

Kenneth J. Hopkins  
*Mayor*

Michael E. Smith  
*President*

Jason M. Pezzullo, AICP  
*Planning Director*



**CITY PLAN COMMISSION**  
Cranston City Hall  
869 Park Avenue, Cranston, RI 02910

Vacant  
Vacant  
Kathleen Lanphear  
Frank Ritz  
Ann Marie Maccarone  
James Donahue  
Robert Coupe  
Steven Frias

## **DRAFT MEETING MINUTES**

**Tuesday, April 5, 2022 – 6:30PM**

**3<sup>rd</sup> Floor - City Council Chamber, 869 Park Avenue, Cranston RI**

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### **CALL TO ORDER**

Vice Chairman Robert Coupe called the meeting to order at 6:31pm in the Council Chamber, 869 Park Ave.

The following Commissioners were in attendance for the meeting: Vice Chairman Coupe, James Donahue, Steven Frias, Kathleen Lanphear, Ann Marie Maccarone, and Frank Ritz. Chairman Michael Smith was absent, and the Commission currently has two unfilled vacancies.

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.

### **APPROVAL OF MINUTES**

- 3/8/22 Regular Meeting (vote taken)

Mr. Frias recommended two edits to the draft minutes. The first edit, made in the first paragraph under the Approval of Minutes section, clarified that the word “symbolic” was in reference to the Western Cranston Fire Station as opposed to woodchips in the broader conversation around capital budget proposals. The second edit, in the last paragraph under the Planning Director’s Report section, provided more context for the discussion surrounding whether the single-family zoning bill should be placed on the agenda of the April Plan Commission meeting and whether to treat it separately from a broader discussion on affordable housing.

Upon motion by Mr. Frias, and seconded by Mr. Donahue, the City Plan Commission voted 6 to 0 to accept Mr. Frias’ recommended edits to the regular City Plan Commission meeting minutes of 3/8/22.

Upon motion by Mr. Donahue, and seconded by Mr. Ritz, the City Plan Commission voted 6 to 0 to **approve** the regular City Plan Commission meeting minutes of 3/8/22 as amended by Mr. Frias.

## **SUBDIVISIONS AND MAJOR LAND DEVELOPMENTS**

- **“Briarwood Estates”** **INFORMATIONAL** (no vote taken)

*Pre-Application* – Major Subdivision with street extension

16 Lot Subdivision:

- 3 existing homes
- 1 stormwater / utility lot
- 12 new conforming single-family house lots

Zoned A-8 (8,000 minimum lot size w/80' of frontage)

Located between the terminus of Briarwood Road and New London Avenue

AP 18-3, LOTS 1023 & 1026

Atty. Bob Murray presented the application for the proposed 14-lot major subdivision on behalf of the applicant, Rudolf Procaccianti of Universal Realty LLC. Atty. Murray noted that the Commission were introduced to a similar proposal several months ago for these parcels, which was an initial 2-lot subdivision that separated Edward Pelli's house from the remaining land to be further subdivided. After recounting this, he said the applicant had re-thought that concept and decided to go with a more conventional major subdivision approach, so this proposal concerns only lots 1023 and 1026. Atty. Murray said the applicant has an agreement to purchase the property from the current owners and is proceeding with approvals prior to closing, but for tonight, the applicant was looking for the Commission's reaction and comments and would proceed from there.

Atty. Murray then turned the discussion over to William Lavery, Jr., P.E. with Joe Casali Engineering, to discuss the proposal in greater detail.

Mr. Lavery said the proposal comprised two parcels, both located in an A-8 zone off New London Avenue, near the Cranston-Warwick line. He noted that lot 1026 (Pelli) and lot 1023 (Reali) both have existing single-family homes; that a 25-foot sewer easement runs through the property; and that a 50-foot right of way also exists in Lot 1026 to provide access to a house behind 1365 New London Avenue. Topographically, the site is flat in the center and slopes downwards towards I-295 on one side and towards New London Ave on the other.

Mr. Lavery said the proposal would preserve both existing single-family homes. It would draw a new proposed property line for the Reali house, leaving it on a lot of 1.22 acres. Over the remaining 4.19 acres, the applicant seeks to construct a new 1,000-foot-long street that would connect Briarwood Rd and New London Ave, and in doing so it would provide the frontage necessary to create 12 new single-family house lots conforming with A-8 zoning regulations. The new street would observe City standards such as a 24-foot paved width and a 50-foot right-of-way, would include a sidewalk on one side, and associated sewer and water infrastructure would also be included to connect to the pipes under Briarwood and New London Ave.

Continuing in his presentation, Mr. Lavery said the current concept is to construct 3-bedroom single-family homes with 2-car garages on each of the new buildable lots. He noted that lot 2006 is a landlocked parcel, so the applicant is proposing a 20-ft wide ROW for access. Mr. Lavery also noted that the applicant will need to seek zoning relief for the property at 1365 New London Avenue because the creation of the new street will create a second frontage for the parcel, which will mean that the existing house and its in-ground pool encroach within the new front setback line.

Finally, Mr. Lavery said that the applicant is reserving one lot for stormwater management and will identify further stormwater management options (such as rain gardens) as design progresses. Following this, Mr. Lavery reviewed the applicant's roadmap to its preliminary plan submission, which includes securing relief from the Zoning Board, reaching out to state agencies such as RIDEM and RIDOT for necessary permits, etc.

Providing additional context to Mr. Lavery's mention of the proposed 20-foot right-of-way leading to lot 2006 (owned by Preservation Development LLC), Atty. Murray said that the lot was included in the original proposal, but the applicant has since decided to proceed without including the lot in his plans. Despite this, as well as the fact that lot 2006 can be presently accessed via an easement across lot 2005 (29 South View Terrace), the applicant intends to provide an additional means of access to lot 2006 through the 20-foot right-of-way leading from the new subdivision road.

With respect to the required zoning relief, Atty. Murray noted that the Commission issued a positive recommendation on the Zoning Board application it had submitted for front setback relief for 1365 New London Avenue; although the applicant has not carried that process forward, Atty. Murray said it would probably be resumed later. He concluded by noting the applicant looked forward to the Commission's input and would follow up with Planning staff after the meeting.

Vice Chairman Coupe then invited the Commissioners to pose any questions they might have.

Ms. Lanphear asked where lot 2005 was located with regard to lot 2006. Mr. Lavery pointed out its location on the map and Atty. Murray reminded the Commission that they are technically under separate ownership.

Mr. Frias asked whether the cost of constructing the new road and associated water and sewer infrastructure would be borne by the developer or the taxpayers. Atty. Murray said the developer would pick up the cost, in keeping with the norm.

Vice Chairman Coupe asked if the house at 1365 New London Ave complies with the front setback on its existing New London Ave frontage; Mr. Lavery confirmed that it did.

### **ZONING BOARD OF REVIEW - RECOMMENDATIONS**

(votes taken for all ZBR items)

- FERNANDO VALERO(OWN/APP) has filed an application to construct an addition to a legal non-conforming two-family dwelling expanding the non-conforming use at 29 Bethel Street, A.P. 12, lots 525,526; area 7,200 s.f. zoned A8. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.030 Schedule of Uses, 17.88.050 Structural Alterations.

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 Mr. Frias, and seconded by Mr. Donahue, the City Plan Commission unanimously voted (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

- DANIEL J. LYONS (OWN/APP) has applied to request permission to allow an addition to be constructed in the required front yard setback on a corner lot at 48 Valley Street, A.P 17, lot 964; area 7,500 s.f.; zoned A6. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations.

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 Mr. Donahue, and seconded by Ms. Lanphear, the City Plan Commission unanimously voted (6-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

### **LEGISLATIVE DISCUSSION**

- **2022 -- H 6638** – Relating to zoning for single-family housing (vote taken)

Vice Chairman Coupe asked if staff had any comments or context to offer for the discussion, but Director Pezzullo said that staff had no prepared comments on the matter. He then opened the floor to the Commissioners for discussion.

Mr. Frias, who asked that the item be placed on the agenda, began by noting the impetus for the conversation was the companion bills in the Rhode Island House and Senate, which propose to effectively prohibit single-family zoning in towns of 20,000 residents or more by requiring multifamily housing in single-family residential zones. Although the House bill has been stayed, the Senate bill remains active and is co-sponsored by about a quarter of the State Senate.

Mr. Frias recounted that Warwick, Woonsocket, Smithfield, and Burrillville have all passed resolutions in opposition to the bills, with their assertion being that the legislation would constitute a usurpation at the statewide level of municipal authority over zoning and that certain unintended consequences, such as the overtaxing of municipal infrastructure, could result if increased density is imposed in areas that cannot accommodate it. He also noted that South Kingstown's Planning Board thought that increased housing development should be incentivized instead of mandated, and that RI Housing and the RI Chapter of the American Planning Association both asked that the bills be held for further study.

Then Mr. Frias noted that Cranston's original zoning code conceived of the City as primarily a residential suburb and provided a few statistics from the Tax Assessor's office on the current state of single-family housing in Cranston: there are over 20,000 single-family homes, they comprise 60% of the tax base, and collectively amount to more than \$5 billion in value. On a broader level, he recalled that home ownership is a fundamental part of the "American Dream" and said that most Americans today have over two-thirds of their net worth locked up in the value of their houses.

Finally, Mr. Frias said that the City's housing data indicates that the City has 604 units in public housing projects, which provide the city with very little income, perhaps \$40,000. He concluded by stating that opposition to the House and Senate bills does not imply opposition to the notion of increasing affordable housing, and he asked if the Commission would consider taking a position in opposition to the bills.

Vice Chairman Coupe said he read some articles that took a supportive stance toward the proposed legislation and others that discussed how it functioned in practice in states like California. He noted some framed the debate as a generational disagreement over the purpose of zoning and felt that changes would eventually come to single-family zoning in the future as the pressure for more housing increases. But on the proposed legislation in Rhode Island, Vice Chairman Coupe agreed with Mr. Frias that the idea of overruling municipal authority throws out decades of practice and precedent and would not be advisable.

Mr. Donahue concurred, as did Ms. Lanphear, with both speaking to a preference for local oversight of zoning regulations as opposed to setting regulations at a statewide level. Solicitor Marsella suggested the Commission read articles about cities such as Houston, which has no zoning regulations whatsoever, for additional perspective on the impact that zoning has on development.

Vice Chairman Coupe asked for a motion to forward a note expressing the Commission's opposition to the legislation to the Cranston delegation as well as relevant legislative committees in the State House.

Upon motion Mr. Frias, and seconded by Mr. Donahue, the City Plan Commission voted 6 to 0 to forward a negative comment to the parties referenced in the motion.

### **PLANNING DIRECTOR'S REPORT**

(no votes taken)

- Special City Council / City Plan Commission Joint Site Walk April 20<sup>th</sup> 5:30 PM  
Comp Plan Amendment / Zone Change at Comstock and Plainfield Pike
- 2022 Hazard Mitigation Plan – update
- Comprehensive Plan Update

- Upcoming projects

Mr. Pezzullo announced that a joint City Council—City Plan Commission site walk had been scheduled for Wednesday, April 20<sup>th</sup>, at 5:30pm for a project at the corner of Comstock Parkway and Plainfield Pike that would require a Comp Plan and Zone change.

He then noted that the first draft of the Hazard Mitigation Plan was almost complete and would go first to the committee, and then to the CPC, for comment. Mr. Marsella added that the value of adopting the Hazard Mitigation Plan allows the city to maintain its floodplain insurance, which is an important protection for residents. Mr. Pezzullo then said the Planning department is still working internally to update the City's Comprehensive Plan.

Regarding upcoming projects, Mr. Pezzullo said he anticipates a busy summer for the Commission. He noted that the Cranston Prints Works and Legion Bowl projects were moving forward, as well as a few other projects for which no public information has been filed yet.

Circling back briefly to the single-family zoning discussion, Mr. Frias asked Mr. Pezzullo if he thought it would be possible for staff to generate a note to the State House by the end of next week; Mr. Pezzullo said yes. Mr. Marsella offered to review the letter before it is sent out.

Mr. Frias said he thought it would behoove the Commission to hold a discussion on issues related to affordable housing, which Mr. Pezzullo had also raised in the previous month's meeting, and he said it could be worth broadening the conversation to legislation pending in the State House on related topics, like accessory apartments and the conversion of municipal properties into housing units. Mr. Pezzullo said the Commission doesn't generally engage in review of state legislation given limited staff time and resources, but he noted that Mr. Berry is a member of the RI APA's Legislative Committee and tracks relevant bills as part of his work there. Mr. Frias said he thought the discussion was becoming timelier because a commission was forming in the House to work on affordable housing matters, so he thought some review of legislation would be valuable, even if only those bills before the House commission.

Vice Chairman Coupe noted the Speaker of the House is an affordable housing advocate and has given vocal support to some bills on the matter, in addition to helping them move through the House. He agreed with Mr. Frias in hoping to find a way to assess which proposed bills would be most relevant to Cranston's Planning Commission. Commissioner Donahue joined him in that sentiment and thought a comprehensive conversation could merit its own meeting.

Ms. Lanphear felt that she needed more education on affordable housing issues and asked if Staff could prepare some list of topics or precedents that the Commission could review prior to the meeting. Mr. Pezzullo said a list of that nature would be helpful, but the conversation should begin with a clear definition of what counts as "affordable housing" under state law and how that diverges from public perception, and consequently what the state's definition of affordable housing would look like in Cranston. He suggested scheduling the discussion for some time in May.

### **ADJOURNMENT / NEXT REGULAR MEETING**

(vote taken)

- Tuesday, May 3<sup>rd</sup>, 2022 — City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Frias, and seconded by Ms. Lanphear, the City Plan Commission unanimously voted to adjourn the meeting at 7:45 p.m.