

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

MINUTES

Tuesday, January 11th, 2022 – 6:30PM

869 Park Avenue, 3rd Floor – City Council Chamber [ONLINE]

CALL TO ORDER

Chairman Michael Smith called the City Plan Commission Meeting to order at 6:35 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.

RECOGNITION OF SERVICE - FORMER CITY PLAN COMMISSION MEMBERS

On behalf of the entire Commission, Chairman Smith expressed gratitude to three former CPC commissioners – Joseph Morales, Robert DiStefano, Jr., and Fred Vincent – and shared images of the plaques that each would receive in recognition of his service. Mr. Vincent, who was present on the Zoom call, reflected fondly on his time as a Commissioner and wished the Commission well.

Chairman Smith then welcomed two new commissioners, Frank Ritz and Steven Frias, to their first meeting.

APPROVAL OF MINUTES

Upon motion made by Commissioner Donahue, and seconded by Commissioner Mason, the City Plan Commission voted 6 to 0 (Comms. Lanphear, Ritz, and Frias abstained) to **approve** the regular City Plan Commission meeting minutes of 12/7/21.

SUBDIVISION AND LAND DEVELOPMENT PROJECTS

Telephone: (401) 461-1000 ext 3136
Fax: (401) 780-3171

▪ **Natick Avenue Solar (no vote taken)**

INFORMATIONAL

Staff report on the Final Plan Application / Decision
Major Land Development
23-acre / 8 MW Solar Farm on 64-acre site
Natick Avenue - AP 22, Lots 108 and 119

Senior Planner Joshua Berry prefaced the staff presentation by noting that a review of this project would be helpful in providing the new commissioners with relevant context. He said that Master Plan approval for this Major Land Development project, which would construct ground-mounted solar panels on 23 acres of a 64-acre site on the west side of Natick Avenue, was granted in February 2019 with a condition that an ad hoc committee would review the proposal's landscaping and buffers. Mr. Berry said the committee worked from August to October 2020; following their work, the development plan was approved in November 2020, and Preliminary Plan approval was granted in April 2021.

Mr. Berry then shared the preliminary and final site plans for comparison. He said that the only noteworthy changes made for the final site plans were a shift in the location of a few panels and the removal of a gravel walking path on the eastern edge, neither of which presented concerns. He further reminded the Commission that a few outstanding conditions remained, but that these were to be addressed only after Final Plan approval is granted, as well as post-construction. Mr. Berry said that approval could be granted as soon as this week.

Comm. Frias asked when the anticipated project completion date would be. Mr. Berry said that planning staff's role in the project ends with approving the final plan, so the applicant would be best-positioned to answer that question. Solicitor Marsella noted that various appeals have been filed in court for more than a year, so even if final plan approval is granted in a week's time, it would not be built right away.

Comm. Lanphear asked if Final Plan approval would still be contingent on all conditions the Commission had voted on before, and that none of the conditions had been waived since that vote. Mr. Berry said yes to both parts of her question. Solicitor Marsella added that the applicant did not make any appeals to circumvent the Commission's conditions at any point in the application process.

Chairman Smith thanked Mr. Berry for the report. No public comments were taken as the item was not a public hearing. Finally, no vote was taken on this matter as the final decision will be handled administratively by Mr. Berry as administrative officer.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

Prior to the staff presentations, Planning Director Jason Pezzullo said that staff was beginning to revise the way it presented recommendations to the Zoning Board of Review to comply more closely with the role of the City Plan Commission as defined in state law and the City charter. He added that the presentations had started to resemble quasi-Zoning Board hearings, so staff wanted to return to macro-level discussions surrounding compatibility with the Comprehensive Plan, neighborhood consistency, etc.

Chairman Smith added that staff resources are limited and the Commission does not want to usurp the Zoning Board's role in conducting detailed reviews of zoning matters. Solicitor Marsella advised against curtailing the applicant's ability to speak to their own proposal if they so choose through procedural changes.

- FATIMA HIRALDO (OWN/APP) has filed an application to construct a deck and gazebo encroaching into the front and rear yard setback and exceeding allowable lot coverage at 81 Fairweather Avenue, A.P. 5, Lot 935; area 5,535 s.f.; zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010 (B)- Accessory Uses.

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 Donahue, and seconded by Commissioner Coupe, the City Plan Commission voted unanimously (9-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

- EDMUND & TRACY DI TROIA (OWN/APP) have applied to construct a carport structure encroaching into the front yard setback at 32 Kearsage Street, A.P.11, lot 2894; area 9,725 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010 – Accessory structure setbacks.

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

- CRANSTON PUBLIC SCHOOLS (OWN/APP) Has applied to expand an existing nonconforming school to encroach into front yard setbacks and exceeding allowable lot coverage at 180 Oakland Ave. A.P. 9, lot 2847, area 99,752 s.f; zoned B1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.88.030 B.- Extension.

Comm. Lanphear noted the significant amount of relief requested for the setback of the gymnasium and asked to amend the motion with an additional finding. The amended motion passed as follows:

Due to the findings that the application is generally consistent with the Comprehensive Plan, that it does not negatively alter the character of the neighborhood, and that the proposed application is in the best public interest and that the variances will modernize the school to meet existing neighborhood needs and improve the quality of life and stabilize the surrounding neighborhood, upon motion made by Commissioner Lanphear, and seconded by Commissioner Maccarone, the City Plan Commission voted unanimously (9-0) to forward a **positive recommendation** on the application as modified to include Comm. Lanphear's additional finding to the Zoning Board of Review.

CITY PLAN COMMISSION – City Plan Commission Policy Guide

- FINAL DRAFT discussion and adoption

Chairman Smith opened the discussion by saying that he didn't think it was likely that the draft Policy Guide would be voted on during this meeting since he expected a fair amount of feedback from Commissioners. He then invited Mr. Pezzullo to lead the review.

Commissioners shared their comments on a number of items contained in the draft policy agenda, including:

- What constitutes ex parte communication and whether the ex officio members would run afoul of the prohibition in conducting their regular business in Public Works or Finance
- The sale of city land
- Whether the Commission should have the ability to forward No Recommendation to the Zoning Board
- Mechanisms to allow a minority of Commissioners to add items to meeting agendas
- The precise language of the Open Meetings Act
- Definitions of unilateral action and the standards of conduct
- Whether ex officio members should also be designated as voting members
- Whether the third officer in the chain of command should be called Secretary or an alternative title

- What timeline to prescribe for the posting of agendas and the submission of written materials prior to meetings
- The extent of the Planning Director's purview over staff considerations
- Planning staff's responsibilities in providing findings of fact to the Zoning Board on zoning matters

Solicitor Marsella raised legal concerns as to the adequacy of the findings of fact being provided to the Zoning Board on zoning matters. Comm. Lanphear recommended that a workshop be scheduled to discuss the Policy Guide.

Following the first review, Chairman Smith called for the commissioners' suggested edits to be made prior to a follow-up discussion during the February meeting, at which point the draft Policy Guide could then be shared with other City departments for comment.

ELECTION OF CITY PLAN COMMISSION OFFICERS

Chairman Smith recommended deferring this agenda item to the next meeting given the questions that were raised over the language surrounding the Secretary position as discussed in the draft Policy Guide review. None of the commissioners were opposed, so the item was continued to the next meeting.

2022 SCHEDULE OF REGULAR MEETINGS

Mr. Pezzullo reviewed the dates of the Commission's 2022 monthly meetings. He noted that the only exception to the rule (meetings being held on the first Tuesday of each month) comes in July, when the meeting will be held on the 12th.

By consensus, the Commission agreed to the slate of scheduled regular meetings for 2022.

PLANNING DIRECTOR'S REPORT

- 2022 Work Program
- Comprehensive Plan – Process update
- Scheduling workshop on affordable housing
- 2022-27 Capital Budget – Process and Schedule

Reviewing the Planning Department's 2022 work program, Mr. Pezzullo said the City received a grant to update its Comprehensive Plan, but the amount awarded is insufficient to cover consultants' fees for the full scope of the work to be completed. To make efficient use of the funds at the City's disposal, Planning staff will prepare the first draft of the plan and give the consultant specific instructions for the work that remains. Mr. Pezzullo said he hoped to have a first draft completed in June, and that the Comprehensive Plan would consume the lion's share of staff's planning capacity.

Regarding affordable housing, Mr. Pezzullo said that the City has been exempt from accepting Comprehensive Permits because 15% of its overall housing stock is rental, and a sufficient portion of this rental housing stock is considered affordable by state standards. However, the City will fall short of its affordable housing requirements due to adding too many new market-rate rental units. Mr. Pezzullo said the Commission will need to begin to consider how the City will actively meet its affordable housing needs going forward.

Finally, Mr. Pezzullo reported that the capital budget process is beginning. He said he believed he had each department's budget request in hand and planned to sit with each department head during the month of February to discuss how to balance their budget requests, with a full draft budget targeted for March.

ADJOURNMENT / NEXT REGULAR MEETING – 2/1/22

Upon motion made by Commissioner Strom, and seconded by Commission Coupe, the City Plan Commission voted unanimously to adjourn the meeting at 9:37 p.m.