

Hon. Kenneth J. Hopkins
Mayor

Michael E. Smith
President

Jason M. Pezzullo, MCP, MPA, AICP
City Planning Director



Robert Coupe
Vice-President

Thomas Barbieri
David Exter
Steven Frias
Kathleen Lanphear
Lisa Mancini

Justin Mateus P.E.
Public Works Director

Thomas Zidelis
Finance Director

CITY PLAN COMMISSION

City Hall – 3rd Floor, Room 309
869 Park Avenue, Cranston, Rhode Island 02910

MINUTES CITY HALL – 3rd FLOOR, COUNCIL CHAMBER 6:30PM – TUESDAY, JULY 2, 2024

CALL TO ORDER

Chairman Smith called the meeting to order at 6:35 p.m. in the Council Chamber, 869 Park Avenue.

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

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

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

APPROVAL OF MINUTES

(vote taken)

- 6.6.24 Regular Meeting

Upon motion by Ms. Lanphear, and seconded by Mr. Frias, the City Plan Commission voted unanimously (7-0) to accept and approve the regular City Plan Commission meeting minutes of 6.6.24 with Mr. Frias' suggested edits.

SUBDIVISION & LAND DEVELOPMENT PROJECTS

▪ "Itri Commons"

PUBLIC HEARING CONT.

(vote taken)

Unified Development Review

PRELIMINARY PLAN – Minor Land Development Project with Zoning Relief

Merger of lots, mixed-use building conversion to residential, and construction of new building with 6 attached single-family units.

Zoning District: C-2 (Neighborhood business)

AP 12/2, Lots 269, 2822, 2823

1455 Park Avenue

Atty. Robert Murray (21 Garden City Drive) on behalf of the applicant, provided an overview of the request and travel of the application thus far. Mr. Murray stated the applicant has decided to move forward with a request for five (5) units, allowed by-right, as opposed to the initial request to construct eight (8) units. The request may require an approval with a condition restricting the construction to strictly five (5) new units. Mr. Murray would then coordinate with Staff for review and subsequent final plan submission, upon approval. Mr. Murray stated the applicant is currently seeking the applicable approvals for drainage in the meantime. Atty. Murray also stated that the applicant and associated team would coordinate with the City Solicitor to discuss protocols related to rules and requirements of advertising/notice/public hearing.

No members of the public, in-person nor online were present to comment on the matter.

Ms. Lanphear suggested that the conditions of approval and findings of fact from Staff regarding the application remain the same as provided for the initial proposal. Mr. Murray and Mr. Coupe noted that the specific findings may not be relevant and/or applicable to the new proposal.

Asst. City Solicitor Marsella clarified that the Commission would be required to make statutory findings related to the land development, excluding zoning relief the request for relief is no longer applicable to the amended request.

Director Pezzullo made clarifications regarding the findings as irrelevant to the new application without required zoning relief, to be reflected in the final decision.

▪ **“Pavilion Ave Replat”** **PUBLIC HEARING** **(vote taken)**

Unified Development Review

PRELIMINARY PLAN – Minor Land Development Project with Zoning Relief

Replat of 4 record lots into two lots and construction two (2) two-family dwellings.

Zoning District: B-1 (Single and Two-Family)

AP 7/4, Lots 3363, 3366, 3644, & 3814

Pavilion Avenue

Atty. Dylan Conley, Conley Law & Associates on behalf of the applicant, provided context of the site and travel of the application thus far, noting the dimensional relief requested is sought by this board directly under unified development protocols.

Asst. City Solicitor, Stephen Marsella provided further context of the application thus far. This matter was heard before the ZBR for zoning relief, resulting in a failed motion to approve, 2-2. Mr. Conley has filed an appeal of that decision. Mr. Marsella explained, under the doctrine of administrative finality, the Commission must first make one of two positive findings to move further on the application; a substantial difference in the application is found, or that there is a change in the law, of which the application is now reviewable under the different standard. Mr. Marsella clarified that the ZBR had heard this application under the previous zoning review standards, which have since changed, per RIGL. The application was certified as complete prior to changes in the law, which must be considered. If the Commission fails to recognize a substantial change through a vote, finding that the applicant does not meet the standard(s), the application fails before the CPC and the appeal will move forward before Superior Court.

Chairman Smith asked the applicant how the current proposal differs from the previous proposal reviewed by the ZBR. Mr. Conley stated that there were two regulatory distinctions between the proposals; the CPC now has jurisdiction to grant the dimensional relief requested, and the contemporary standards for relief are distinct, under the amendments made to zoning relief requirements, per RIGL.

Chairman Frias inquired about the degree of change in law required to be found among the Commission. Mr. Marsella stated there is no distinct level of change, but material changes in circumstances, relevant to the application. Mr. Frias inquired about the discussion of this application between members of the ZBR at the time of the hearing. Mr. Marsella recalled the discussion that had ensued among the ZBR prior to the vote.

Mr. Conley noted specific areas of regulatory oversight that are distinctly different.

Chairman Smith inquired if a motion would need to be made to recognize that the current proposal is substantially different than previously presented. Mr. Marsella confirmed.

Commissioner Lanphear directed inquiries to the applicant's counsel. Ms. Lanphear asked Mr. Conley if the new law, with associated regulatory standards had taken affect in January of 2024. Mr. Conley confirmed. Ms. Lanphear then asked if the applicant had applied to the ZBR following passage of the new law. Mr. Conley denied this, stating the applicant would have preferred the application be reviewed under unified development review. Mr. Conley stated that it was the position of the City that the application was not eligible for unified development, thus the applicant consented to review by the ZBR.

Commissioner Lanphear made a motion to not accept the application as a new application, as the present request is identical to the previous request for relief. Ms. Lanphear stated the applicant had the opportunity to present the request before the ZBR, to which the ZBR rendered a decision. That decision is appealable and at this juncture the CPC should not decide on a ZBR application that was previously decided, and is now under appeal. Mr. Frias seconded the motion for purposes of discussion.

Commissioner Frias stated that, in his opinion, the deletion of the 'least relief necessary' provision in the zoning law is a material change in regulatory standards for review. Mr. Conley stated the change in the standards are the most material changes in the contemporary law.

Commissioner Coupe voiced a question regarding the materiality in the law as to jurisdiction. Mr. Marsella clarified, under the new law, the applicant may choose to be heard under unified development or the ZBR.

Vice Chair Coupe asserted that the distinction between procedure and substance is a valid distinction, a material change in procedure.

Commissioner Frias inquired if the deletion of the 'least relief necessary' provision is of relevance regarding this application. Mr. Marsella stated that the Commission must decide materiality of the law changes including relevance for review of this application.

Chairman Smith inquired about the meeting date of the ZBR hearing on the matter. Mr. Marsella stated that the hearing was held in 2024 under 2023 standards.

Upon motion made by Ms. Lanphear, and seconded by Mr. Frias, the City Plan Commission voted (6-1) not to consider the application as a new application. Mr. Smith, Mr. Coupe, Mr. Exter, Mr. Frias, Mr. Mateus, and Mr. Zidelis voted nay.

The matter continues as presented. Jonas Bruggeman, Senior Planner provided the staff report to the Commission.

Chairman Smith opened the discussion to the public.

- Lori Grover, 3 Pavilion Court – Voiced opposition to the application.
- Judith Crum-Fortes, 30 Pavilion Avenue – Voiced concerns regarding the application. Shared site photos as evidence as part of the record.

Discussion ensued amongst abutters regarding proper notice of the meeting.

Chairman Smith inquired if the notice that was given is considered proper notice. Mr. Marsella stated that the notice provided may be legally sufficient, but confusing enough for the recipients to which a continuance may be in order.

Mr. Frias suggested potentially continuing the matter for violation of proper notice. Chairman Smith acknowledged the mistake made regarding the meeting date in the notice.

Mr. Conley acknowledged the concern regarding the timeframe, cannot consent to stopping the momentum of the timeframe. The board may continue the matter, but he cannot consent.

Commissioner Frias reiterated concerns regarding public notice and potential continuance of the matter.

Upon motion made by Mr. Frias, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (7-0) to continue the matter to a subsequent meeting.

- **“Vaugh Lane RPD”** **PUBLIC INFORMATIONAL** **(no vote taken)**
PRE-APPLICATION – Residential Planned Development Project
Replat of four (4) record lots into 44 lots for single-family development and two (2) lots for open space.
Zoning District: A-20 (Single-Family, 20,000sq.ft.) & A-80 (Single-Family, 80,000sq.ft.)
AP 30, Lots 83, 84, 85, 258

Main Street, Vaughn Lane

Atty. Robert Murray of 21 Garden City Drive, on behalf of the applicant, introduced the proposal. Jenna Shae, Project Manager of DiPrete Engineering presented alongside Mr. Murray, as a member of the applicant's team.

Ms. Shae provided context of the site and associated request, as well as discussing existing conditions on-site. Ms. Shae shared details regarding site conditions, wetlands, and geographic boundaries.

- Commissioner Frias inquired about the proposed density of the development and associated school capacity concerns. Atty. Murray responded to said inquiry, noting that this application concerns a by-right development without a request for zone change, of which school capacity is not a requirement of review for this project.
- Vice Chair Coupe voiced support for the application as a RPD development due to existing conditions and the guaranteed preservation of open space as a benefit to the surrounding community.
- Commissioner Mateus inquired about connectivity of utilities. Atty. Murray stated the applicant is considering network options based on site constraints. Mr. Mateus furthered inquired about roadways and wire network systems.

Chairman Smith invited members of the public to comment on the matter.

- Jess Slater, 6 Vaughn Lane – Inquired about notice and access on Vaughn Lane.
 - o Atty. Murray clarified that a Pre-Application conference does not require legal notice to be sent to abutters. Proper notice will be made at a later phase of which a public hearing would be held. Mr. Murray stated two points of access would be created for the development; an extension of Vaughn Lane and an extension of Wini Street. Roads are to be built to City specified standards. Mr. Murray explained that existing access points will not change, but homes will be constructed in the immediate vicinity of Ms. Slater's property.
- Douglas Doe, 178 Lippit Avenue – Inquired about site conditions.

No further comment was made by members of the public.

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

As this is a Pre-Application conference, no vote was taken on the matter.

ZONING BOARD OF REVIEW RECOMMENDATIONS

(votes taken on each item)

TRI-STATE DISPLAYS, INC. (OWN) and LAMAR ADVERTISING COMPANY (APP) have applied to the Board for permission to replace the west side only of existing double-sided billboard to a digital advertising panel at **1 Wholesale Way**, A.P. 10, lot 698, area 2,408 sf; zoned M2. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.72.010(7)- Signs. Application filed 6/10/2024

Upon motion made by Mr. Zidelis, and seconded by Ms. Lanphear, the City Plan Commission voted unanimously (7-0) to accept Staff recommendation and forward a **negative recommendation** on the application to the Zoning Board of Review.

ELLEN AND IDIR BEN BOUAZZA (OWN/APP) have filed an application to construct a two-story addition encroaching into the rear setback exceeding allowable lot coverage on an existing single-family home at **3 Sefton Drive**; A.P. 2, lot 3924; area 3,144sf; zoned B-1. Applicant seeks relief per 17.92.010- Variances; Section; 17.20.120- Schedule of Intensity Regulations; Application filed 6/11/2024

Upon motion made by Mr. Coupe, and seconded by Mr. Exter, the City Plan Commission voted unanimously (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review. Mr. Zidelis was not present for the discussion, thus abstaining from the vote.

CESAR H. GONZALES GONZALES (OWN/APP) has applied to the Board to request permission to expand and convert an existing single-family dwelling into a Two family (2 unit) dwelling on an under-

sized lot at **12 Howard Street**; A.P. 7, lot 1128; area 6,048 sf.; zoned B2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 6/13/2024.

Upon motion made by Mr. Frias, and seconded by Mr. Exter, the City Plan Commission voted (4-3) to not accept Staff recommendation, and to forward a **negative recommendation** on the application to the Zoning Board of Review. Mr. Frias, Mr. Exter, Mr. Mateus, and Ms. Lanphear voted against the application.

CITY PLANNING DIRECTOR'S REPORT

(no votes taken)

- Comprehensive Plan Update Process

Director Pezzullo, referencing a previous notice sent out to the Commission, stated that the consultant had not yet delivered all plan elements thus far. Staff has been working to review and amend existing draft chapters to be sent out to the Commission as they are received.

Mr. Pezzullo warned the Commission that the previously set deadline of September will be difficult to reach considering the pace at which Staff is receiving and reviewing plan chapters.

Commissioner Lanphear voiced concern regarding the process in which commissioners are able to provide comment or relevant edits to the draft chapters. Mr. Pezzullo stated that Commissioners have the ability to submit comments/edits to Staff for review.

Director Pezzullo stated that draft chapters are turned over to the Commission by Staff as quickly as possible in order to streamline the process.

The Commission discussed a potential future workshop date to discuss the draft of the comprehensive plan thus far.

- Open positions / ongoing hiring process

Director Pezzullo stated that the Planning Department will be scheduling interviews for the following vacant positions; Senior Planner, Asst. Director/Principal Planner in the coming weeks.

ADJOURNMENT

(vote taken)

Next Meeting | Tuesday, August 6, 2024, 6:30PM – **Regular Meeting**
City Hall – 3rd Floor, Council Chamber – 869 Park Avenue

Upon motion made by Mr. Frias, and seconded by Mr. Mateus, the City Plan Commission voted unanimously (7-0) to adjourn the meeting at 9:42 pm.