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PART I
ESTABLISHMENT, MEMBERSHIP, AND ORGANIZATION OF THE CRANSTON CITY PLAN COMMISSION

A. ESTABLISHMENT OF AND APPOINTMENTS TO THE CITY PLAN COMMISSION [COMMISSION]

1. The Commission is established in conformance with the requirements of RI General Laws [RIGL] Ch. 45-22 **Local Planning Board or Commission** [[RIGL Ch. 45-22 Click Here](#)] and under the requirements of the Cranston City Charter [**CHARTER**] §13.01 City Plan Commission. [[Charter §13.01 Click Here](#)]

1.1 The Commission has nine (9) members appointed as follows [Charter §13.01]:

1.1.1 Director of Public Works, ex officio **voting**

1.1.2 Director of Finance, ex officio **voting**

1.1.3 Five (5) **Commissioners who are electors of the City** appointed by the Mayor for four (4) year terms

1.1.4 Two (2) Commissioners who are electors of the City appointed by the City Council President for four (4) year terms

1.1.4.1 One Commissioner shall be a resident of either Wards 1, 2, or 3

1.1.4.2 One Commissioner shall be a resident of either Wards 4, 5, or 6

1.2 Each Commission member enumerated in section 1.1 shall be a voting member

'Sec. 13.01 - City plan commission of the City Charter

There shall be a city plan commission which shall consist of the director of public works, director of finance, and seven electors of the city who shall hold no salaried office in the city government and who are known to be interested in city planning. The terms of the seven nonofficial members of the city plan commission in office prior to the effective date of this Charter amendment shall continue as members of the commission until the expiration of terms for which they were appointed and as their respective terms expire their successors shall be appointed by the mayor for terms of four years. Two electors shall be appointed by the council president. One shall be a resident of either Ward 1, 2 or 3 and the other shall be a resident of either Ward 4, 5 or 6. Council president appointees shall serve for a term of four years. Any vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment was made. Annually at its first regular meeting in January the commission shall elect a president from among its nonofficial members. The commission shall have power to make rules not inconsistent with the provisions of this Charter for the conduct of its business, which shall establish a schedule of regular meetings to be held at least monthly and provide opportunity for all persons affected by any matter under consideration by the commission to be heard thereon. No action shall be taken by the commission except by a majority vote of all its members. The nonofficial members of the commission shall serve without compensation.'

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2. At least one Commission appointment shall expire each year so that the terms of the Commissioners overlap
 3. There are no limits as to how many terms an individual may serve
 4. Appointed Commissioners shall receive no compensation for their service
 5. A newly appointed/reappointed Commissioner shall be sworn in by the City Clerk prior to being seated as a member of the Commission [City Code of Ordinances [CITY CODE] Title 17 Zoning [ZONING] §17.109.010] [[Zoning §17.109.010 Click Here](#)]

'17.109.010 – Membership

Members of the city plan commission shall be sworn in before the city council. The city clerk shall administer to each member an oath or affirmation to the effect that such city plan commission member shall faithfully perform the duties of his office and shall support the constitution and laws of the state of Rhode Island and the United States of America and the ordinances and the zoning code of the city of Cranston.'

B. VACANCIES

1. A Commissioner may resign from the Commission by filing a written notice of resignation with the City Clerk. A copy of said notice shall be provided to the Commission
2. Should a vacancy occur on the Commission, the vacancy shall be filled by the appointing authority for the remainder of the unexpired term [RIGL §45-22-3(b) Membership — Continuation of Present Membership] [[RIGL §45-22-3\(b\) Click Here](#)]. The Department Planning [DEPARTMENT] shall immediately act to fill the vacant position by providing a written notice of vacancy to the appropriate appointing authority requesting that the vacant position be filled

'RIGL § 45-22-3. Membership — Continuation of present membership

(a) A planning board or commission consists of no less than five (5) members, and appointments are made for terms of a length that the terms of no more than one third (1/3) of the members of the board or commission expire each year. Any vacancy occurring in the membership of a planning board or commission shall be filled by the appointing authority for the remainder of the unexpired term. Any member of a planning board or commission may be removed from office by the appointing authority for due cause, following a public hearing.'

3. The President may forward nominations to the appointing authority
 - 3.1 In forwarding nominees, efforts shall be made to promote representation of the diverse demographics of the residents of Cranston, without compromising qualifications

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4. A Commissioner appointed to fill a vacancy shall serve the remaining term of the Commissioner being replaced. After completing said term, the Commissioner is eligible for reappointment
 5. The term of a Commissioner shall continue until a successor has been sworn in; however, if no appointment is made, any action taken by that Commissioner 90 days after a term has expired shall be null and void. [Charter §15-11 Appointments to Municipal Boards, Agencies, etc.] [[Charter §15-11 Click Here](#)]

'Sec. 15.11 - Appointments to municipal boards, agencies, etc. of the

Whenever the mayor or council appoints a member to any municipal board, agency, committee, or commission, a written notice of the appointment with the term thereof shall be filed with the city clerk by the appointing authority. The city clerk shall maintain a register of all members and appointees of all municipal boards, agencies, committees and commissions, including name, address, date of appointment and date of expiration of term for each appointee; and such register shall be published as part of the annual report of the city. The city clerk shall notify the appointing authority and the appointee in writing at least thirty days prior to the expiration of the appointee's term of office.

If a member of the municipal board, agency, committee, or commission is not reappointed, then any action taken by him subsequent to ninety days after his term shall have expired shall be null and void and of no effect.'

6. If no appointment is made within 90 days after a term of a Commissioner has expired, said Commissioner's appointment shall be deemed to have expired and the position shall be considered to be vacant.

C. ELECTION OF COMMISSION OFFICERS AND REORGANIZATION

1. At its first regular meeting each January, the Commission shall elect a President, a Vice-President, and **Second Vice-President** from among the non-*ex officio* members Charter [CHARTER §13.01 City Plan Commission] [[CHARTER §13.01 Click Here](#)] and [RIGL §45-22-5(a) Organization, Technical Assistance, and Cooperative Agreements] [[RIGL §45-22-5\(a\) Click Here](#)]

RIGL § 45-22-5. Organization, technical assistance, and cooperative agreements

(a) A planning board or commission shall organize annually by electing from its membership a chairperson, a vice chairperson, and a secretary. The board or commission may adopt any procedural rules deemed necessary to the discharge of its duties.

- 1.1 Normally, the Vice President presides over the election for President, then turns the gavel over to the newly elected/re-elected President for the remainder of the proceedings
2. The candidate for each position receiving the vote of a majority of all the Commission members shall be declared elected and shall serve for one year

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3. The Commission shall appoint a representative to the Parks Commission [Charter §11.06 - Advisory Committee On Parks and Recreation] [[Charter §11.06 Click Here](#)] and **the President shall appoint a representative to the** Industrial Development Commission [Zoning Ch. 17.112.020 Membership] [[Zoning Ch. 17.112.020 Click Here](#)] as appropriate
 4. Notice of reorganization shall be sent to the Mayor's Office, the City Clerk, appropriate City departments, and any public entity whose website maintains current lists of public officials

D. POWERS AND DUTIES OF COMMISSION OFFICERS

1. The powers and duties of the officers of the Commission shall be as follows:
 - 1.1 The President shall:
 - 1.1.1 Preside at all Commission meetings and be responsible for the conduct and decorum at the meeting
 - 1.1.2 Decide all points of order and procedure, subject to these policies and Roberts Rule of Order, **the most recent revision**
 - 1.1.3 Call special meetings of the Commission in accordance with the Commission's policies
 - 1.1.4 Review agendas of Commission meetings
 - 1.1.5 Evaluate annually the Director of the Department
 - 1.1.6 Ensure that all Commission actions are faithfully executed
 - 1.1.7 The President may determine seating arrangements for Commission meetings
 - 1.2 Vice-President
 - 1.2.1 In the absence, disability, or disqualification of the President, the Vice-President shall exercise and perform all the duties and responsibilities of the President
 - 1.2.2 The Vice-President shall succeed the President if that office is vacated before the term is completed. The Vice-President shall serve the unexpired term of the vacated office. A new Vice-President shall be elected at the next regularly scheduled meeting of the Commission

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1.3 **Second Vice-President**

- 1.3.1 In the absence, disability, or disqualification of the President or the Vice-President, the **Second Vice-President** shall exercise and perform all the duties and assumes all the responsibilities of the President or Vice-President

E ATTENDANCE

1. Commissioners are obligated to attend every meeting except under extraordinary circumstances. If attendance is not possible, the Commissioner is expected to notify the Director as soon as the prospective absence is known
2. Should a Commissioner miss three (3) or more Commission meetings in a calendar year, the President may request that the appointing authority **consult with said Commissioner as to his/her commitment to remain on the Commission**

F. ADDITIONAL REQUIREMENTS

1. Every two (2) years, each Commissioner shall participate in a two (2) hour online professional development session on the effects of development in a flood plain and the effects of sea-level rise. Upon completion, a Commissioner shall file with the City Clerk a statement affirming that this requirement has been met. [RIGL §45-22-7.j.] [\[RIGL §45-22-7.j Click Here\]](#) **See State of Rhode Island Climate Change Mandatory Education for Planning Commission** [\[Climate Changer Click Here\]](#)

PART II
ETHICAL STANDARDS

A. FINANCIAL DISCLOSURE STATEMENT FILING -RI ETHICS COMMISSION

1. Each Commissioner shall file an annual Financial Disclosure Statement with the RI Ethics Commission [RI Ethics Commission Ethics Financial Disclosure Report]. The state will provide notice and forms; the filing may also be completed online [\[Financial Disclosure Report Click Here\]](#)

B. CONFLICT OF INTEREST [RIGL CODE OF ETHICS Ch. 36-14] [\[RIGL Ch. 36-14 Click Here\]](#)

1. Any Commissioner who is in doubt as to the existence of a conflict of interest shall consult with the Office of City Solicitor or the State of Rhode Island Ethic's Commission. [\[RI Ethics Commission Click Here\]](#)
2. Any Commissioner who believes that a conflict of interest may exist for them on any matter that is before the Commission shall, before discussion of the item commences:
 - 2.1 State the need for recusal and the reason therefor

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 - 2.1.1 The Commissioner may request guidance from City legal counsel serving in their official capacity at the meeting
 - 2.2 Physically vacate their seat and leave the meeting room while the matter is under discussion and voted upon
 - 2.4 Any recusal requires the completion and submission of a recusal form [See Attachment IV below], with said recusal announced at the public meeting. **Said recusal shall be included in the final record of the minutes**

C. EX PARTE COMMUNICATION

- 1. All questions on matters currently or prospectively before the Commission shall be directed to the Department
- 2. If an individual attempts to initiate contact with a Commissioner regarding a matter before the Commission, the Commissioner shall refer the individual to the Department
- 3. No offer to an individual Commissioner by an applicant or applicant's representative for a site visit shall be accepted
- 4. If an ex parte communication takes place with a Commissioner, said member shall report the information provided, the identity of the source, and the date of contact to the full Commission for inclusion in its formal record
- 5. Written information on any matter before the Commission shall be forwarded directly to the Department for review and incorporation into the public record
- 6. **With the exception of the ex-officio Commission members acting in their capacity as City employees, communications with the Commission from any member of the public on any matter subject to public hearing shall be confined to the following:**
 - 6.1 Documents on file with the **Planning Department** as public records prior to the public hearing
 - 6.2 Documents filed with the **Planning Department** as public records while the public hearing is open
 - 6.3 Information and documents presented to the Commission at the public meeting

PART III

POWERS AND DUTIES OF THE CITY PLAN COMMISSION

A. POWERS AND DUTIES OF THE CITY PLAN COMMISSION ESTABLISHED IN RHODE ISLAND GENERAL LAWS [RIGL § 45-22-7. Powers And Duties Of A Planning Board Or Commission] [[RIGL §45-22-7 Click Here](#)]

- 1. Section 45-22-7 RIGL establishes the powers and duties of the Commission as follows:
 - 1.1 A planning board or commission shall have the sole responsibility for performing all those acts necessary to prepare a comprehensive plan for a municipality in accordance with the provisions of chapter 22.2 of title 45

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- 1.2 Pursuant to § 45-23-51, a planning board or commission shall be empowered by the city or town council, by ordinance, to adopt, modify, and amend regulations and rules governing land-development and subdivision projects within that municipality and to control land-development and subdivision projects pursuant to those regulations and rules. The planning board or commission shall also provide for the administration, interpretation, and enforcement of land development and subdivision review regulations, pursuant to § 45-23-52
- 1.3 When directed by the city or town zoning ordinance pursuant to § 45-24-46.4 and the city or town land development and subdivision review regulations pursuant to § 45-23- 50.1, a planning board or commission shall have the power to review and approve, approve with conditions, or deny requests for variances and special-use permits submitted as part of land-development and subdivision applications
- 1.4 A planning board or commission established under the provisions of this chapter shall make studies and prepare plans and reports on the needs and resources of the community with reference to its physical, economic, and social growth and development as affecting the health, safety, morals, and general welfare of the people. The studies, plans, and reports shall concern, but not necessarily be limited to, the following:
 - 1.4.1 Land use and land-use regulation
 - 1.4.2 Transportation facilities
 - 1.4.3 Public facilities, including recreation areas, utilities, schools, fire stations, police stations, and others
 - 1.4.4 Blighted areas, including the designation of general areas for redevelopment, renewal, rehabilitation, or conservation
 - 1.4.5 Problems of housing and the development of housing programs
 - 1.4.6 Environmental protection
 - 1.4.7 Natural resource conservation
 - 1.4.8 Protection from disaster
 - 1.4.9 Economic and social characteristics of the population
 - 1.4.10 Preservation of historic sites and buildings
 - 1.4.11 Economic development

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- 1.5 When directed by the city or town council or by the appointing authority, a planning board or commission shall prepare an annual capital budget and a comprehensive, long-range capital-improvement program for submission to the council, the appointing authority, or other designated official or agency
 - 1.6 A planning board or commission shall submit an advisory opinion and recommendation on all zoning matters referred to it by the Zoning Board of Review under the provisions of the city or town zoning ordinance and report on any other matter referred to it, by the city or town council, the chief executive, or the appointing authority
 - 1.7 A planning board or commission shall perform any other duties that may be assigned to the board or commission, from time to time, by any act of the general assembly or by any ordinance, code, regulation order, or resolution of the city or town council or by the appointing authority
 - 1.8 A planning board or commission has authority to call upon other departments, boards, and committees of the city or town and upon regional, state, and federal agencies for information and assistance necessary to the performance of its duties, and shall cooperate with the city or town, regional, state, and federal agencies on matters of community, regional, and state planning and development

B. POWERS AND DUTIES OF THE CITY PLAN COMMISSION ESTABLISHED BY THE CRANSTON CITY CHARTER AND MUNICIPAL ORDINANCES

- 1. Land Development
 - 1.1 The Commission shall review and act on applications for subdivision and major land development in accordance with the City of Cranston Subdivision and Land Development Regulations **[SUB REGS]** [\[Sub Regs Click Here\]](#) including:
 - 1.1.1 administrative subdivisions [Sub Regs Sec. V.B]
 - 1.1.2 minor subdivisions [Sub Regs Sec. V, C and D]
 - 1.1.3 major subdivisions or major land developments [Sub Regs Sec. V and F]
 - 1.2 The Commission shall review and act on applications for Planned Developments [Zoning Ch. 17.96 Planned Districts Generally] [\[Zoning Ch. 17.96 Click Here\]](#) including [Sub Regs Sec IV] Residential Planned Development [Zoning Ch. 17.104 RPD Residential Planned Districts] [\[Zoning Ch. 17.104 Click Here\]](#) and [Sub Regs Sec IV] and Mixed Plan Development. [Zoning Ch. 17.100 MPD Mixed Use Planned Districts] [\[Zoning Ch. 17.100 Click Here\]](#) and [Sub Regs Sec IV]
 - 1.3 The Commission shall review and act on applications for an educational institution in an Educational Institution District [Zoning Ch. 17.106 Educational

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Institution Zoning District (EI Zone)] [[Zoning Ch. 17.106 Click Here](#)]

- 1.4 The Commission shall review and act on telecommunications facilities allowed by right on municipally owned sites greater than ten (10) acres in size and which abut an interstate highway [Zoning Ch. 17.76 Telecommunications Facilities §17.76.C.3.p] [[Zoning §17.76.C.3.p Click Here](#)]

2. Comprehensive Plan

- 2.1 The Commission shall undertake continuing studies of all factors involved in the physical development of the city and of its environs to the extent that the latter affect the physical development of the city, to combine the results of these studies in a Comprehensive Plan. Said plan shall comply with the requirements of the City Charter [Charter §13.03 Comprehensive Plan and Its Effects] [[Charter §13.03 Click Here](#)] and with the requirement of the Rhode Island Comprehensive Planning and Land Use Act [RIGL Ch. 45.22.2 Rhode Island Comprehensive Planning and Land Use Act] [[RIGL Ch. 45.22.2 Click Here](#)]
- 2.2 The Comprehensive Plan, once adopted shall not be amended until the Plan Commission holds a public hearing and make recommendations to the City Council in accordance with the City Charter and Rhode Island Comprehensive Planning and Land Use Act [Charter §13.03, RIGL Ch.45.22.2]. If the commission adopts a resolution disapproving such ordinance its passage by the council shall require the affirmative votes of two-thirds of all its members.

Charter Sec. 13.03 - Comprehensive plan and its effect.

(a) It shall be the duty of the city plan commission to carry on continuing studies of all factors involved in the physical development of the city and of its environs to the extent that the latter affect the physical development of the city, to combine the results of these studies in a comprehensive or master plan for the physical development of the city or any defined portion thereof and to amend the same from time to time as changing conditions require. The subjects to be included in the comprehensive plan or portion or amendment thereof may include but shall not be limited to: (a) the best uses of land; and, (b) the character, extent and location of streets and other public ways, public utilities supplying water, gas, electricity and transportation, railway, bus and other terminals, schools and other public buildings, parks, squares, monuments, playgrounds, playfields, open spaces, slum clearance and other redevelopment projects. The commission shall adopt a comprehensive plan or portion or amendment thereof only after a public hearing thereon notice of which shall be published as a paid advertisement in a newspaper of general circulation in the city twice a week for three successive weeks. Upon adoption of the comprehensive plan or portion or amendment thereof the commission shall transmit the same to the council and when approved with or without modification by the council by ordinance such comprehensive plan or portion or amendment thereof shall become binding upon the city and all its departments, boards, commissions, offices and agencies. Thereafter no ordinance or other action of the council and no act or order of any department, board, commission, office or agency of the city in violation of the terms of the comprehensive plan or any portion or amendment thereof, adopted as above provided, shall be valid or legally effective. Nothing herein shall be taken to prevent the council from initiating by ordinance the amendment, modification or repeal of any provision of the comprehensive plan or portion or amendment thereof, provided that such ordinance shall be referred before passage to the city plan commission which shall have thirty days from its next succeeding regularly scheduled meeting following such reference in which to express its opinion thereon. If within such period the commission adopts a resolution disapproving such ordinance its passage by the council shall require the affirmative votes of two-thirds of all its members.

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3. Capital Budget: The Commission shall prepare and submit to the Mayor, on an annual basis, a capital budget and capital improvement plan [Charter §13.04 Duties with Regard to Capital Budget and Capital Improvement Program.] [[Charter §13.04 Click Here](#)] and the Charter §6.12 [[CLICK HERE](#)]

Sec. 13.04 - Duties with regard to capital budget and capital improvement program.

It shall be the duty of the city plan commission to carry on through its staff with the assistance when necessary of expert consultants continuing studies of the capital improvements necessary or desirable in the physical development of the city and to weigh all such projects together with those submitted by the several departments, offices and agencies of the city in the formulation of the capital budget and capital improvement program. It shall consult with the engineering division of the department of public works as to the cost of various projects and with the director of finance as to the financial resources of the city with which to meet them and shall recommend in the proposed capital budget and capital improvement program submitted to the mayor a well rounded and soundly based program of constructive public improvements.

Sec. 6.12 - Capital improvement program and capital budget.

Not later than the fifteenth day of January in each year the head of each department and of each board, commission, office or agency not included in any department shall file in the office of the director of finance and with the city plan commission copies of a descriptive list of all capital improvement projects within the jurisdiction of each such department, board, commission, office or agency, not financed or expected to be financed from current revenues, on which the department, board, commission, office or agency is engaged or which in the opinion of such head should be undertaken in the ensuing fiscal year or in the next four fiscal years thereafter, with as complete data as practicable on the cost of each such project, the time necessary to complete it and the means of financing the same already adopted or recommended by such head. Projects relating to the construction, reconstruction or enlargement of school buildings and other facilities required for school purposes shall be submitted by the school buildings committee as provided in [section 11.03](#). The council may by resolution require the inclusion of any specific project or projects in the list of any department, board, commission, office or agency and it shall be the duty of the designated department, board, commission, office or agency to prepare an estimate of the cost of such project or projects and to supply such other data relative thereto as may be specified in such resolution. It shall be the duty of the city plan commission and its staff, with the assistance of the engineering division of the department of public works, to review the proposals submitted by the several departments, boards, commissions, offices and agencies with reference to their necessity and desirability, to their conformity to those portions of the comprehensive plan already adopted, to sound principles of city planning and to the financial resources of the city. After consultation with the director of finance and such public hearings as it may deem necessary the city plan commission shall submit to the mayor not later than the fifteenth day of March in each year a capital budget for the ensuing fiscal year and a capital improvement program for the next four fiscal years thereafter together with a statement of the reasons therefor. At the same time that the mayor submits the operating budget to the council the mayor shall submit a capital budget for the ensuing fiscal year and a capital improvement program for the next four fiscal years thereafter embodying the mayor's estimates of cost and recommendations of means of financing each project contained therein, provided that no project shall be included in said project or program which has not been favorably considered by the city plan commission. In acting on the capital budget and capital improvement program the council may accept, reject or modify the projects described therein or the proposed methods of financing the same. After the adoption of the capital budget by a majority of all members of the council no money shall be expended on or contract entered into for any capital improvement project during the ensuing fiscal year except in accordance with such capital budget. The capital improvement program when adopted with or without amendment shall take effect as part of the comprehensive plan provided in [chapter 13](#) until modified by a future capital budget and capital improvement program.

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4. Zoning **Board of Review** Recommendations: The Zoning Board of Review shall not take final action on any application for a variance or special permit unless the Commission has submitted a written recommendation on the matter or until thirty (30) days have elapsed from the date of notice to the Commission [Zoning §17.92.010 and §17.92.020] [[CLICK HERE](#)] [RIGL §45-21-41(a)] [[CLICK HERE](#)]

5. Amendments to Zoning Regulations [see Part III E. of this policy]
 - 5.1 The Commission shall recommend to the Council from time to time such amendments to existing zoning regulations as the Commission finds to be necessary and/or desirable [Charter § 13.05 Zoning] [[Charter § 13.05 Click Here](#)]

 - 5.2 No ordinance amending or repealing any existing zoning regulation or adding any new regulation to those already in force shall be adopted by the Council until the ordinance has been referred to the Commission or thirty (30) days have elapsed from the Commission's next scheduled meeting. If the Commission adopts a resolution disapproving the ordinance, its passage by the Council shall require the affirmative votes of at least two-thirds of all Council members [Charter § 13.05 Zoning Ch. 12.120]

Sec. 13.05 - Zoning.

The council shall have those powers relating to zoning heretofore or hereafter conferred on cities by the laws of the State of Rhode Island, to be exercised as hereinafter provided. The zoning regulations adopted by the council shall continue to be enforced by the inspector of buildings subject to the right of appeal to the zoning board of review from the building inspector's orders, requirements and decisions, as provided in [section 9.09](#). It shall be the duty of the city plan commission to recommend to the council from time to time such changes in the zoning regulations previously adopted as in its judgment are necessary or desirable. No ordinance amending or repealing any existing zoning regulation or adding any new regulation to those already in force, except in those cases in which the council is carrying out recommendations of the commission, shall be adopted by the council until such ordinance has been referred to the city plan commission. The commission shall have thirty days from its next regularly scheduled meeting following such reference in which to express its opinion thereon. If within such period the commission adopts a resolution disapproving the ordinance its passage by the council shall require the affirmative votes of at least two-thirds of all council members.

6. Official Street Map: Prior to the City Council making additions or modifications to the official street map, the Council shall refer the matter to the Commission for a report, or forty-five (45) days have elapsed from the date of notice [City Code §12.04.020 Official Street Map-Modifications] [[City Code §12.04.020 Click Here](#)]

12.04.020 - Official street map—Modifications.

The council may hereafter make additions to or modifications of the official map by placing thereon the exterior lines of planned new streets or street extensions, widenings, narrowings or vacations. No such changes shall become effective until after a public hearing in relation thereto, at which parties in interest

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and citizens shall have an opportunity to be heard. Such hearing shall be conducted by the council or a committee thereof, and at least ten (10) days' notice of such hearing shall be published by the city clerk in a newspaper of general circulation in the city. The city clerk shall also cause written notice of such hearing to be mailed by regular mail to the owners of all property within the boundaries of the property to be so changed, and within a radius of one hundred (100) feet thereof. For the purpose of determining the names and addresses of such owners, the city clerk shall be entitled to rely upon the names and addresses of such owners as shown upon the most recent tax roll certified by the city assessor. Before making such additions or changes, the council shall refer the matter to the city plan commission for report thereon, but if the city plan commission shall not make its report within forty-five (45) days of such reference, the necessity for such report may be deemed to be waived. The locating, widening or closing, or the approval of the locating, widening or closing of streets by the city under provisions of law other than those contained in Sections [12.04.010](#) through [12.04.040](#) shall be deemed to be a change or addition to the official map, and shall be subject to all the provisions of such sections except provisions relating to public hearing and referral to the city plan commission. The placing of any street or street line upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

7. Subdivision and Land Development Regulations: The Commission shall adopt and, from time to time, amend the rules and regulations relative to subdivision control and major land development [Sub Regs Sec. 10]
8. Industrial Performance Commission: One member of the Commission, as appointed by the President, shall serve on the Industrial Performance Commission [Zoning Ch. 17.112]
9. Advisory Committee on Parks and Recreation: One member of the Commission, as appointed by the Commission, shall serve on the Advisory Committee on Parks and Recreation [Charter Ch. 6 §11.06]
10. Sale of City Land: The Commission may **require** to the City's Purchasing Agent **to place** restrictions on City-owned land that is being sold as surplus [Charter § 7.08.g(1) Power And Duties Of Purchasing Agent] [[Charter § 7.08.g\(1\) Click Here](#)]

(g) *Any sale of city-owned property except that which has reverted to the city for nonpayment of taxes shall be accomplished in accordance with the following procedure:)*

(1) *Public notice of any proposed sale of city property shall be given at least once a week for two (2) weeks a newspaper circulated generally in the City of Cranston and this shall be done at least two (2) weeks prior to the acceptance of sealed bids. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised. Such notice shall also contain any restrictions placed on the use of the property to be sold as mandated by the city plan commission or established by the city council by a majority vote.*

11. The Commission acts on Applications for Comprehensive Permits in accordance with RIGL Ch. 45-53 Low and Moderate Housing [[RIGL Ch. 45-53 Click Here](#)]

C. PLAN COMMISSION SUBCOMMITTEES

1. At its discretion, the Commission may create subcommittees for special purposes and appoint members to said committees. The creation of any subcommittee shall include a clear outline of the charge and provide for a completion date

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2. Creation of a subcommittee shall require the affirmative vote of a majority of all the Commission members
3. Subcommittee appointments
 - 3.1 Members shall be appointed for one (1) year or for the duration of the subcommittee, whichever is shorter
 - 3.2 Appointment of members to a subcommittee shall require the affirmative vote of a majority of all the Commission members
 - 3.3 The Commission shall fill any vacancies on a subcommittee that may occur
 - 3.4 The President may serve as an ex officio member of all subcommittees
4. A subcommittee shall make reports to the Commission at each regular monthly meeting on progress toward completing its charge
5. Subcommittees shall be subject to the OMA [RIGL Chap. 42-46]

D. ANNUAL ACTIVITIES

1. Annually, the Commission shall review its policies, procedures, and the City's Comprehensive Plan in order to determine the Commission's effectiveness and to determine ways in which its policies and procedures may be improved
2. The Department shall submit to the Commission an annual work program including suggested amendments to the Zoning Ordinance and the Sub Regs. The Commission may review, comment on the work program, and/or suggest items to be added to the work program
3. Staff shall provide periodic reports on the status of non-day-to-day items such as plan preparation, ordinance writing, and zoning studies throughout the year
4. Each year, the Commission shall adopt a **Capital Improvement Program** for submission to the Mayor for the Mayor's review and approval

E. AMENDING THE ZONING ORDINANCE

1. At a minimum, at its first meeting in January and in July, the Commission may reserve time on its agenda to discuss what amendments to Cranston's Zoning Ordinances should be prepared for submission to the City Council for consideration
2. Based on these discussions, the Commission may instruct staff to prepare drafts of said amendments for presentation to the Commission for review and/or for possible inclusion as a workshop on a future Commission agenda

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3. As an agenda item at a Commission meeting, the Commission may vote to submit an amendment to the Zoning Ordinance by the affirmative vote of a majority of all the Commission's members. Staff shall provide a copy of a proposed amendment to each Commissioner at least two (2) weeks prior to said meeting
 4. Should the Commission vote to amend the Zoning Ordinance, the Director shall seek a sponsor [Mayor or City Council member] for such amendment, inasmuch as the Commission itself is not empowered to sponsor such a proposal on its own
 5. Forward the proposed amendment to the City Council with a recommendation to the Council that the ordinance be amended

F. AMENDING SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

1. At a minimum, at its first meeting in January and in July, the Commission may reserve time on its agenda to discuss what amendments to the Cranston's Sub Regs should be considered
2. Based on these discussions, the Commission may instruct staff to prepare drafts of said amendments with such drafts presented to the Commission for their review and for possible inclusion as a workshop on a future Commission agenda
 - 2.1 The Commission may vote to amend to the Sub Regs, in accordance with RGIL §45-22-53 Local regulations Public hearing and notice requirements. [[§45-22-53 Click Here](#)] and the Sub Regs Sec. X [[Sub Regs Click Here](#)], at any Commission meeting by the affirmative vote of a majority of all the Commission's members. Staff shall provide a copy of a proposed amendment to each Commissioner at least two (2) weeks prior to said meeting

PART IV
MEETINGS

A. QUORUM AND VOTING

1. Generally, on a nine (9) member Commission, five (5) members shall constitute a quorum. Should a vacancy occur on the Commission, a quorum of the Commission shall be a majority of the currently appointed commission
2. **For a recommendation to the City Council to amend the Compressive Plan or Title 17 [Zoning Ordinance] of the City Code, the Commission shall make a motion to approve or deny an action that is before it. The Commission shall not make a motion of no action [recommendation]**
3. **For a recommendation to the City Council for any matter, other than to amend the Compressive Plan or Title 17 [Zoning Ordinance] of the City Code, or for a recommendation to the Zoning Board of Review, the Commission shall make a motion to approve, deny or no action [recommendation]**

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4. The affirmative vote of a majority of all the Commission members shall be required to transact business and to approve applications before the Commission [Charter Sec.13.01]
5. An abstention shall not be considered a "vote" in determining whether action has been adopted
6. When a vote on a question does not receive the vote of a majority of all the Commission's members to approve, the question shall be deemed to have been defeated
7. **On applications for a subdivision or a land development, when a vote on a motion to approve does not receive the vote of a majority of all the Commission's members to approve the application subdivision or land development shall be deemed to have been denied.**
8. In order to vote on a matter for which a Commissioner has missed a meeting, the Commissioner shall:
 - 5.1 Review the application file;
 - 5.2 Consult with Department staff as to what transpired during the hearing;
 - 5.3 Review the draft minutes of the meeting missed; and
 - 5.4 Review any audio/visual media regarding the matter
6. Voting procedure shall be as follows:
 - 6.1 A Commissioner shall obtain the floor and state the motion in full. If the motion does not reflect the Department's recommendation, that motion shall reference any differences and the findings of fact on which the motion is based.6.2
The motion shall be seconded by another Commissioner
 - 6.3 Commission members may discuss the motion, and offer any amendments thereon
 - 6.3.1 If there is discussion, such shall continue until the question is called as originally proposed or as amended, and a vote shall be taken. If there is no discussion, the Commission proceeds directly to a vote
 - 6.3.2 The motion, with amendments if appropriate, shall be restated by the President prior to the vote
 - 6.4 After a vote is taken, the President shall announce the vote and whether or not the motion has passed

B. AGENDAS

1. Commission agendas shall have a coherent and consistent structure, with similar items grouped together

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 - 1.1 The President may review the agenda for a Commission meeting prior to its publication
 - 2. Any request by a Commissioner to place an item on the agenda shall be made to the President. Said request shall be made to the President not less than three (3) days prior to publication of the agenda. **If after said request, the President does not agree to place the item on the agenda, one-third of all the Commission members can in writing direct the Planning Director to place that item on the agenda**
 - 3. Matters referred to the Commission by the City Council shall be placed on the agenda for consideration at the first meeting of the Commission after public notice has been given by the Council
 - 4. The agenda for a regularly scheduled Commission meeting shall be published not less than six (6) days prior to the date of the meeting
 - 5. Agendas and all materials shall be provided via e-mail to following individuals or entities:
 - 5.1 Commissioners
 - 5.2 Mayor's office
 - 5.3 City Council
 - 6. The agenda shall be posted on both the City's and the Secretary of State's web sites and posted at City Hall and the Cranston Public Library in accordance the OMA
 - 7. Normally, Commission agendas are organized as follows:
 - 7.1 Call to order/determination of quorum
 - 7.2 Consent Agenda
 - 7.3 Approval of minutes
 - 7.4 Ordinance hearings
 - 7.5 Subdivision/land development hearings
 - 7.6 Recommendations to the Zoning Board of Review
 - 7.7 Recommendations on matters referred by City Council
 - 7.78 Workshops with no public comment

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 - 7.9 Other Plan Commission activities
 - 7.10 Director's report
 - 7.11 Adjournment
- 8. Agenda items may be taken out of order at the discretion of the President

C. CONSENT AGENDA

- 1. A Consent Agenda shall consist of group of routine business (i.e. recommendations to the ZBR) and reports the Commission can approve as one vote
- 2. The Planning Director shall determine items to be included in the Consent Agenda
- 3. The Consent Agenda and the items included therein shall be shown on the Commission's Agenda
- 5. A Commission member may make a motion to move an item from the Consent Agenda to the regular agenda and said item shall be moved by the affirmative vote of a majority of all the Commission's members
- 6. Approval of the Consent Agenda shall require by the affirmative vote of a majority of all the Commission's members

D. CORRESPONDENCE

- 1. Correspondence shall not be read in its entirety at a Commission meeting. The Department shall prepare a summary of correspondence as part of its staff report. In addition, the President shall note that all correspondence regarding an application has been posted on the City's web site and is available for review at the Department
- 2. A Commission member may make a motion to read a specific piece of correspondence into the record in its entirety and said motion shall require the affirmative vote of a majority of all the Commissioners. For reports or long documents said correspondence may be summarized at the President's discretion
- 3. The deadline for submitting correspondence on an agenda item before the Commission shall be the close of business six (6) days prior to the date of the meeting at which the agenda item will be taken up. [i.e., for a Tuesday Commission meeting, correspondence shall be received no later than the close of business on the preceding Thursday.]
- 4. Correspondence received after the deadline for submitting correspondence shall not be included in the staff report. Said correspondence may be acknowledged by the President during a Commission meeting
- 5. All correspondence received by the Department prior to the close of the public

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- (i) comment portion of a hearing shall be considered public documents as of the date of receipt. No document shall be withheld from either the Commission or the public
- 6. Documents and written comments received after a vote to close the public comment portion of a hearing shall not be part of and included in an application's record
- 7. The Commission shall not accept correspondence presented during a meeting. Anyone presenting documents during a meeting shall be requested to submit said documents to the Department during normal business hours
- 8. **Correspondence received after the deadline for submission or presented at a meeting may be read in their entirety at a Commission meeting as determined by the President. In any event, said documents may be summarized at said meeting**

E. MEETINGS, GENERAL

- 1. Robert's Rules of Order, most recent revision, is hereby adopted for the governance of Commission meetings in all cases not otherwise provided for in these policies
- 2. A schedule of meeting dates for the following calendar year shall be established by the Commission at its December meeting. Said schedule may be altered at any regularly scheduled meeting
- 3. Commission meetings shall convene at 6:30 p.m. on the first Tuesday of each month, except as otherwise directed by the Commission. Meetings shall be held at Council Chambers in City Hall, unless otherwise designated by official notice
- 4. Additional Commission meetings may be held at any time by call of the President in consultation with the Director, provided that notice of at least seventy-two (72) hours is given to each Commissioner and notice of the meeting is posted in accordance with requirements of the OMA
- 5. Whenever there is no business for the Commission, the Director, after consulting with the President, may cancel a scheduled meeting by giving notice of at least forty-eight (48) hours to the Commissioners, and with a notice of cancellation posted in accordance with the OMA
- 6. All Commission meetings shall adjourn by 11:00 p.m. unless extended by unanimous vote of the Commission. Subsequent to such vote, the meeting may be extended by one (1) hour. If extended, a Commission meeting shall be adjourned not later than 12:00 a.m.

F. REMOTE MEETING [Telemeeting]

- 1. Remote (online) meetings may be held only upon authorization by an appropriate action of state government

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2. For meetings held online:
 - 2.1 Commissioners must be on screen with face clearly visible, and must label themselves by name and status as a Commissioner
 - 2.2 All votes of the Commission shall be conducted by roll call vote
 - 2.3 Members of the public who wish to speak will be called in alphabetical order based on their last name. All other rules of procedure established by Commission policy shall **apply**

G SITE VISITS

1. A site visit is defined as a visit by the Commission to a location on a matter before it. The visit is in the company of the owner, the applicant or their agents, the City Council [see below] and the general public. It involves going onto the property or visiting areas which are not customarily available for public inspection
 - 1.1 This shall not restrict individual Commissioners from viewing a site from adjoining public ways or other observations that can be made without physically entering said property
2. If the President and the Director determine that a site visit is warranted, permission from the applicant for both the Commission and the general public to enter the site shall be obtained
3. If the President and the Director determine that a joint site visit with the City Council is appropriate, the Presidents of the Commission and City Council and the Director of Planning shall coordinate the scheduling of said visit
4. The Mayor's office shall be informed of any decision to conduct a site visit prior to the scheduling of said visit
5. Site visits are subject to OMA and notice shall be given in accordance with the OMA. In addition to any requirements of the OMA [i.e., online public posting], written notice by first class mail shall be given abutters within 100' for a site visit involving only the Commission and within 400' for a site visit involving the City Council
6. Notice of any site visit shall be published in *Cranston Herald*
7. Site visits shall be conducted in a single body. Commissioners and members of the public who are in attendance shall not fragment into separate bodies or groups

H. EXPERT TESTIMONY

1. If expert testimony is to be provided to the Commission, the qualifications of the individual providing said testimony shall be presented to the Commission prior to the testimony.

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2. After reviewing of qualifications an individual providing expert testimony, the Commission may vote to recognize the individual as an expert witness. Should the Commission not recognize an individual as an expert witness, the Commission shall state the reasons for said action.

PART V

OPEN MEETINGS AND RECORDS, PUBLIC NOTICE, AND ENGAGEMENT

A. OPEN MEETINGS ACT (OMA) [RIGL Chapter 42-46] [[RIGL Chapter 42-46 Click Here](#)] [[RI Attorney General OPA Annual Reports Click Here](#)]

1. All matters over which the Commission has supervision, control, jurisdiction or advisory power are subject to the Open Meetings Act RIGL Chapter 42-46. Said act requires:
 - 1.1 That all activities of the Commission be conducted through a public forum with notification to the public
 - 1.2 That all communications between Commission members, between the public and Commission members, and between applicants and Commission members, regarding matters before the Commission take place only through a public forum as noted above
 - 1.3 That a majority of the Commission members shall not discuss a matter that is before the Commission outside of the public forum [note this includes serial, e-mail, and telephone conversations]
 - 1.4 That a violation of the OMA can render any decision of the Commission null and void
2. A new Commission member shall be given a copy of the OMA prior to that member's first meeting on the Commission
3. On an annual basis, the Commission shall be provided with any new guidance from the Rhode Island Attorney General as to the proper administration of the OMA

B. PLAN COMMISSION MINUTES

1. Minutes of all Commission meetings shall be kept and posted in accordance with provisions of the OMA. Minutes shall be considered a summary of events and business transacted once adopted by the Commission
2. All Commission meetings shall be recorded electronically and shall be retained for a minimum of five (5) years after the date of the meeting

C. PUBLIC HEARINGS

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1. Public hearing on an application before the Commission shall have the following format:
 - 1.1 Opening of the public hearing by the President
 - 1.2 Initial comments by Department staff including a presentation of staff's review of the application [the staff report]
 - 1.3 Presentation by the applicant and or the applicant's representative [i.e., attorney or engineer]. The Commission shall allow sufficient time for an applicant to present the application, including the provision of expert testimony
 - 1.4 When expert testimony [either for or against an application] is to be given, the testimony shall be submitted in writing prior to the hearing [see Commission policy on correspondence] and said testimony shall be summarized at the hearing
 - 1.5 Questions by Commissioners
 - 1.6 Questions/comments by members of the public [see below]
 - 1.7 Final comments by the applicant as appropriate. [The applicant should note the issues raised during the hearing and address them in the closing comments]
 - 1.8 Final comments by staff including recommendation for Commission action
 - 1.9 Deliberation and vote of the Commission
2. When the Commission hears testimony from members of the public, the President shall impose fair and uniform **time** limitations on oral presentations so as to maximize public input
3. Any member of the public may speak after receiving recognition by the President. Said party shall state their name and address, for purposes of public record, prior to speaking
4. If comments by any member of the public includes expert testimony, the testimony shall be submitted in writing prior to the hearing [see Commission policy on correspondence] and said testimony shall be summarized at the hearing
5. During a public hearing, only the person recognized by the President as having the floor may speak
6. In all cases, comments will be directed through the President. In no instance shall questions be directed to the applicant
7. Generally, the Commission shall allow all members of the public the opportunity to be heard. However, the Commission, through the President, reserves the right:

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 - 7.1 To limit comments that are not germane to the matter at hand
 - 7.2 To limit the amount of time a party may speak
 - 7.3 To limit comments that are repetitive of points previously made
 - 7.4 To limit a party from speaking more than once until all other interested parties have spoken
- 8. Closing the public comment portion of a hearing
 - 8.1 The public comment portion of a hearing [the portion of the public hearing for the purpose of taking public testimony and receiving documents] shall be closed by affirmative vote of a majority of all the Commission members when all pertinent information has been placed on the record
 - 8.2 Following closure of the public comment portion of a hearing, the applicant shall have the opportunity to respond to questions or other issues raised by members of the public. This does not obligate the applicant to do so
 - 8.3 Once a public comment portion of hearing has been closed, communication between the Commission and all parties, with the exception of Department staff, shall be confined to direct responses to questions raised by the Commission at the meeting
 - 8.4 Documents and written comments received prior to a vote to close of the public comment portion of a hearing shall be made part of an application's record
 - 8.5 Documents and written comments received after to a vote to close the public comment portion of a hearing shall not be part of and included in an application's record
 - 8.6 At the close of the public comment portion of a hearing the Commission may proceed to discussion of and vote on the matter under consideration or vote to continue the matter to a future meeting with date, time and placed certain for discussion and vote
- 9. The Commission shall not commence any public hearing after 10:00 p.m. except by unanimous vote of the Commission

D. CONTINUATION OF A PUBLIC HEARING

- 1. A public hearing may be continued by mutual consent of the Commission and the Applicant with written notice of said continuance placed in an application's file. A hearing may be continued for the following reasons:

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 - 1.1 Failure to comply with the notice requirements
 - 1.2 Lack of a quorum, at which time it will be, by policy, scheduled to the next scheduled Commission meeting and
 - 1.3 A request by the Commission for additional information that is deemed pertinent to the application
- 2. If a public hearing is continued to a date, time, and place certain which is announced at the hearing, no additional public notice shall be required. If the hearing is not continued to a date, time, and place certain, public notice requirements of RIGL 45-23 shall apply to the continued hearing

PART VI
PROCEDURES

A. REPRESENTATION OF APPLICANTS AT COMMISSION MEETINGS

- 1. Applicants may appear on their own behalf and/or may be represented by an agent or attorney. If an applicant or the applicant's representative does not appear at the public hearing without giving notice, the Commission may, in its discretion, decide the matter using the information it has received or dismiss the application with or without prejudice

B. REVISIONS TO APPLICATIONS

- 1. If revised plans and/or additional studies or reports [additional materials] are submitted for an application, the following shall apply:
 - 1.1 The Applicant shall submit two (2) copies of revised plans and two (2) copies of additional materials
 - 1.2 All revised plans shall include a revision date in the title block and shall be signed and stamped by an appropriate professional
 - 1.3 All revised plans shall be accompanied by a cover letter providing a detailed description of all revisions made to the plans
 - 1.4 Each time revised plans are submitted; the applicant shall provide one full set of plans to be treated as the record set of plans [plans to be placed in the application file]. Unless specifically waived by the Commission, the applicant shall not submit individual revised plan sheets as record plans. However, the applicant may submit individual revised plan sheets for circulation to other City departments
 - 1.5 All revisions to the plans shall be clearly highlighted on the record set of plans

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 - 1.6 The applicant shall submit all revised plans and any additional materials required for a continued public hearing as a single package
 - 1.7 Revised plans or additional material, **that are deemed to be substantial at the discretion of the Planning Director**, shall be submitted to the Department at least fourteen (14) days before a continued public hearing on an application or else the Department cannot guarantee timely review and comment

C. PROJECT FINDINGS

- 1. Planning staff shall be responsible for preparing a draft of project findings
- 2. Commissioners may suggest additional findings to be included in a decision. Said findings shall be submitted in writing at least six (6) days prior to the Commission meeting at which they are scheduled for consideration
- 3. Draft findings may be changed (i.e., added, deleted, or modified) by the affirmative vote of a majority of all the Commission members during the public meeting
- 4. If a Commissioner make a motion to make a negative finding(s) on any of the required findings of fact said Commissioner shall state the grounds for the negative finding(s) as part of the motion
- 5. Approval of the findings including any amendments shall require the affirmative vote of a majority of all the Commission’s members

D. PROJECT CONDITIONS

- 1. Planning staff shall be responsible for preparing draft conditions
- 2. Commissioners may suggest additional conditions to be included in a decision. Said conditions shall be submitted in writing at least six (6) days prior to the Commission meeting at which they are scheduled for consideration
- 3. Draft conditions may be changed (i.e., added, deleted, or modified) by the affirmative vote of a majority of all the Commission members during the public meeting
- 4. Approval of conditions including any amendments shall require the affirmative vote of a majority of all the Commission members

E. TRAFFIC IMPACT ANALYSIS

- 1. The Commission has adopted a policy governing the study and mitigation of traffic impacts created by development. Said policy is appended as an attachment to this document

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ADMINISTRATION OF SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

1. A minor subdivision that requires a waiver of the City's Subdivision and Land Development regulations shall be processed as a minor subdivision, unless an applicant requests that the subdivision be processed as a major subdivision
2. For a minor subdivision that has received preliminary plan approval, review and approval of the final plan shall be administered by Planning Department staff unless there is a vote by a majority of the Commission to review and approve said plan.
3. For a minor subdivision, upon the request of an applicant, the Planning Director in consultation with the President may designate said subdivision as a major subdivision requiring master, preliminary and final plan approval.
4. For a major land development or a major subdivision, upon the request of applicant, the Planning Director in consultation with the President, may allow an application for Master Plan and Preliminary Plan Approval to be combined based on a determination that all necessary requirements for Master Plan and Preliminary Plan submission have been met by the applicant.

G. DECISIONS AND RECORDS

1. A written decision of the Commission shall be recorded in the land evidence records within twenty (20) days after the Commission's vote. A copy of the recorded decision shall be mailed within one (1) business day of recording, by any method that provides confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the administrative officer
2. The Director shall file all decisions in the land evidence records, as required above
3. If in the opinion of the Director or the President a decision requires further review, the Director shall provide a copy of the decision to the Commission for review and comment prior to filing

H. WITHDRAWAL OF AN APPLICATION

1. An application may be withdrawn without prejudice by notice in writing to the Commission at any time prior to the publication of the notice of a public hearing. Withdrawal of application after notice has been given shall be in writing and shall require Commission approval

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PART VII
DEPARTMENT OF PLANNING & OTHER RESOURCES

A. DEPARTMENT OF PLANNING

1. The Director of Planning and his/her designees are administrative officers to the Commission and designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies.
2. General Responsibilities: Staff shall have three (3) general responsibilities:
 - 2.1 To provide disciplined, consistent, and fair implementation of the City's land use regulations and the Commission's policies
 - 2.2 To assist the Commission and the City with long-range planning
 - 2.3 To assist the Commission and the City with the promulgation of best management practices for the regulation of land development
3. Hiring, Promotion, Discipline, and Dismissal
 - 3.1 In that Department staff are employees of the City, matters of hiring, promotion, discipline, and dismissal shall be governed by contract and by any personnel policies and procedures adopted by the City.
 - 3.2 In that the Director of the Department reports to the Commission, the Director shall be appointed by the Commission.
 - 3.3 The President shall be invited to serve on the selection committee for any vacancy in the Department
 - 3.4 In that the Director has direct supervision over staff:
 - 3.4.1 The Director shall interview and hire candidates for positions within the Department in consultation with the President
 - 3.4.2 The Director shall be responsible for the evaluation, promotion, discipline, and dismissal of staff consistent with City's personnel policies
 - 3.5 The President shall perform an annual evaluation of the Director. Said evaluation shall be conducted in accordance with any evaluation procedures established by the City's personnel policies. In preparing the evaluation, the President shall seek input from other Commission members and the City's Director of Administration. The Director may request that the full Commission review and approve the President's evaluation. Should said request be made,

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- (i) the annual evaluation may be amended and submitted to the Personnel Department by a majority vote of the Commission

4. Department Work Products

4.1 Staff will forward work products (i.e., staff reports) to the Commission at least five (5) days prior to a regularly scheduled Commission meeting. [i.e., for a Tuesday meeting, work products shall be made available no later than the close of business the previous Friday]

4.1.1 For the purpose of this section, the term “forward” shall include electronic transmission of documents or links to documents

4.2 Staff's work products shall be released to the Commission as a package

5. Requests for information, research, or services

5.1 Members of the Commission shall work only through the Director in requesting information, research, or services from staff

5.2 The Director shall assign these responsibilities in a manner so as to not disrupt priority work of the staff

B. OFFICE OF THE CITY SOLICITOR

- 1. The Commission may request guidance from the Office of the City Solicitor
- 2. All legal documents requiring Commission action [e.g., consulting contracts or acceptance of performance bonds] shall be approved as to form by the Office of the City Solicitor prior to action by the Commission on such documents

PART VIII

CRANSTON CITY PLAN COMMISSION HANDBOOK OF POLICIES AND PROCEDURES

A. AMENDING COMMISSION POLICY

- 1. The Commission's policies may be amended at any Commission meeting by the affirmative vote of a majority of all the Commission's members, provided that notice of any proposed amendment is given to each Commission member at least two (2) weeks prior to said meeting

B. EFFECTIVE DATE

- 1. These policies and any amendments thereon shall be effective upon adoption by the affirmative vote of a majority of all the Commission members and filed with the office of the City Clerk

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SEVERABILITY

1. Should any section or provision of this policy be found legally invalid, said section or provision shall not invalidate any other section or provision

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ATTACHMENT I

STANDARDS OF CONDUCT

1. CITY PLAN COMMISSION

- 1.1 The Commission shall place competence and effectiveness of service to the general public above the interests of persons, factions, or parties and the Commission shall endeavor, through diligent attendance, to represent the best interest of the City as a whole
- 1.2 The Commission shall prepare itself on all matters scheduled for presentation at a public meeting and shall seek to thoroughly review all pertinent information on matters before it prior to any vote
- 1.3 The Commission, in considering the City's capital budget, shall promulgate fiscally sound recommendations that match proposed expenditures to available funds
- 1.4 The Commission shall not make available to any one resident any service, tangible or intangible, that is not equally available under the law to any other resident
- 1.5 Commission members shall abstain from participation on any matter in which the member has a conflict of interest
- 1.6 The Commission shall work with its professional staff and others, as appropriate, to achieve the most desirable results with regard to the planning and zoning process, congruent with established City goals
- 1.7 The Commission shall conduct itself in all matters so as to maintain trust and dignity in providing service to the people and the City. It shall at all times act in accordance with principles of integrity and justice

2. STAFF OF THE DEPARTMENT OF PLANNING

- 2.1 Staff of the Department of Planning shall be subject to American Institute of Certified Planners [AICP] Code of Ethics and Professional Conduct [[CLICK HERE](#)].

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ATTACHMENT II
CITY PLAN COMMISSION POLICY FOR TRAFFIC

A. PURPOSE

1. The purpose of this policy is to manage traffic impacts that may be created by subdivisions and land development/redevelopment projects so as to:
 - 1.1 provide for the orderly movement of traffic, reduce the potential for accidents, allow adequate emergency response, and maintain adequate and safe streets;
 - 1.2 discourage the use of neighborhood streets as shortcuts by promoting the use of arterial and collector streets;
 - 1.3 encourage the use of traffic engineering design standards appropriate for residential and commercial neighborhoods;
 - 1.4 encourage private sector participation in managing traffic;
 - 1.5 create and maintain safe and convenient pedestrian access and bike paths;
 - 1.6 encourage the use of public transit, carpools, and vanpools;
 - 1.7 promote clean air by encouraging/providing alternative modes of transportation and by reducing vehicle delays and resultant exhaust emissions.

B. DEFINITIONS

1. For the purposes of this policy the following terms shall have the following meanings:
 - 1.1 Adequate Capacity: For arterial and collector streets, a Level of Service (LOS) D or better on every major approach at signalized junctions or roundabouts and a LOS C or better for the two main roadways left turning movements for un-signalized junctions [two/four way Stop]

For residential and subcollector streets adequate capacity shall be defined as LOS of C or better
 - 1.2 Average Daily Traffic (ADT): The number of vehicles passing a point on a street during a 24-hour period on a typical day
 - 1.3 Capacity of an Intersection: The maximum number of vehicles that can reasonably be expected to be processed through an intersection or street segment during a one-hour peak time period.
 - 1.4 Design Year: The fifth year after a development is scheduled to be completed
 - 1.5 Exceptional Peak Period: An exceptional hourly, daily, or seasonal period of trip generation (i.e., the December holiday)

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- 1.6 Impacted Street: A street or intersection projected to receive fifty (50) or more peak hour [any peak hour] trips from a development proposal
- 1.7 Level of Service (LOS): A measure of the operating conditions of an intersection or street segment ranked on a scale from LOS A (optimum) to LOS F (failing) as defined in the *Highway Capacity Manual*, latest edition, by the Transportation Research Board
- 1.8 Pass-by Trips: The number of trips a development proposal is projected to capture from existing traffic on an adjacent street
- 1.9 Peak Hour: The four consecutive fifteen (15)-minute periods of heaviest volume of traffic on a street or from a development
- 1.10 Peak Period, Morning: Generally, 7 a.m. to 9 a.m.
- 1.11 Peak Period, Evening: Generally, 3 p.m. to 6 p.m.
- 1.12 Peak Period, Weekend: Generally, noon to 4 p.m. on a Saturday or Sunday
- 1.13 Signal Phase: That part of a traffic signal's time cycle allocated to a traffic movement or a combination of movements (including exclusive pedestrian movements) receiving the right-of-way simultaneously
- 1.14 Street:
 - 1.14.1 Arterial: An interregional street with an ADT of more than 5,000 conveying traffic between centers
 - 1.14.2 Collector: A street carrying large volumes of traffic [maximum ADT of 5,000] between arterial streets and residential and subcollector streets and having limited direct access to lots
 - 1.14.3 Subcollector: A street with a maximum ADT of 1,000-2,000 which provides access to lots and carries residential traffic to collector and arterial streets
 - 1.14.4 Residential: A street with low traffic volume (maximum ADT of 1,000) which provides frontage for access to lots and carries traffic with destination or origin on the street itself
- 1.15 Study Area: An area which encompasses all impacted streets
- 1.16 Trip: A single or one-directional vehicle movement
- 1.17 Trip Assignment: Assignment of development generated and through trips to municipal streets and a development's driveways

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- (i) 1.18 Trip Rate: The number of trips per unit of independent variable (e.g., trips per dwelling unit, employee or square footage)

C. APPLICABILITY

1. These regulations shall apply to every application for a Major Land Development or Subdivision [DEVELOPMENT]

D. TRAFFIC STUDY

1. For any Development in which the proposed activity under review will generate fifty (50) or more new trips during any peak hour, a traffic study, prepared by a firm or individual registered with the State Board of Registration for Professional Engineers for the State of Rhode Island or other appropriate professional specializing in Traffic Planning, shall be submitted with an application for Preliminary Plan Approval. If no streets are impacted by a development, the City Plan Commission [COMMISSION] may determine that a traffic study is not required
- 1.1 The applicant, at its discretion, may consult with the Department of Planning in order to identify the intersections and streets to be studied and the appropriate elements to include in the study
- 1.2 The applicant, at its discretion, may consult with the Commission during the Commission's review of an application for Master Plan Approval in order to identify the intersections and streets to be studied and the appropriate elements to include in the study
2. Trip rates shall be based on Institute of Transportation Engineers *Trip Generation*, latest edition (ITE) or data from similar developments in similar settings in Rhode Island
- 2.1 If ITE is used, the land use code, number of studies, weighted average trip rate, trip generation equation, standard deviation and coefficient for each land use used shall be provided. Use of the weighted average trip rate or trip generation equation to predict trips for each land use shall be based on the procedures set forth in ITE
- 2.2 If local trip rates are used, the methodology used to develop the data and the applicability of the data shall be provided
- 2.3 If data is available from ITE and local sources, the applicant may demonstrate why the ITE data is not accurate and should not be used. The Commission, with advice from the Planning Department, shall determine which data source will be used
3. All traffic counts including turning movements shall have been taken within 12 months of the date of submission and shall be adjusted for seasonal variation with an explanation as to how the adjustment was made

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4. Projections of ADT's, turning movements and capacity analyses shall be adjusted for (where appropriate)
 - 4.1 background traffic with an explanation as to how said adjustment was made
 - 4.2 commercial truck traffic and buses
 - 4.3 vacant space in existing buildings in the study area
 - 4.4 trips to be generated by the proposed development based on full occupancy
 - 4.5 trips to be generated by developments in the study area that are under review or approved by a municipal or state agency
5. If an exceptional peak period is likely to occur, the Commission may require analysis of traffic for said period
6. Trips from an existing land use that are being replaced by a new land use may be subtracted as follows:
 - 6.1 If trip generation and distribution for the new land use have the same characteristics as the land use being replaced, trips generated by the new land use may be reduced by an amount not to exceed the trips generated by the land use being replaced
 - 6.2 If trip generation and distribution for the new land use do not have the same characteristics as the land use being replaced, trips generated by the existing land use may be subtracted from the street system
7. Where a project accesses or impacts a state highway, evidence of consultation with RIDOT shall be provided with an application for Master Plan approval. If offsite mitigation is required on state highway a copy of the Physical Alteration Permit as issued by RIDOT shall be provided with an application for Preliminary Plan approval
8. The traffic study shall have the following elements (when applicable):
 - 8.1 Executive summary with:
 - 8.1.1 scope of work to include location of the project, locus map and site plan, description of type and intensity of existing and proposed development and description of study area
 - 8.1.2 schedule for project development
 - 8.1.3 summary of existing and future traffic conditions including deficiencies in the street system
 - 8.1.4 summary of traffic impacts and proposed mitigation

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- 8.1.5 listing of all permits required by the project and a summary of the status of permitting process for each required permit
 - 8.2 Review of traffic studies undertaken within the study area during the prior five (5) years that are on file with the State or in the municipalities within the study area
 - 8.3 Description of roadway characteristics for all impacted streets to include:
 - 8.3.1 a general inventory of land uses within 500 feet of the development and description of land uses on each impacted street
 - 8.3.2 identification of all curb cuts and driveways within 500 feet of the development
 - 8.3.3 physical characteristics including number of travel lanes; widths of right-of-way, travel lanes, sidewalks and shoulders; conditions of pavement, sidewalk and curbing; and roadway geometry and grades
 - 8.3.4 inventory of traffic control devices including regulatory parking and warning signs, traffic signal permits, control units and description of signal phasing
 - 8.3.5 sight distances and obstructions to sight lines
 - 8.3.6 location and type of street lighting
 - 8.3.7 actual design [85th percentile] and posted traffic speeds
 - 8.3.8 number, type, and location of accidents by year for the most recent three years
 - 8.3.9 description of transit system serving the study area including mode, frequency, schedule, routes, stop location and patronage
 - 8.3.10 time and peak volume of parking for the development
 - 8.3.11 location of pedestrian and bicycle routes
 - 8.3.12 location of churches, schools, parks and similar public or civic uses within the study area
 - 9. Description of traffic improvements to be completed in the study area prior to the design year with a schedule of implementation and identification of the parties responsible for implementing the improvements
 - 10. ADTs on all impacted streets for the current year and the no-build and build conditions of the design year. Current ADTs shall be counted for a forty-eight (48)-hour period on a typical weekday

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11. Existing site generated trips with a trip assignment
12. Identification of the peak hours (AM, PM, and Weekend) of the development and for adjacent streets with an explanation as to how the peak hours were selected
13. Development generated trips for the peak hours of the development and for adjacent streets and a trip assignment with an explanation as to how the assignment was made. If projected trips are adjusted for pass-by or diverted trips, an explanation as to how the adjustment was made shall be provided
14. Peak hour(s) turning movement counts on all impacted streets for the current year and the no-build and build conditions of the design year
15. Peak hour(s) capacity analysis for the current year and the no-build and build conditions of the design year on all impacted streets. Said analysis shall be based on the Highway Capacity Manual Transportation Research Board, latest edition and shall include a queue analysis and critical volumes by signal phase or turning movement for each intersection studied
16. Peak hour(s) gap analysis for unsignalized impacted streets and for site driveways which experience excessive delay, queuing or are approaching capacity for the current year and no-build and build conditions for the design year
17. Measures to mitigate traffic impacts to include:
 - 17.1 The process through which the mitigation will be authorized, financed, designed, and implemented
 - 17.2 Peak hour(s) capacity analysis on all impacted streets and intersections based on the mitigation proposed
 - 17.3 Review of potential impact to utilities, wetlands, archaeological/historical sites, etc.
 - 17.4 Implementation schedule. If the development or the mitigation is phased, the study shall show how the mitigation will be implemented and function for each phase
 - 17.5 If site design and geometric changes are proposed, said changes shall be based on current engineering standards for turning pockets, transition tapers, lane widths, sight distance, multiple lane configuration, and right-of-way widths. A description of said changes shall include:
 - 17.5.1 Scaled plan(s) (1"=40' preferred) showing:
 - 17.5.1.1 existing and proposed layout lines, building footprint(s), parking lot areas, and driveways

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 - 17.5.1.2 the relationship of the site layout to existing rights-of-way with sight distances
 - 17.5.1.3 proposed geometric changes and widening (driveways, storage lanes, acceleration and deceleration lanes, turning lanes, etc.
 - 17.5.2 A traffic management plan to maintain traffic flow on impacted street(s) and allow access to abutting properties by vehicles, pedestrians, and persons with disabilities during the period of construction
 - 17.5.3 Measures to mitigate traffic-generated noise and dust pollution
 - 17.6 If traffic signalization is proposed, a signal warrant analysis based on *Manual on Uniform Traffic Control Devices* (FHWA, latest edition)
 - 17.7 Program to monitor the effects of the mitigation for period of up to three (3) years after implementation
 - 17.8 If signalization of an unsignalized intersection is proposed as mitigation, the applicant shall also provide alternative mitigation designs for the intersection including analysis of a roundabout

E. TRAFFIC CAPACITY

- 1. Prior to granting an approval, the Commission shall determine if there will be adequate capacity on all impacted streets for the build condition of the design year
 - 1.1 If adequate capacity is projected on any impacted street for the no-build condition of the design year and a development causes a decrease in LOS, the Commission may require implementation of mitigative measures to restore the LOS to the no-build condition
 - 1.2. If any impacted street does not have adequate capacity for the build condition of the design year, the Commission shall take one of the following measures:
 - 1.2.1 The Commission shall require the implementation of mitigative measures to achieve adequate capacity.
 - 1.2.2 If the Commission determines that the Development is not the cause for an impacted street having inadequate capacity and that the cost for mitigation is excessive given the size and nature of the Development, the Commission shall require the implementation of mitigative measures to ensure that there is no increase in delay and capacity
 - 1.2.3 The Commission shall deny the application if mitigative measures to achieve adequate capacity cannot be implemented

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2. The Commission may condition its approval on:
 - 2.1 Completion of mitigation prior to issuing any occupancy permit
 - 2.2 Posting surety to guarantee implementation of mitigation
 - 2.3 Implementing measures to reduce trips generated by a development including use of:
 - 2.3.1 employer subsidized passes for public transit
 - 2.3.2 carpools and vanpools
 - 2.3.3 flex time or staggered work hours
 - 2.3.4 preferential parking for high occupancy vehicles
 - 2.3.5 restricting access to or egress from off street parking areas during peak hours
 - 2.3.6 measures to promote pedestrian access
 - 2.3.7 measures to encourage bicycle commuting such as secured bike racks and locker and shower facilities
 3. The submission of periodic reports on the effectiveness of the trip reduction programs as part of the monitoring required under Section 17.7 of this policy
 4. Reducing of the size or intensity of the project
 5. Phasing the development of the project
 6. Obtaining all other permits where applicable

F. COMPLIANCE

1. If the Commission determines that its conditions on traffic are not being met, the applicant shall be required to bring the development into compliance

G. WAIVER OF THE POLICY

1. The Commission may vote to waive any section or provision of this policy if it deems that said section or provision does not apply in a matter before it

H. SEVERABILITY

1. Should any section or provision of this policy be found legally invalid, said section or provision shall not invalidate any other section or provision

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ATTACHMENT III

GLOSSARY COMMON TERMS

ADMINISTRATIVE SUBDIVISION - Re-subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and divisions or adjustments of boundaries of existing lots.

EXPERT WITNESS – An individual with specialized skills, knowledge, or experience who testifies before the Commission about what s/he believes has happened in a certain application based on those specialized skills, knowledge, or experience.

LAND DEVELOPMENT PROJECTS

1. All projects in which one or more lots, tracts or parcels are to be developed or redeveloped as a Land Development Project shall be subject to these Regulations when any of the following criteria are met:
 - a. A Land Development Project that proposes to construct a Mixed Use Planned Development (MPD) as defined and regulated under Section IV.A of these regulations and/or Chapter 17.96 Planned Districts Generally and Chapter 17.100 MPD Mixed Use Planned Districts of the Zoning Code;
 - b. A Land Development Project that proposes a multi-family residential project in excess of three (3) units to be created on a single parcel of land where a subdivision of land is not requested or required;
 - c. A Land Development Project that proposes to construct retail, service and/or office building(s) of 50,000 square feet or more of gross floor area or that involves five (5) or more acres of land;
 - d. A Land Development Project that proposes to construct industrial building(s) of 100,000 square feet or more of gross floor area or that involves ten (10) or more acres of land.
2. Classification of Land Development Projects/Plans
 - a. Residential Land Developments
 - a. Minor Land Developments - A Land Development Project that proposes a multi-family residential project of three to six (3 - 6) units to be created on a single parcel of land. For a parcel of land which has been partially developed at some time since January 1, 1966, the units resulting from said development shall be included in calculating the total number of units being developed on a parcel.
 - b. Major Land Developments - A Land Development Project that proposes a multi-family residential project in excess of six (6) units to be built on a single parcel of land. For a parcel of land which has been partially developed at some time since January 1, 1966, the units

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- (i) resulting from said development shall be included in calculating the total number of units being developed on a parcel.

MAJOR SUBDIVISION - Any subdivision not classified as either an administrative subdivision or a minor subdivision.

MASTER PLAN - An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. It is required for review of major land development projects and major subdivision

MINOR SUBDIVISION – A plan for a subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in RIGL 45-23 et seq.

MIXED USE PLANNED DISTRICT (MPD) - A development undertaken by a single owner or group of owners and planned as a single entity, within which uses shall be multiple in nature and may include uses not otherwise permitted within the same zoning district. The mix and orientation of these uses are required to be compatible within the proposed development and also in relationship to the surrounding area.

PRE-APPLICATION CONFERENCE - An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposals informally and to receive comments and direction from municipal officials and others.

PLANNED DEVELOPMENT - A "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

PRELIMINARY PLAN - The stage of land development and subdivision review that requires detailed drawings and all required state and federal permits.

RESIDENTIAL PLANNED DISTRICT (RPD) - A residential development planned and designed as a single land use entitle within which deviation from the standard subdivision requirements results in a more efficient site design than would normally be allowed. In an RPD, residential development is permitted at higher density on part of a plat, when open space development is permitted at higher density on part of a plat, when open space is set aside within the plat, such that the average residential density in the plat does not exceed that allowed in the underlying zoning district.

SUBDIVISION - The division or re-division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels. Any adjustments to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

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ATTACHMENT IV

STATEMENT OF CONFLICT OF INTEREST

Statement of Conflict of Interest
pursuant to R.I. Gen. Laws § 36-14-6

I _____, holding the position of _____, hereby under oath depose and say:

(b) (job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving _____ is presently before _____.
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

3. [Please select one of the following]:

() A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

() B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this ___ day of _____, 2__.

Signature

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How to Give Notice and Recuse under the R.I. Code of Ethics

1. Write and sign a memo OR complete a form called the "Statement of Conflict of Interest"
 - A. Include your name
 - B. Include your office/position
 - C. Describe the nature of the potential conflict
 - D. Recuse (abstain from participation)
 - E. Sign the memo/form.

A. If you are a public employee, present the original to your appointing authority, director or **immediate superior**. **You may use a form provided by the Ethics Commission, one provided by your employer, or draft your statement as a memorandum.** This statement should be kept on file.

B. If you serve on an elected or appointed body, present the original to the presiding officer during an official meeting. You may use the form provided by the Ethics Commission, one provided by your public body, or draft your statement as a memorandum. This statement should be kept on file.
2. Send a copy of the memo/form to the Ethics Commission. The Commission will keep the form on file to verify your public disclosure and your recusal.
3. For more information, see R.I. Gen. Laws § 36-14-6 or contact the Rhode Island Ethics Commission, 40 Fountain Street, Providence, R.I. 02903, (401) 222-3790.

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