

Hon. Kenneth J. Hopkins  
Mayor

Michael E. Smith  
President

Jason M. Pezzullo, MCP, MPA, AICP  
City Planning Director



Robert Coupe  
Vice-President

Thomas Barbieri  
David Exter  
Steven Frias  
Kathleen Lanphear  
Lisa Mancini

Justin Mateus P.E.  
Public Works Director

Thomas Zidelis  
Finance Director

## CITY PLAN COMMISSION

City Hall – 3<sup>rd</sup> Floor, Room 309  
869 Park Avenue, Cranston, Rhode Island 02910

### AGENDA

CITY HALL – 3<sup>rd</sup> FLOOR, COUNCIL CHAMBER

# 6:30PM – TUESDAY, NOVEMBER 12, 2024

#### CALL TO ORDER

Commission President Smith called the meeting to order at 6:40 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: President Michael Smith, David Exter, Steven Frias, Thomas Barbieri, Justin Mateus, Lisa Mancini, and Kathleen Lanphear. Thomas Zidelis and Vice-President Robert Coupe were absent.

The following members of the City Planning Department were in attendance: Beth Ashman, AICP, Assistant Planning Director; Jonas Bruggemann, Senior Planner; Brianna Valcourt, Senior Planner; and Grace Brownell, Planner Technician. Jason M. Pezzullo, AICP, Planning Director was absent.

Also in attendance: Steve Marsella, Assistant City Solicitor.

Commission President Smith provided announcement that the applicant of the 40 Meredith Dr, "Sagamore Gardens," for Unified Development application has withdrawn the application without prejudice.

Upon a motion made by Mr. Barbieri and 2<sup>nd</sup> by Mr. Exter, the City Plan Commission unanimously voted (7-0) to continue the zoning variance application of 0 Hemlock Ave to December 3, 2024.

#### APPROVAL OF MINUTES

(votes taken)

- 10.1.24 Regular City Plan Commission Meeting

Upon a motion made by Ms. Lanphear and 2<sup>nd</sup> by Ms. Mancini, The City Plan Commission voted (7-0) unanimously to approve the minutes, per Ms. Lanphear's requested amendment.

#### "Natick Solar LLC"

#### DISCUSSION

(vote may be taken)

Master Plan – Major Land Development Project  
Development of 30 Acre/8MW Solar Farm on 64-acre site  
Zoning District: A-80 (Single-Family Residential, 80000SF)  
AP 22-3, Lots 108 and 119  
Natick Avenue

Kathleen Lanphear provided clarification to her request at the October 1<sup>st</sup> 2024 meeting. Ms. Lanphear noted the request was to open Executive Session in regard to the court decision, to be briefed by legal counsel. The makeup of the City Plan Commission has changed since the application was originally before the Commission. Thus, this will present an educational opportunity for new members.

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Mr. Frias noted to also be in favor of scheduling an executive session due the nature of the appeal. Since this is a matter of pending litigation, consulting with the necessary legal team is necessary.

City Solicitor Steve Marcella provided clarification that the vote in question is to schedule an executive session for the next meeting regarding the court decision.

Upon a motion made by Ms. Lanphear and 2<sup>nd</sup> by Mr. Frias, The City Plan Commission voted unanimously (7-0) to schedule an executive session for December 3, 2024 regarding the decision of Natick Solar LLC Master Plan-Major Land Development Project.

The Commission President addressed technical questions from the audience about the withdrawal of the 40 Meredith Drive application.

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

**(vote taken)**

**THOMAS J. DONELLY and MELISSA A. DONELLY (OWN/APP)** have applied to the Board to allow an accessory garage structure to be built in the required front yard setback at 24 Normandy Drive, A.P. 15, lot 1023; area 6,957sf; zoned A-8. Applicant seeks relief per Section 17.92.010-Variances; Section 17.60.010(B)- Location of Residential Accessory Buildings. Application filed 10/8/2024. No Attorney

Senior Planner, Brianna Valcourt provided the staff presentation and associated positive recommendation due to findings of consistency with the Comprehensive Plan and surrounding neighborhood. Noted the variance request is for an existing 20' x 20' car garage.

- Ms. Lanphear requested clarification on reason for variance.

Ms. Valcourt noted the building permit was previously granted for the construction of the garage. This application is submitted due to the location of the garage being slightly closer to the street to avoid the disturbance of an old tree.

President Smith declared public comment as closed.

Upon a motion made by Mr. Barbieri and 2<sup>nd</sup> by Ms. Mancini, the City Plan Commission unanimously (7-0) voted to forward a positive recommendation to the Zoning Board of Review

### **WORKSHOP – SUBDIVISION REGULATIONS**

**(no vote taken)**

Senior Planner, Jonas Bruggemann and Asst. Planning Director Beth Ashman presented the proposed changes to the Subdivision Regulations referencing the red-lined document and one-page summary of the proposed changes. Ms. Ashman talked through various changes in Rhode Island General Law that took effect in 2024 which obligate the City of Cranston to update their regulations, namely the purpose of technical review, the development plan review process, appeals going directly to Superior Court, as well as some definition amendments. Many amendments are discretionary, namely the maximum length of a dead-end street, pavement width of a dead-end street, the tree list, and the removal of certain costs to developers, etc. Changes to the “Review Body by Development Stage of Review” table were presented. Unified Development Review was removed as a separate review body as it falls under the City Plan Commission. In regard to notification requirements, staff recommends the radius for notifying abutters be 200' uniformly throughout the regulations. Land Unsuitable for Development was previously defined under major development section differently from the definitions section. The entire definition is consolidated and moved to the definition section. Further noted pre-application activities now all fall under the section labeled “Pre-Application Meetings and Concept Review.”

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Conversation amongst the Commission in regard to the presented amendments ensued:

- Steven Frias inquired about the language change for street right-of-way definition, namely the replacement of “street use” to “the passage of people and goods.”

Ms. Ashman noted this as well as many of the other language changes are provided straight from American Planning Association. Defining a street by a “street use” is circular.

- City Solicitor, Steven Marsella requested clarification in regard to the intent of the state law for changes to the different application processes.

Ms. Ashman noted the intent of the law is to make the process more straight-forward and easy to follow for developers.

- In reference to Page 1, Mr. Frias inquired the reason for striking “2. Prevent overcrowding of land” under intent. Noted preference for provision to remain due to common concern regarding density changes in existing neighborhoods. Ms. Lanphear expressed to agree with Mr. Frias. Noted to be in favor of the fifth provision: “promote coordinated development of ~~unbuilt areas~~ to address present and future needs of the community.”

Ms. Ashman noted State Law references this change to address present and future needs of the community. Updating Cranston’s “intent” section to match the “intent” in State Law is discretionary.

- Ms. Lanphear stated not to be in support of the change in which the notice requirements for Unified Development Review were changed from 400’ to 200’. Over the past five years, in being presented amendments to reduce abutter radius, the Commission has voted it down. People have a right to receive a proper notice of project proposals. For purposes of notifying residents, the radius makes a difference on larger pieces of property.

Steven Marsella noted from a practitioner standpoint, during UDR process, it does become confusing to the applicant to have different radiuses for planning and zoning. Mr. Bruggemann noted that for properties with larger radiuses, the certified mail requirement does multiply the expense for the applicant, beyond what is required within State Law. Ms. Ashman indicated the staff proposal is to require first-class mail as opposed to certified mail. The first-class mail is a fraction of the cost of certified mail, and more effective at notifying residents. The department receives complaints from residents about certified mail being a nuisance, as it requires the individual to be home in order to receive it at the time of arrival.

- Mr. Frias stated in pursuing the goal of uniformity, his preference is to give greater notice, otherwise keep the current requirements. A UDR has a zoning component in which neighbors should be adequately notified. Conversation further ensued about the potential of changing the notice requirement for UDR from certified mail to first-class. Mr. Frias noted the potential of keeping the four-hundred-foot radius while changing the certified mail requirement.

Mr. Bruggemann noted as a potential compromise, certificate of mailing could be required in addition to first class mail, as it provides proof that the notice was sent from the post office. It however does not confirm receipt.

Ms. Ashman asked for the Commission’s thoughts regarding changing the maximum length of the dead-end street from four hundred (400’) radius to sixteen hundred (1,600’). Noted Cranston presently allows 400’ as the maximum length of a cul-de-sac, but then allows the City Plan Commission to authorize longer roads. Many cul-de-sacs in Cranston exceed 400’ in length. One purpose of having a maximum dead-end road length is for access during emergencies.

- Steven Frias expressed concern about opening up more land for development by allowing longer cul-de-sacs and requested itemized reasons informed by research.

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Staff will investigate. Mr. Bruggemann noted that this is a very commonly granted waiver.

- Ms. Lanphear inquired where the language came from in regard to the defect clause on Page 127: "No defect in the form of any notice under this section shall render any regulation invalid, unless the defect is found to be intentional or misleading".

Mr. Bruggemann and Mr. Marsella noted it comes directly from State Law (§ 45-23-53e). Mr. Marsella noted it is not common language and is only in the subdivision regulations.

P.E Justin Mateus acting Director of the Department of Public Works announced he is stepping down from the Commission and his position with the city.

### **ADJOURNMENT**

**(vote taken)**

Upon a motion made by Mr. Mateus and 2<sup>nd</sup> by Ms. Mancini, The City Plan Commission voted unanimously (7-0) to adjourn the City Plan Commission meeting at 8:44 p.m.

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