



Memo

To: Cranston City Plan Commission
From: Jason M. Pezzullo, MPC, MPA, AICP – Planning Director
Date: September 2, 2022
Re: “Natick Avenue Solar”
Master Plan REMAND – Major Land Development
Request by applicant to combine the Master Plan and Preliminary Plan
review phases

Owner: Ronald Rossi
Applicant: Revity Energy LLC and Affiliates
Location: 0 Natick Ave, AP 22-3, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)

I. Background

The RI Superior Court’s 5.27.22 decision to vacate the Master Plan decision for the Natick Avenue Solar project and order to remand the Master Plan for further proceedings, on the grounds that the public hearing was closed prematurely, was docketed as a regular agenda item for the 8.2.22 regular meeting of the City Plan Commission.

In preparation for the August meeting, staff was instructed to compile the certified record for the Master Plan proceedings to inform the Commission of the project’s history to-date as a majority of the sitting Commissioners had not yet been appointed to serve when the 2018-19 Master Plan application was first heard.

Assistant City Solicitor Stephen Marsella intended to ask each Commissioner during the 8.2.22 meeting to certify that they had reviewed the full, certified record of proceedings prior to the reopening of the remanded Master Plan application. However, at the start of the meeting, the neighborhood opposition group’s attorney, Patrick Doherty, raised an issue stated that there is precedent from the RI Supreme Court that the current City Plan Commission is unable to hear the Master Plan application from the point of the objection (the premature closure of the public hearing), rather the Master Plan proceeding must be heard *de novo*, or as a new application since a majority of the current membership of the Commission has changed since 2018.

After discussion, the applicant’s attorney and the City Solicitor agreed that a new Master Plan – Public Informational meeting process must take place and be treated as a fresh meeting process for the benefit of the new Commission members as well as the public. At this time, the applicant has **not** submitted a new Master Plan application for consideration and therefore there is no plan to discuss or render a recommendation from staff.

II. Process

Since the fall of 2018, staff has undertaken extensive and unprecedented review of this Major Land Development application starting with the Master Plan, Special Ad Hoc Committee, the Development Plan Review Committee, the Preliminary Plan, and the Final application. With the rare exception of a complex mixed-use project such as the Chapel View MPD, there have been few projects that has received such a lengthy vetting process.

At this time, staff is of the opinion that the proposal should be treated as a new application, yet still vested under the zoning which existed at the time of the original submission in 2018.

On 8.11.22, Senior Legal Counsel for Reivity Energy LLC and Affiliates (applicant), attorney Nicolas L. Nybo formally requested that the City Plan Commission entertain their request to **combine** the Master and Preliminary stages of review. The City Plan Commission is specifically enabled to grant this combination of review stages request under R.I.G.L § 45-23-39 (c) which states:

“ § 45-23-39. General provisions — Major land development and major subdivision review stages.

(c) The planning board may vote to combine review stages and to modify and/or waive requirements as specified in § 45-23-62. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.”

In our practice, the request to combine the Master Plan and Preliminary Plan review stages is rare, but not unheard of. In the case of Natick Solar, the Master Plan, Preliminary Plan and Final Plans have all been fully reviewed and certified as complete at each stage. All required engineering and environmental approvals have been completed and reviewed by city staff during those public processes. Staff has no concerns that the applicant would be unable provide the required information on the Master Plan and Preliminary Plan checklists necessary to grant the combination of the Master Plan and Preliminary Plan review stages.

If the City Plan Commission were to grant the combination of the Master Plan and Preliminary Plan review stages, the applicant would then need to submit a new and complete application including **all** the required elements from the Master Plan and Preliminary Plan checklists. Staff would then have the opportunity to draft a report on the newly submitted combined application and to render a recommendation for the Commission after the close of the public hearing process.

Therefore, staff recommends that the Cranston City Plan Commission grant the applicant's request to **combine** the Master Plan and Preliminary Plan review stages so the applicant can submit a new combined application for consideration on this matter.