

(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 Thursday, May 13, 2021 via Zoom webinar.

CALL MEETING TO ORDER:

The meeting was called to order at 6:34 p.m. by the Chair.

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

Absent: Councilwoman Aniece Germain

Also Present: Councilman John P. Donegan
Councilwoman Jessica M. Marino
Anthony Moretti, Director of Administration
Christopher Millea, City Solicitor
Stephen Angell, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council President Paplauskas, seconded by Councilman Ferri, 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:

1-21-05 Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Conformance to District Regulations Required & Substandard Lots of Record). Sponsored by Mayor Hopkins. (Cont. from 3/18/2021 and 4/15/2021).

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

Under Discussion:

Jason Pezzullo, City Planner, appeared to speak and stated that, basically, this came from staff trying to remedy some problems in the existing Zoning Code having to do with some pretty ambiguous language that has caused us problems in the past. We brought this to the Mayor and he thought it was a good idea. Director Pezzullo asked Joshua Berry, Senior Planner, to speak regarding this

Joshua Berry, Senior Planner, gave a slide presentation regarding this Ordinance.

Public Speakers:

Marcia Fowler, 35 Milton Ave., appeared to speak and stated that she lives on the East side and from what she understands, this will be adding more housing to the East side. She asked if that is correct? Director Pezzullo stated, yes, they've been able to quantify that and they are talking about maybe something in the range of 100 lots. You see less of this in Western Cranston because most of those neighborhoods were platted post zoning.

Michael Favicchio, 153 Belvedere Dr., appeared to speak and stated that he thinks this is a perfect method of providing some affordable housing. It also takes care of some blighted land.

Councilman Ferri asked how many lots are in the entire City that would benefit from this Ordinance. Director Pezzullo stated around 100, probably less.

Mr. Berry clarified that the Planning Commission recommendation and staff written recommendation was to include the markups that were attached to that memo and are just clerical errors and then one "and" was changed to "and/or". He asked if the Ordinance included the amendments in the markup Ordinance attached to the staff memo. Chair asked Attorney Angell if that is proper to do with the markups. Attorney Angell stated that he does not have them. Ultimately, the papers can all be forwarded to the Council, but the Council is and this Committee is charged with approving or disapproving of an Ordinance. The Ordinance is not going to be published in its final form with all of those documents. The Ordinance was posted on the agenda as part of the recommendation of the Planning Commission.

Chair stated that he thinks it is more than proper to vote on it. Attorney Angell stated that as long as the Ordinance that is here is the same as what the Planning Board gave an opinion on, the Committee is fine in voting on it.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilwomen Vargas, Renzulli, Councilman Reilly and Council President Paplauskas -4. The following being recorded as voting "nay": Councilman Ferri -1. Council Vice-President Brady was not present for roll call vote.

3-21-04 ***Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, Entitled “Business Licenses and Regulations” (Third Party Delivery Services). Sponsored by Councilman Donegan. (Cont. from 4/15/2021).***

Councilman Donegan asked for a continuance of the above Ordinance.

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

Attorney Angell stated that he noticed under “New Matters Before the Committee”, the Petition from Coastal Partners does not indicate whether or not a vote will be taken, which is in violation of Open Meetings Act. This should be continued so the agenda can indicate whether or not a vote will be taken.

Chair stated that in terms of public hearings this evening, we will do them with the actual Ordinance or application that is before the Committee. Applicant will be allowed to speak and then the public will be allowed to speak and then the Committee will be able to take comments and questions from the public.

PUBLIC HEARINGS:

Public hearings held with the actual Ordinances.

NEW MATTERS BEFORE THE COMMITTEE:

Petition for consideration of a substantial change in circumstances pursuant to Section 17.116.030 concerning Ordinance in amendment of Ch.17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – New London Ave.). Petition filed by Coastal Partners LLC, Mulligan’s Island LLC, and State of Rhode Island.

Councilwoman Vargas motioned to approve this petition. Council President Paplauskas seconded the motion for discussion.

Under Discussion:

Michael DiGiuseppe, applicant, appeared to speak and was sworn in by the stenographer. He stated that when Costco planned to come to Cranston, they agreed to hire people from the community and starting pay of approximately \$15 per hour plus health, medical and dental. They were also suggesting that the development would create \$600,000 to \$700,000 in additional tax revenue to the community. They also agreed to hire from the local trades for certain portions of the work. He also indicated that Local 271 support the efforts.

Mr. DiGiuseppe stated that Costco believes the substantial changes are significant. Some of them are:

- they have agreed to delete three restaurants all along New London Ave.;
- the Pastore Center was very concerned about right-hand turns going through the Pastore Center and being a shortcut, by people going from one direction to the other so they eliminated the right-hand turn going to Howard Ave. and all the turns coming out of that intersection now directed to the left-hand turn that goes out to New London Ave.;
- the City did not appear interested in accepting, as a gift, the 18 acres of Open Space, so it will continue to be a par three golf course and it will be Open Space;

Costco wants to be in Cranston and, in March of this year, two representatives from Costco, Senior Representatives and himself sat down with Mayor Hopkins and discussed that Costco wants to be on the Mulligan's property, they do not want to be on the Carpiolato property. The Mayor stated he is not interested in Costco coming to Cranston and locating on the Mulligan's property. Mr. DiGiuseppe stated that he thinks that this position is a little short-sighted and not in the best interest of the City of Cranston. Now it is up to the Ordinance Committee to make a determination of whether or not they want to reconsider the application with the changes. They want to be good neighbors, which is why they designed the site so that all the services for this building are in the front of the building. There is no loading of the back that faces the residents and there and no lighting in the back that faces the residents. They would like the chance to resubmit this application because they think it is good for the City long-term, they think it is good for the residents because of the priority hiring.

Director Pezzullo stated that staff worked on this MPD proposal for the better part of six months. There was lengthy review process, multiple iterations of the plan were reviewed, there were hours of public hearings with the applicant as well as with the public. The Planning Commission rendered a negative recommendation in December and the City Council did not render a decision at that time. There are changes to the plan for sure, but are they significant changes, staff would say that they are not significant changes from the proposal that was vetted for six months at the end of 2020.

Public Speakers:

Adam Lupino, 100 Burton St., appeared to speak and stated that he supports this project and this is an exciting opportunity during uncertain time in the City of Cranston. Ultimately, as members of the Ordinance Committee, it is your duty to allow a fair and open process and allow the developer to go back to the application process. He thinks that this would send a message that Cranston is going to take a fair view of these types of projects and assess them.

Rachel McNally, 113 Hilltop Dr., appeared to speak and stated that as far as she can tell from these new plans, Costco is still there as well as the gas station and most of the other things that originally came with it. As long as that Costco, that one building is still there, she does not see how there are significant or substantial changes. The development does have an impact on the surrounding neighborhood. The lights do face it, they will face it and those are things that are still there.

Kate Caito, 97 Hilltop Dr., appeared to speak and stated that she feels Mr. DiGiuseppe's iteration of these proposals does not have a substantial change from the past proposal. The size and location as well as orientation of the proposed building have not changed. The scale of the wholesale building still makes this building visible from the surrounding neighborhoods. The gas station, which was an issue before, has not changed and it is still a concern to the neighbors. The primary use for this entire proposal has not changed. The issue of the major traffic ramifications, the noise ramifications, the light pollution, the drainage issue, none of these issues have been addressed or changed, so she does not think a substantial change has been met. She thinks the overall scope of this project is too large to be nestled in between all of the surrounding neighborhoods.

Glen DiCecco, 85 Coolspring Dr., appeared to speak and stated that this is not the place for a big box store. The layout, the noise, the traffic, it is not the place. He has nothing against Costco, but he thinks that they need to find a different location. As a resident of this area, they have the burden of the Howard Complex, the Pastore Complex, the ACI, the EMA National Guard, Garden City, Chapel View, Sockanosset Crossroads and the strip malls on Oaklawn Ave. He thinks that they have been burdened enough as residents as far as commercial buildings in this area. As a resident, he has had enough and it is not a place for a big box store.

Mike Swiader, 156 Hilltop Dr., appeared to speak and stated that this is not the right location for a project of this type.

Karen Levesque, 26 Woodhill Dr., appeared to speak and stated that there is speeding in this area constantly and this is her concern along with increase in noise. This is just not the place for this.

Megan Kasparek, 132 Hilltop Dr., appeared to speak and stated that she agrees with all the neighbors who spoke before her and she opposes this Costco plan.

The public comment portion of the meeting was closed.

Mr. DiGiuseppe asked to address some of the statements made. He stated that he sat down with the neighbors and he will continue to sit down with the neighbors and try to work something to their benefit. As to the traffic concerns, the project has to go through a traffic report and it has to go to RIDOT for approval. The project does not move forward unless there is a consensus that they have satisfied the traffic requirements. When people talk about the fact that it is a big building, he thinks it is important to note that this is 53 acres. They are only developing 60%, so they have 40% Open Space on this property which is really significant because the regulations only require 15%. The developer is willing to spend \$40 million on improvements for that property for improvements on the road and with the neighbors from Hilltop Rd. in mind on how they can do it. He is asking for another shot at this to try to work it out to the City's satisfaction and the neighbors' satisfaction. He wants to be an open and transparent developer for the City and work with everyone as long as he is told what everyone wants.

Chair asked if any Council Members have any questions from the applicant.

Attorney Angell asked Chair if he is concluding public hearing. Chair stated, yes. He asked Attorney Angell if he can confirm that the issue before this Committee is whether or not there is substantial change in circumstances from the original plan presented by Mr. DiGiuseppe to the current plan. Attorney Angell stated that that is an accurate statement, but he stands by his initial comments that the Committee may not vote on this tonight. There is no notification on this agenda that a vote would be taken. This is his advice and the Committee can continue the matter for a vote to another meeting of this Committee whether it be a special meeting or a regular scheduled meeting. Councilwoman Renzulli asked Solicitor on the call for his opinion on this because for along time that was not part of many agendas. She asked if this is an actual problem or not. Solicitor stated that he would think this is more of a typo. Obviously, if there is new matters before the Committee, his opinion would be that new matters are there to be voted on by the Committee, to be considered by the Committee.

Councilwoman Vargas questioned what the next step would be if this passes and if this substantial change in this petition before this Committee does not pass, is it just not heard at all? Solicitor stated that his understanding in his review of the law, is that if this Committee votes down the proposed substantial change, this particular project, as proposed, is dead for the next two years before the developer and any other person cannot come before the Council on that same property for the next two years according to our City Ordinance. Should this Committee vote that there is substantial change, then it is his understanding that that matter has to go before the full City Council.

Councilwoman Renzulli asked Mr. DiGiuseppe when the last time was that he spoke to Costco about this and why is no one from Costco on the call. Mr. DiGiuseppe stated that he speaks to Costco daily. They met with the Mayor in March of this year and at that time, they did come into town and sat with Director Moretti and Mayor Hopkins and they wanted the Mayor to understand very clearly that the Mulligan's Island site was the site that they were choosing. Councilwoman Renzulli asked if Costco is aware of this re-submission plan. Mr. DiGiuseppe stated, absolutely. Councilwoman Renzulli asked if there is anything different about the scope of the size of Costco in this proposal. Mr. DiGiuseppe stated that they have some limitations at how far they can go before it doesn't become acceptable to Costco corporate.

Chair asked what the total original square footage of the project was and then this new one. Mr. DiGiuseppe stated that it is a reduction of approximately 15,000 sq. ft. Chair asked if an Affidavit was filed with this package. Mr. DiGiuseppe questioned what the Affidavit is. Attorney Angell stated that an Affidavit has to be provided by Mr. DiGiuseppe. Mr. DiGiuseppe stated that he filed a two-page letter to the application signed by him and dated properly stating what the changes are and he thinks this satisfies the Affidavit. Chair asked Attorney Angell if this satisfies the requirement. Attorney Angell stated that it does not satisfy the legal requirement in Rhode Island as being an Affidavit.

Director Moretti stated that the Mayor did oppose this project at Mulligan's Island early on last year when this was proposed and the Mayor still does oppose it at Mulligan's Island. The Mayor and himself had a very cordial meeting with Mr. DiGiuseppe and representatives from Costco and Mr. DiGiuseppe was more than welcoming. The Mayor still wants Costco in Cranston. He feels that that may not be the only location. The Mayor did suggest another location, but they did not find it favorably, but the Mayor will continue with efforts to locate Costco in Cranston and will do everything he can to get Costco in the City of Cranston.

Mr. DiGiuseppe stated that the meeting that he attended, the results were a little different. Mayor Hopkins said “as long as he gets support from the Council people, he will agree with this project”. The question of whether or not the Mayor interceded in this process is in question.

Chair stated that his suggestion to the Committee is to complete what we have to complete this evening and have our comments and take a vote at either a special meeting or however the Council President feels it should be docketed. Council President Paplauskas stated that it really should be at an Ordinance Committee meeting and possibly have a special meeting. Chair stated that he would like to do this as soon as possible since this is an important topic for the residents.

Solicitor stated that in order to meet the posting requirements, the earliest it can be voted on is Tuesday with 48-hours’ notice.

Chair asked if Tuesday at 5 pm satisfies everyone on the Committee.

Councilman Ferri stated that we have a special Public Works Committee meeting on Thursday, May 20th at 6 pm. He questioned if we could hold a special Ordinance Committee meeting just before that. Chair stated that that is a great idea. We can schedule it for 5:30 since it will be just for a vote on this application.

Council President Paplauskas asked if a vote needs to be taken on the continuance. Attorney Angell stated that a vote is needed to continue the matter to a special Ordinance Committee meeting at the specified date at 5:30 pm with language of “vote to be taken” listed on that agenda.

On motion by Councilman Ferri, seconded by Councilwoman Renzulli, it was voted to continue this to May 20th special Ordinance Committee meeting at 5:30 pm. Motion passed unanimously.

***Resolution of the City Council “In Support of Legislation to End Prison-based Gerrymandering”
Sponsored by Councilman Donegan, Councilwomen Germain, Vargas and Marino.***

Chair stated that Councilman Donegan has asked that this Resolution be continued.

On motion by Councilwoman Vargas, seconded by Councilman Ferri, it was voted to continue this Resolution. Motion passed unanimously.

- **Adjournment**

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

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