer valid meaning that if there is a power plant or something at the landfill or something at the prisons, State actions. Everything else is evergreen. We are working on the Plan now. We have a Grant to do the Plan. When you talk about the scale of this proposal, the Planning Commission felt that A-20 was appropriate to be situated next to A-20. He does not believe there was anything misleading from the notice that went out from the Clerk's Office regarding the Planning Commission meeting. It is very standard language.

**Councilwoman Renzulli** asked Solicitor if the notice sent out to the abutters is a proper notice, since it does not state that there would be a public hearing before the Planning Commission, as the residents are stating. Solicitor stated that he read the entire notice and the notice requirement of State Law under Title 45. Looking at the notice, it states three dates and the first and second date mentions that it is a public hearing. The third date regarding the Planning Commission meeting, does not state the word "public". It states "an additional meeting will be held". He sympathizes with what he is hearing from the abutters' confusion. Whether or not this constitutes an Open Meeting Violation is hard to say. He thinks they make a legitimate point and can see why this would cause confusion. He would suggest sending this back to the Planning Commission with new notice. He can also check with the Attorney General's Office and get their opinion.

Council President Paplauskas motioned to send this back to the Planning Commission and notice be reissued with the three hearing dates to state "public hearing". Solicitor stated that to avoid any issues, rather than having the three dates on one notice, with two different bodies, it might make more sense to separate the Planning Commission from the City council and the Committee. He does not think it is a good idea to combine all three.

**Attorney Shekarski** stated that there is a body who makes these decisions, which is the Attorney General. Rather than start this process all over again, maybe the City Council would consider holding the matter and letting the counsel contact the Attorney General and let him review this notice. If it is valid, we go through the process and if it is not, we would start all over again.

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to send this to the November 2<sup>nd</sup> Planning Commission meeting and to be re-noticed and re-advertised. Motion passed unanimously.

**8-21-3            *Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Stopping, Standing and Parking on Specific Streets” (Dyer Ave.)***

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

/s/ Rosalba Zanni  
Acting City Clerk