

(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).

SPECIAL ORDINANCE COMMITTEE

Special meeting of the Ordinance Committee was held on Tuesday, December 19, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER

The meeting was called to order at 6:40 p.m. by the Vice-Chair.

Vice-Chair indicated that Council Vice-President Vargas is at a conference and will not be attending the meeting and she will be chairing the meeting.

II. ROLL CALL

Present: Councilwoman Nicole Renzulli
Councilman Daniel R. Wall
Councilman Robert J. Ferri
Councilman John P. Donegan
Councilman Richad D. Campopiano
Councilwoman Aniece Germain, Vice-Chair
Council President Jessica M. Marino

Absent: Council Vice-President Lammis J. Vargas, Chair

Also Present: Councilman Christopher G. Paplauskas
Stephen Marsella, Assistant City Solicitor
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

III. PUBLIC HEARINGS AND PUBLIC COMMENT ON DOCKETED ITEMS

Steven Frias, 107 Garden Hills Dr., appeared to speak as a resident and also as a member of the Planning Commission. He stated that earlier this year, the General Assembly passed a number of Zoning laws, changes to our Zoning laws. This Ordinance is an attempt to address those changes. Most of the changes in the City's Ordinance are basically mandated by State Law. There is very little or any discretion that you have over those changes. There may be a couple of areas. One area you have discretion, although it is limited, is on the table of uses. Right now, in Cranston, you have a use that is

either allowed, not allowed or it is allowed by special permit approved by the Planning Commission and the Zoning Board giving permission to do that use. What has happened is the General Assembly changed the law basically to say you can no longer deny a special use permit on the basis that it is inconsistent with our Comprehensive Plan. You have to have specific and objective criteria. Unfortunately, we do not have specific and objective criteria for all these special use permits. This legislation has nothing to do with low income or moderate income housing. These are mostly industrial commercial type uses. He has heard people saying that this is anti-business or sends a bad signal. He did research of the minutes of the Planning Commission for the last six years and we have had thirteen special permits that have come before the Planning Commission. They are almost always given a positive recommendation and they go to the Zoning Board. They are very rarely a problem.

Robert Murray, Esq., 21 Garden City Dr., appeared to speak and stated that Mr. Frias addressed a number of topics he was going to speak on. This is an area that he practices in substantially so he takes an interest in it. He is present this evening on behalf of any property owner and business client. The bulk of the Ordinance that you are being asked to consider this evening is right down the middle and follows the State Law. His focus would be on the Schedule of Uses. The effect of what the Planning Commission is recommending to the City Council to do this evening is that if there are uses that were previously allowed by special use permit and granted or in some cases uses that will no longer be allowed, those existing businesses now become legal non-conforming uses and if a company wants to expand where previously they were a permitted use as a special use permit holder, they will no longer be able to do that as a matter of right. You should not shift the burden on the business owner or property owner to say they can get a use variance because it is not as easy as Mr. Frias would suggest.

Douglas Doe, 178 Lippitt Ave., appeared to speak and agreed with statements made by Mr. Frias. He was stunned that anyone in this Administration would believe that building wind turbines by right along the Pawtuxet River, Plainfield Pike, Phenix Ave. Quarry and would make no sense whatsoever. It is not just the impact on the neighborhoods, it is an impact on the City Budget. In the last six months, the legal fees, because of a certain solar project, and now in Court, have ranged from thousands of dollars just in the last six months. What has the City paid in the last eight years because of that one decision on solar? You have to think about this entire Schedule of Uses. How many other problems are in there besides wind turbines and crematoriums? You do not know. There is no way you are going to find out tonight. These changes are going to have enormous impact on City development going forward and the cautious responsible conservative approach is to say ‘no’ at this point. He asked that the Council take Commission Member Frias’s advice and approve his amendment and change all special permits to ‘no’ and then move forward in a cautious responsible conservative approach

IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

10-23-01 ORDINANCE in Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled ‘Zoning’. Sponsored by Mayor Kenneth J. Hopkins. Continued from 12/7/2023 Ordinance Committee.

On motion by Council President Marino, seconded by Councilwoman Renzulli, it was voted to amend the Ordinance consistent with recommendations of the Planning Commission as set forth in their December 8th letter. Motion passed unanimously.

On motion by Councilwoman Renzulli, seconded by Councilman Wall, it was voted to reopen the public comment portion specifically for amendment. Motion passed unanimously.

No one appeared to speak.

On motion by Councilman Donegan, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance as amended.

Under Discussion:

Councilwoman Renzulli stated that she would like to hear from the Planning Department of what they foresee happening with this going forward if this Ordinance is passed as amended.

Solicitor stated that it will be up to the Planning Department, Legal and Administration to review these specific uses and determine essentially where they believe that these uses need a special use permit and if they do, they are going to have to come up with specific and objective criteria. He indicated that the Legislature did not allow cities and towns enough time to do that so as an example, if they want to allow wind turbines by special use permit, we would have to come up with specific and objective criteria similar to what we have for telecommunications towers. They will take time because in some uses you are going to need professionals who can come up with those criterias

Councilman Paplauskas stated that in looking at this use table, he does agree with the conservative approach, but he has a concern about being pro-business. If three months from now, we hear complaints from businesses having issues, as a Council person, is he still allowed to draft a change to this Ordinance? Solicitor stated, absolutely. Councilman Paplauskas stated that he mentioned this because he does not think that the Council should take their eye off of this and thinks that this does need more work if it does pass this evening in the conservative way that it is.

Councilman Donegan stated that he reached out to the Administration in advance about two particular uses, those are cultural use and religious place of worship. They are remaining unchanged. After looking at the Zoning Code and how they are defined, a place of religious worship is allowed by right in all residential zones and that could include any building of religious worship. He does not see how it makes sense to allow by right for a church or a temple or a synagogue or a mosque or any denomination to be built by right in the middle of a neighborhood. He questioned why that was not something that was looked at or is he misinterpreting the Code? Solicitor stated that religious worship or synagogues, etc. are allowed by right in residential zones under State Law. That is why they all have been 'yeses' the entire time. Where it changed to a special use permit was in heavy commercial to C-4 C-5. That is why religious churches and synagogues have been 'yes' for as long as he has been with the City, because they are not required, but they are under State Law you have to allow those in residential zones. Councilman Donegan asked if the same applies to cultural use. Solicitor stated that he does not have an answer to this because he does not know what the definition of cultural use is. He can report back on that. He also stated that, to his knowledge, what the Planning Department did, it did not address any uses that were 'yes' or 'no'. It was simply an exercise mandated by the State to address anything that was a special use permit so if something was allowed in a Zone, it remained allowed, if something was prohibited in a Zone, it remained prohibited. The only 'judgement call' that was made was any use in any Zone that had a special use criteria attached to it.

Councilman Ferri asked how we ended up here tonight with this deadline. Solicitor stated that the Legislature passed fourteen Bills in the last session, which ended June 30th. They required every city and town to enact all fourteen of these. Some cities and towns have and some cities and towns do not have the staff or the time to do what has to be done by the end of the year. In his opinion, there should have been more time given. State Law takes effect January 1st no matter what and if our Code does not match State Law, State Law will trump that and an applicant will come in and say why the Code states ‘such and such’ and they are being told they can’t do it. This is the reason we are here tonight.

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

V. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees