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

Draft Meeting Minutes

Tuesday, February 7th, 2023 – 6:30PM

3rd Floor - City Council Chamber, 869 Park Avenue, Cranston RI

CALL TO ORDER

Chairman Smith called the meeting to order at 6:37 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, Richard Bernardo, Thomas Barbieri, David Exter, Steven Frias, Kathleen Lanphear, Lisa Mancini, and Thomas Zidelis. Commissioner Robert Coupe was absent.

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director; Douglas McLean, AICP, Principal Planner; Gregory Guertin, Senior Planner; Alexander Berardo, Planning Technician; and Amelia Lavalley, Planning Department Intern.

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

RECOGNITION OF SERVICE - CITY PLAN COMMISSION MEMBERS

(no votes taken)

- Ann Marie Maccarone – 2018-2022
- James Donahue – 2020-2022
- Frank Ritz – 2021-2022

Chairman Smith began the meeting by acknowledging and thanking Ann Marie Maccarone, James Donahue, and Frank Ritz for their service on the City Plan Commission and wished them well in their future endeavors.

APPROVAL OF MINUTES

(vote taken)

- 1/3/23 City Plan Commission Meeting

Mr. Frias requested minor edits to clarify comments he made in two sections of the draft minutes: the Policy Guide (p.2) and the Planning Director's Report (p.3).

Upon motion by Mr. Zidelis, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (8-0) to **amend and approve** the regular City Plan Commission meeting minutes of 1/3/23 with Mr. Frias' suggested edits.

CITY PLAN COMMISSION – City Plan Commission Policy Guide

(vote taken)

- Final draft discussion (*continued from the 1/3/23 regular meeting*)

Chairman Smith recalled that the Policy Guide discussion was not concluded during the January meeting but asked to table the matter for the time being, in light of the full agenda. Mr. Frias asked for clarification as to whether Chairman Smith intended to continue or table the conversation; Chairman Smith said he wanted to continue the discussion, but he did not have a date certain. Planning Director Jason Pezzullo said he recommended tabling the discussion since the item is not ready to be continued at this time.

Upon motion made by Mr. Bernardo, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (8-0) to table the Policy Guide discussion. Chairman Smith said the Commission would revisit the matter at a future time.

ZONING BOARD OF REVIEW – RECOMMENDATIONS

(votes taken for all items)

- **GARFIELD AVE FOODS, LLC. (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** have applied to the Board to convert an existing over-sized billboard sign to a digital LED billboard display of same size at 110 Garfield Avenue, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 s.f. zoned M2. Applicants seek relief per Section 17.92.010- Variances; Table 17.72.010 (7)- Signs.

This item was continued to the 2/7/23 meeting at the request of the applicant.

Chairman Smith reported that a new application has just been submitted for this item, so it should not have been listed on the agenda as continued. He asked for a motion to table the matter.

Upon motion made by Ms. Lanphear, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (8-0) to table the matter.

- **BASSIL ELKHOURY and LORI YEREMIAN (OWN/APP)** have filed an application to legalize second dwelling unit in an existing single-family dwelling at 5 Beckwith Street, A.P. 3, lot 65; total area 5,000 s.f.; zoned M2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.030- Schedule of Uses.

Due to the findings that the application is consistent with the Cranston Comprehensive Plan and is compatible with the surrounding neighborhood, upon motion made by Mr. Bernardo, and seconded by Ms. Mancini, the City Plan Commission voted 7-1 (Mr. Frias voted No) to forward a **positive recommendation** to the Zoning Board of Review, subject to the condition of conformance with all necessary building permits, certificates of occupancy, and other relevant Building Code standards.

- **CHRISTY, LLC and MARLEY ROSE, LLC (OWN) and CHRISTY, LLC** have filed an application for permission to install an electronic message board and to allow all signage to exceed the allowable areas at 1350 Oaklawn Avenue, A.P. 15, lot 47; area 124,581 s.f., zoned C4. Applicant seeks relief per 17.92.010-Variance, Section 17.72.010 (5) Signs. Regulations.

Due to the finding that the application is consistent with the Comprehensive Plan's Economic Development Goal 5, upon motion made by Mr. Frias, and seconded by Mr. Bernardo, the City Plan Commission voted 6-1 (Mr. Smith voted No; Ms. Lanphear recused) to forward a **positive recommendation** to the Zoning Board of Review.

- **COLBEA ENTERPRISES LLC (OWN/APP)** has filed an application to construct a new fuel station minimart and drive-in use with increased curb opening sizes, reduced driveway to property line separation, landscape buffer, and signage requirements at 2050 Plainfield Pike, A.P. 36, lot 116 & 117, area 1.36 ac. zoned C5. Applicant seeks relief per 17.92.010-Variance, Sections 17.48.010 Construction Standards, 17.72.010 (6).

Due to the findings that the requests for dimensional relief for freestanding, monument, and wall signs; increased driveway width; building height; and reduced property line separation at 2050 Plainfield Pike are necessary to accommodate the highway-commercial, heavily trafficked area of a main commercial corridor; and that the requests would not be injurious or out of character with the surrounding area; and that an analysis of the Comprehensive Plan is inconclusive regarding guidance on signage in western Cranston; upon motion made by Mr. Barbieri, and seconded by Mr. Zidelis, the City Plan Commission voted 8-0 to forward a **positive recommendation** to the Zoning Board of Review.

- **FORCE REALTY LLC (OWN) and ANTLER ALE WORKS LLC (APP)** has applied to the Board to request permission to operate a brewery at 72 Rolfe Square, A.P. 5, lots 604 & 1835, area 10,350 s.f. zoned C3. Applicant seeks relief per 17.92.010-Variance, Section 17.20.030 Schedule of Uses. Application filed 1/10/2023. Robert D. Murray, Esq.

Due to the findings that the applicant's proposal is generally consistent with the Cranston Comprehensive Plan, and is compatible with the surrounding neighborhood, upon motion made by Mr. Barbieri, and seconded by Mr. Zidelis, the City Plan Commission voted 6-2 (Mr. Frias and Ms. Lanphear voted No) to forward a **positive recommendation** to the Zoning Board of Review.

- **PAUL DAVID CARTER (OWN/APP)** has filed an application to request permission to construct an addition on an existing garage extending into the required front yard setbacks at 62 Eden Crest Drive, A.P. 10, lot 1148, area 10,153 s.f., zoned A8. Applicant seeks relief per 17.92.010-Variance, Section 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. Zidelis, and seconded by Mr. Barbieri, the City Plan Commission voted 8-0 to forward a **positive recommendation** to the Zoning Board of Review.

PERFORMANCE GUARANTEES

- **"Whiting Street Minor Subdivision"** – Bond release request (vote taken)

Director Pezzullo informed the Commission that City Engineer Justin Mateus sent a letter in which he noted that all conditions have been met for complete release of the bond to be authorized. Director Pezzullo said Planning Staff therefore recommends the Commission release the bond.

Upon motion made by Ms. Lanphear, and seconded by Mr. Barbieri, the City Plan Commission voted unanimously (8-0) to release the bond associated with the Whiting Street Minor Subdivision.

SUBDIVISION AND LAND DEVELOPMENTS

- **"Gladstone School"** **PUBLIC HEARING** (vote taken)
MASTER PLAN / PRELIMINARY PLAN - Major Land Development
Gladstone Elementary School 115,000 +/- sq.ft reconstruction on the existing 7.82 acre site
Zoned B-1
AP 7-4, Lot 2357
50 Gladstone Street
- **CRANSTON PUBLIC SCHOOLS (OWN/APP)** has applied to the Board to construct a new elementary school building exceeding the allowable height at 50 Gladstone Street, A.P. 7, lot 2357; area 7.96 ac; zoned B1. Applicant seeks relief per 17.92.010-Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 1/6/2023. No Attorney.

Principal Planner Doug McLean gave the staff presentation. He said the applicant, Cranston Public Schools, proposes to demolish the existing Gladstone Elementary School and construct a replacement school building on the same site. He said the project constitutes a Major Land Development and has an associated dimensional variance request, as the proposed new school building will need height relief.

Mr. McLean reviewed various maps, graphics, and site plans to orient the Commission to the proposal and its context. He said the proposed new school building would increase the total floor area while reducing lot coverage by centralizing the building on the site (which will also put more distance between it and the nearest abutting residences) to a greater extent than exists today.

Addressing the nature of the variance request, Mr. McLean said the applicant seeks relief to build up to 89 feet in height. Although that would far exceed the 35-foot limit, Mr. McLean noted the existing school is 82 feet tall and explained that the topography of the site is such that the building has a far larger reveal on its southern elevation than it does on its other elevations – a difference of some two floors. Mr. McLean further contextualized the applicant's request by explaining that height is measured from the building's lowest point to its highest, so the building will only appear 89 feet tall from the southern reveal.

Through the Staff Analysis, Mr. McLean said that the school building's enlarged size and new configuration is partly a function of the fact that it must accommodate a larger student body (school consolidation) and partly a function of RIDE standards (for example, new schools cannot have combined gymnasiums/cafeterias/auditoriums as they once did). He said Staff felt the proposal was consistent with both the Comprehensive Plan and the FLUM. The Staff recommendations were accordingly supportive: to approve the Major Land Development application and to forward a positive recommendation on the associated variance application to the Zoning Board.

Mike Zavalia, of Commonwealth Engineering, and Regan Ives, of Finegold Alexander Architects, were in attendance on behalf of the applicant. Mr. Zavalia addressed the Commission to briefly reiterate that the amount of height relief requested is a function of how City Code requires height be measured and it is only a 7-foot increase over existing conditions. He further explained the increase is due to a planned rooftop access stairway.

Due to the finding that the application is consistent with the Comprehensive Plan, and due to the finding that the application will not negatively impact the general character of the surrounding neighborhood, upon motion made by Mr. Zidelis, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (8-0) to forward a **positive recommendation** to the Zoning Board of Review.

Upon motion made by Mr. Zidelis, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (8-0) to **approve** the Major Land Development – Master Plan application, subject to the condition that the applicant secure approval from the Zoning Board of Review for its height variance request.

- **“Sanders School”** **PUBLIC INFORMATIONAL MEETING** (vote taken)
PRELIMINARY PLAN – Minor Subdivision
Demolish the existing Sanders School and subdivide the property into four (4) undersized lots
Zoned A-6
AP 4, Lot 300
41 Heath Avenue, First Avenue, Second Avenue
- **THE CITY OF CRANSTON (OWN/APP)** has applied to The Board to sub-divide a parcel of land with an existing vacant school building into four substandard lots to allow future development of a new single-family dwelling to be built on a 5,640 s.f lot at 41 Heath Avenue, A.P. 4, lot 300, A.K.A. Parcels A, B, C, and D; area 5,640 s.f. zoned A6. Applicant seeks relief per 17.92.010-Variance, Section 17.20.120 Schedule of Intensity Regulations.

Senior Planner Gregory Guertin gave the staff presentation. He said the City of Cranston was the applicant and that it intends to subdivide the former Sanders School property into four equal, but substandard lots, which means that the Minor Subdivision application has an associated dimensional variance application.

Mr. Guertin presented several maps, graphics, and plans. In broad terms, he said the parcel's change of vocation from a school to single-family house lots would bring its use closer into conformance with its A-6 zone as well as the surrounding neighborhood. Each of the four lots that would result from the subdivision would be 5,640 ft²; although this is less than the 6,000 ft² minimum, he noted within a 400-foot radius, the

average lot size is 5,478 ft² – smaller than what the City is proposing – and 48 of 68 single-family lots are undersized.

Mr. Guertin said there were two Staff recommendations: 1) to forward a positive recommendation on the variance application to the Zoning Board of Review and 2) to approve the Minor Subdivision application, conditioned upon the Zoning Board approving the variance application. Mr. Guertin also noted for the record that he wished to amend the second Finding of Fact in the Staff Memo to indicate that the proposal complies with *the majority of* the zoning standards, but not *all* (as originally stated), given that there is a dimensional variance request associated with the proposal.

Chairman Smith invited the Commissioners to offer any questions or comments they may have had. Seeing none, he invited members of the public to come forward.

- Steve Stycos, of 37 Farm Crest Ave, voiced his opposition to the project. He questioned the City's development concept and methods, specifically asking why the City did not include an affordable component in its proposal and why the City, as opposed to the end developer, was the applicant for the subdivision.

Chairman Smith asked if Mr. Guertin could speak to the rationale behind the City's proposal. Mr. Guertin said that the City did not have any plans for the parcel beyond the act of subdivision and that although he is not aware of any prospective buyers, the City hopes one will come forward to buy the property, demolish the school, and build/sell the houses on the future lots.

Upon motion made by Mr. Barbieri, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (8-0) to close public comment.

Mr. Frias asked if the density of the block was greater than its surroundings, which Mr. Guertin confirmed. Mr. Frias then said that if some 85% of the lots within a 400-foot radius accommodate single-family uses, and the area is zoned A-6, the City's proposal to build single-family houses seems appropriate.

Mr. Bernardo said that he had been inside the building in his capacity as Director of Public Works and knows first-hand that the structure is beyond repair and contains hazardous materials. Chairman Smith asked if he could confirm the City intends a future developer will assume the responsibility of demolition, which Mr. Bernardo did.

Mr. Smith said he agreed that the proposal seemed consistent with the neighborhood and asked for motions to be made.

Due to the findings that the applicant's proposal is generally consistent with the Cranston Comprehensive Plan and is compatible with the surrounding neighborhood upon motion made by Mr. Bernardo, and seconded by Mr. Frias, the City Plan Commission voted unanimously (8-0) to forward a **positive recommendation** to the Zoning Board of Review.

Upon motion made by Mr. Bernardo, and seconded by Mr. Exter, the City Plan Commission voted unanimously (8-0) to **approve** the Minor Subdivision – Preliminary Plan application, subject to the condition that the applicant secure approval from the Zoning Board of Review for its dimensional variance request.

- **“Natick Avenue Solar” PUBLIC INFORMATIONAL** (vote taken)
MASTER PLAN - Major Land Development
30 Acre / 8MW Solar Farm on 64-acre site
Natick Avenue
AP 22, Lots 108 and 119

*****PREVIOUS MASTER PLAN APPROVAL VACATED AND REMANDED BACK TO THE CITY PLAN COMMISSION FOR FURTHER PROCEEDINGS *****

Director Pezzullo gave the Staff presentation. He said the application for this proposal first came before the City Plan Commission in 2018 (prior to the start of most sitting members' terms) and received Master Plan approval in 2019. Its landscape buffering plan was the focus of an Ad Hoc Committee that included neighbors. Master Plan approval was appealed to the Platting Board and Superior Court; the applicant chose to proceed while those challenges were heard, and the proposal went through the Development Plan Review Committee and back to the City Plan Commission in Preliminary Plan form, where details regarding engineering, utilities, drainage, and others were discussed. The project received Preliminary Plan approval. As was the case before, the approval was appealed, but the applicant chose to move forward to the Final Plan phase while the appeal was ongoing. It ultimately received Final Plan approval.

Director Pezzullo said that the Master Plan application had been remanded back to the Plan Commission because the judge presiding over the first appeal determined there had been a process issue during the Master Plan hearings. He noted that the resulting situation is unique in that the Plan Commission now has a fully-engineered plan before it, but must initially review it from a conceptual (Master Plan) perspective. Director Pezzullo concluded his presentation by displaying several graphics and plans and said Staff's recommendation was positive, as it had been the first time the Master Plan application was heard.

After establishing guidelines for public comment and a check-in time of 10:30pm to determine whether the matter will be heard in one evening, Chairman Smith invited the applicant to present its proposal.

Atty. Nick Nybo, senior legal counsel for Revity Energy, LLC and its affiliate/project applicant, Natick Ave LLC, introduced the other members of the applicant team, which included Atty. Robert Murray (Taft & McSally LLP), Ralph Palumbo and Kyle Palumbo (President and General Counsel, respectively, of Revity Energy, LLC), David Russo (DiPrete Engineering), John Carter (landscape architect), and Ed Pimentel (planning consultant). Atty. Nybo stated that reports from Mr. Russo, Mr. Carter, and Mr. Pimentel had all been submitted for the record prior to the meeting.

Atty. Nybo offered his own recap of the project's background and the course its approval path has taken, largely echoing that which Director Pezzullo gave. He said Judge Vogul's May 2022 decision to remand the Master Plan application was due to public comment being closed before all evidence that was placed on the record had been accepted. (Specifically, he said a Plan Commissioner asked that a site plan be submitted showing the possible relocation of 500 (out of 20,000) solar panels after public comment was closed.) Atty. Nybo stressed that the proposal had been heard at more than a dozen public meetings over its three application stages and reiterated that an Ad Hoc Committee (which included abutters) was tasked with taking a detailed review of the landscaping plan. He also stated his understanding is that the application is still vested under the City's 2015 solar ordinance. As the applicant believed resubmitting the Master Plan application was the safest course of action, the item is back before the Commission in that form.

Concluding his opening remarks, Atty. Nybo argued that the project has been thoroughly vetted and has incorporated as much public comment as possible. He further argued that any abutters or other members of the public who couch their criticisms of the proposal in terms like "wanting a better project" do so disingenuously and are only truly interested in seeing the project receive a denial. He said the applicant respects the need for the process to be followed correctly, but added that whatever the Commission's decision will be, it should expect the decision will be appealed.

Atty. Murray then briefly addressed the Commission in his capacity representing both Revity and Ron Rossi, the owner of the subject parcel (AP 22, Lots 108 and 119). He said Revity entered an agreement with Mr. Rossi to lease 28 of the site's 64 acres for solar farm use, with the remainder of the property used for Mr. Rossi's existing Christmas tree farm. Atty. Murray said at the time the application received a Certificate of Completeness in 2018, solar farms were permitted in the A-80 zone, and although the City Council has since amended that ordinance, the 2018 law continues to be the standard against which the proposal is measured. The project would erect 20,000 solar panels in the leased area; once an interconnection is made with National Grid's Laten Knight Road substation (via new wires and poles along Natick Ave and Wilbur Ave), the electricity generated by the panels can then be sold to the grid. Atty. Murray concluded by saying that Revity is one of the largest solar developers in Rhode Island and southeastern Massachusetts and pointed to the solar farms off Lippit Road and Seven Mile Road as

nearby examples of their prior work. After establishing Mr. Russo's familiarity and involvement with the project, he asked him to provide his testimony.

Mr. Russo said DiPrete Engineering completed a Class 1 Survey of the site. Among other characteristics, Mr. Russo noted the parcel has two frontages, a flagged wetland area with 50-foot buffers marked, and an average slope of about 10% (with a high point of around 240 feet in the northwestern corner, sloping down to the wetland at around 114 feet).

As for the proposed solar farm development, Mr. Russo said it would be a fixed-panel solar array similar to the Hope Solar facility, with the front lip of the panel about 3 feet off the ground while the back would be 10 feet up. Mr. Russo said grading is only necessary in spots where slopes exceed 20% and that the applicant has sought to minimize the amount of grading being done on the site. He said in some areas where grading will be necessary, additional testing was done to determine the depth of ledge and how much blasting, if any, would be required to achieve the necessary regrading. Mr. Russo qualified his statement by saying the applicant will only resort to regrading the site via blasting when absolutely necessary; regraded areas would be seeded with grass; and areas without grading will be left undisturbed as much as possible.

Expanding further on the question of blasting, Mr. Russo reported that it is hard to know exactly how much blasting might be required at this point, but most of the cuts will be five feet or less, while the deepest will be 14 feet. He also noted that concerns over earthworks being conducted near a gas line that runs through the parcel had been vetted during the original Master and Preliminary Plan review phases, with the utility company confirming that a review process would be triggered if any work comes within 300 feet of the line.

Mr. Russo said the facility would be secured with a 6-foot-tall chain-link fence, raised about 6 inches off the ground to allow small animals to pass underneath. Access to the solar facility would primarily be via Mr. Rossi's existing right-of-way off Natick Ave, although emergency vehicles would also be able to access the site from Phenix Ave if necessary. He said construction traffic would be typical of any site, but when construction is finished, traffic to the site would be minimal. The site will not have lighting, water, or sewer connections.

Finally, Mr. Russo said the project is fully-engineered and that RIDEM reviewed the project and determined the applicant met all its requirements for water quality, wetland impacts, runoff mitigation, soil erosion control, etc before giving the project full permitting. He said the Stormwater Management Report, Sediment Control Plan, and Operations & Maintenance Report have all been submitted for the record.

After asking several questions of Mr. Russo regarding current conditions, the positioning of the proposed solar farm on the parcel, and the size of the solar array relative to the entire site, Mr. Frias asked a few questions about blasting (namely how much might blasting might be needed, whether the ledge necessitates that technique be employed, and whether the applicant has experience with blasting in proximity to utilities). Mr. Russo displayed the proposed grading plan and said although he could not speak to Revery's experience with blasting, had worked on projects with another solar developer who was experienced in blasting and was familiar with the standards and practices involved.

Mr. Frias also asked for Mr. Russo's perspective on the argument that a solar farm should be developed on the site because the alternative would be that it would accommodate a residential development. Mr. Russo said it may be technically possible to build a residential subdivision on the parcel, but some neighbors testified that construction of their own houses took longer than normal due to the presence of ledge. He said that implies house construction on this site could have a comparatively-longer build-out time with more disturbance, not to mention the earthworks, paving, and risk of pollutants entering the wetland that would come with the construction itself. Atty. Murray asked Mr. Russo if housing development would result in the parcel generating more traffic and using City services at higher levels than solar development, which he confirmed.

Atty. Nybo then asked Mr. Pimentel to speak to the report he prepared as Planning Consultant for the project. Mr. Pimentel said he was initially engaged in 2017 and reviewed the City's Comprehensive Plan, Subdivision Regulations, neighborhood and surrounding residences, and statewide solar guidance

documents to understand how and why Cranston and other comparable communities were pursuing solar development. He estimated having been involved in two or three dozen solar developments in the past eight years and said Natick Ave Solar would be slightly smaller than average.

Mr. Pimentel reviewed the key points made in his report. He said there was more interest in actively pursuing solar development from roughly 2015-2020, particularly in rural communities, where there is ample space for solar facilities to be developed. (He said solar farms generally need to have between 30-50 acres of arrays to generate enough electricity to make their development feasible.) He added that sites which are sufficiently large to accommodate solar facilities of that scale are usually zoned either open space or low-density residential. About a third of comparable communities allowed solar development by-right in these zones, while the other two-thirds allowed it by special use permit; Mr. Pimentel said Statewide Planning provided assistance to municipalities to develop draft ordinances and enabling language in their Comprehensive Plans to facilitate solar development.

Mr. Pimentel said Cranston's 2017 Comprehensive Plan contained language that clearly approved solar development of the type proposed by the applicant, but even the 2010 Plan had no language that suggested solar development would be inconsistent with the parcel's A-80 zone. In his opinion, therefore, the proposal was consistent with the City's Comprehensive Plan; he noted again that although the City has since changed its stance on solar development, the project must be reviewed against the 2017 Comp Plan.

Atty. Nybo asked Mr. Pimentel for his perspective on the argument the 2017 Comp Plan was legally ineffective since it had not been adopted by the state. Mr. Pimentel said Rhode Island General Law and relevant case law (such as Richard Siciliano Jr. v. Town of Exeter Zoning Board of Review) make clear that once local elected officials adopt an amendment to a community's Comprehensive Plan, it is locally enforceable for local decision-making purposes. In such instances where only local adoption is established, it would not be binding for statewide decision-making. He further said that even if the 2017 Comp Plan were not in effect locally, the proposal would still have been consistent with the language of the 2010 Plan.

Addressing a comment raised in the report submitted by Paige Bronk, the Planning Consultant retained by the opposition, Mr. Pimentel said that the state's guidance to municipalities on solar development defined the term "Lot Building Coverage," but did not define "Lot Coverage;" however, the state did acknowledge that a definition for the latter term would need to be developed. He argued that the state did not intend solar farms would be held to the Lot Building Coverage standards of a given zone (in this case, to 10% of the lot in an A-80 zone), because that would mean a 100-acre site could only accommodate 10 acres of solar arrays. Atty. Nybo said he would submit the statewide planning documents and case law that Mr. Pimentel had referenced for the record.

Atty. Nybo then asked Mr. Pimentel to speak to the possibility of developing the site for housing. Mr. Pimentel said a site of that size could potentially accommodate between 20 or 30 houses, but the more difficult the site is to develop (the presence of ledge being one possible factor in this case), the more development would be required to cover the cost. Even cluster-style development would not necessarily solve site challenges due to the associated density bonus. On a broader level, Mr. Pimentel said, housing development would constitute a much more permanent disturbance than solar would. Housing development would entail clear-cutting as well as the introduction of utilities and the construction of houses which will be occupied indefinitely. The typical life cycle of a solar farm is around 25-30 years, and since it involves no extension of utilities, the solar arrays could be removed fairly easily, so in a long-term view, a solar development could effectively be viewed as land-banking. Atty. Nybo asked if the third alternative sometimes cited in the conversation – to leave the land alone – is realistic. Mr. Pimentel said as long as the site could be developed, it cannot be assumed that the parcel will be left alone. Particularly in light of the state's interest in seeing affordable housing be built, Mr. Pimentel said the site will most likely be developed for housing if the solar facility is not approved.

Mr. Frias asked several questions about the proposal's consistency with the Comprehensive Plan and how to navigate situations in which the Comp Plan contains competing goals. Mr. Pimentel said the 2017 amendment to the Comp plan which dealt with solar development should not be viewed as superseding or trumping other sections of the Comp Plan; amendments simply build upon one another, and competing

goals are balanced. Mr. Frias then asked about the significance of the phrase “without limitation” in the amendment’s language on supporting solar in appropriate areas like the A-80 zone. Specifically, he asked if that phrase meant the Plan Commission could not place conditions of approval on solar developments like Natick Ave Solar; whether there could be instances where solar development is not appropriate on a given A-80 zoned site; and whether he agrees with a comment made by Statewide Planning (and cited in Mr. Bronk’s report) that the phrase should be deleted. Mr. Pimentel said conditions would have been specified in the zoning code at the time the amendment was written but the Plan Commission has the right to apply the standards of the land development review process; it is possible to have A-80 zoned parcels which are not suitable for solar development due to natural constraints; and he disagreed with Statewide Planning’s comment.

Chairman Smith then noted that 10:30pm had arrived and asked whether the Commission wanted to continue hearing testimony or continue the matter to another meeting. Mr. Frias and Ms. Lanphear voiced a preference to continue to a Special Meeting sometime in March, while Solicitor Marsella recommended they continue to the next Regular Meeting and then reassess.

Ultimately, upon motion made by Mr. Frias, and seconded by Ms. Mancini, the City Plan Commission vote unanimously (8-0) to continue the discussion to a Special Meeting on Monday, March 20th, at 5:30pm in the City Council Chamber.

PLANNING DIRECTOR’S REPORT

(no votes taken)

- Capital Budget and Improvement Program FY23-28
- Special Joint Site Walk
- Hazard Mitigation Plan

Director Pezzullo reported there would be two special meetings later in the month: a Special Joint Site Walk with the City Council on February 18th to hear a development proposal for a parcel across the street from the Cranston Print Works complex, and a Special Meeting to review the city’s draft 2023 Capital Budget.

Director Pezzullo also noted that FEMA approved the City’s draft Hazard Mitigation Plan. He expects an ordinance will go before the City Council in April to approve the plan.

UPCOMING MEETINGS / ADJOURNMENT

(vote taken)

- Saturday, February 18th, 2023 – Special Joint Site Walk – 1390 Cranston Street (AP 8, Lot 2739)
- Tuesday, February 28th, 2023 – Special Meeting for Capital Budget and Improvement Program – City Hall Council Chambers, 869 Park Avenue
- Tuesday, March 7th, 2023 – Regular City Plan Commission Meeting – City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Bernardo, and seconded by Mr. Exter, the City Plan Commission voted unanimously (8-0) to adjourn the meeting at 10:45pm.