

Kenneth J. Hopkins
Mayor

Michael E. Smith
President

Jason M. Pezzullo, AICP
Planning Director



Thomas Barbieri
Richard Bernardo
Robert Coupe
David Exter
Steven Frias
Kathleen Lanphear
Lisa Mancini
Thomas Zidelis

CITY PLAN COMMISSION

Cranston City Hall
869 Park Avenue, Cranston, RI 02910

Draft Meeting Minutes

Tuesday, January 3rd, 2023 – 6:30PM

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

CALL TO ORDER

Chairman Smith called the meeting to order at 6:32 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, Richard Bernardo, Robert Coupe, Steven Frias, Kathleen Lanphear, and Thomas Zidelis.

Chairman Smith welcomed three new Commissioners to their first meeting: Thomas Barbieri, David Exter, and Lisa Mancini, who are filling the seats formerly held by James Donahue, Frank Ritz, and Ann Marie Maccarone, respectively. Although these new Commissioners were present, they had not yet been sworn in by the City Clerk, so they did not vote on any matters during the meeting.

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

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

APPROVAL OF MINUTES

(vote taken)

- 12/6/22 City Plan Commission Meeting

Chairman Smith asked if the Commissioners wished to recommend any edits prior to voting on the minutes. Hearing none, he asked for a motion to approve.

Upon motion by Mr. Bernardo, and seconded by Mr. Zidelis, the City Plan Commission unanimously (6-0) to **approve** the regular City Plan Commission meeting minutes of 12/6/22 as submitted.

ZONING BOARD OF REVIEW – RECOMMENDATIONS

(votes taken for both items)

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

This item was continued at the request of the applicant.

- **Eddy Pena (OWN/APP)** has filed an application to request permission to construct an addition to an existing single-family dwelling encroaching into the required side yard setback at 309 Station Street, A.P. 3, lots 71& 72; total area 10,000 s.f.; zoned M2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations.

Due to the finding that the application is consistent with the Cranston Comprehensive Plan and is compatible with the surrounding neighborhood, upon motion made by Mr. Bernardo, and seconded by Mr. Coupe, the City Plan Commission voted unanimously (6-0) to forward a **positive recommendation** to the Zoning Board of Review.

CITY PLAN COMMISSION – City Plan Commission Policy Guide

(vote taken)

- Final draft discussion

Before the discussion began in earnest, Chairman Smith noted that the Commission would not be voting to adopt the draft Policy Guide this evening. He also suggested the Commission begin to think of, and refer to, the document as a “Handbook” whose role is advisory as opposed to regulatory.

For the newer Commissioners’ benefit, Director Pezzullo recalled that work began on the document about two years ago, when the Commission felt it would be helpful to have some sort of reference or resource to consult when questions about process arise. He said the version before them for this meeting was last edited at this time last year. He also reported that Solicitor Marsella emailed a number of comments on the draft that morning which would need to be addressed in a subsequent round of edits, so for tonight, he asked for the Commission’s initial feedback.

Mr. Frias voiced concerns about the language regarding ex parte communications, saying that it is defined too broadly (going beyond the definition as contained in the Open Meetings Act) and could present issues when Commissioners want to contact Staff. He also said he wanted to review the section on personnel to get a better handle on the governance aspect of it.

Mr. Coupe said he shared many of Mr. Frias’ concerns and felt that any new rules the Commission makes for itself with respect to going beyond the language contained in the Open Meetings Act will form the basis of new grounds for appeals.

Solicitor Marsella agreed with Mr. Coupe’s concern that the draft Policy Guide would increase the risk of litigation. He said he’d sent Director Pezzullo an email with 17 comments for consideration but, for the sake of time, would not discuss them tonight. He agreed with Chairman Smith in that the matter should be continued for further discussion.

Mr. Frias requested establishing a subcommittee of three or four Commissioners to work with Solicitor Marsella and Director Pezzullo on refining the draft into its final form, rather than holding multiple workshops with the full Commission. Chairman Smith, as well as Mr. Coupe and Ms. Lanphear (who had called for workshops on the document a year ago), expressed their agreement with the idea. Solicitor Marsella said the Commission couldn’t vote to establish a subcommittee that evening since it hadn’t been advertised.

Upon motion made by Mr. Frias, and seconded by Mr. Coupe, the City Plan Commission voted unanimously (6-0) to **continue** the matter to next month and to modify the description in the agenda to allow the Commission to vote on establishing a subcommittee or workshop(s).

ELECTION OF OFFICERS

(votes taken for both items)

- President
- Vice President

Mr. Coupe, as Vice President, asked for the Commission to nominate candidates for the office of President. Mr. Bernardo nominated Mr. Smith for the office, which was seconded by Mr. Zidelis. There were no other nominations, so the Commission proceeded to a vote.

Upon motion made by Mr. Bernardo, and seconded by Mr. Zidelis, the City Plan Commission voted unanimously (6-0) to re-elect Mr. Smith to the office of President.

Chairman Smith, in his capacity as President, opened nominations for the office of Vice President. Ms. Lanphear nominated Mr. Coupe to serve another term as Vice President, seconded by Mr. Bernardo. No other nominations were made, so the Commission proceeded to a vote.

Upon motion made by Ms. Lanphear, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (6-0) to re-elect Mr. Coupe to the office of Vice President.

PLANNING DIRECTOR'S REPORT

(no vote taken)

- Comprehensive Plan Update
- Capital Budget and Improvement Program FY23-28
- Accessory Dwelling Units – discussion of State law
- 2023 Work Plan – Long range planning topics, schedule workshop(s)

Director Pezzullo said he is continuing to work with the Finance Department on preparing the RFP for the Comp Plan update. Mr. Frias asked whether the Commission or the Board of Contract and Purchase would ultimately select the consultant; Director Pezzullo said it had been so long since the last update that he wasn't sure, but would find out.

Regarding the Capital Budget process, Director Pezzullo noted that budget requests have been solicited for all City departments, but so far only the Public Works and Recreation departments have submitted theirs. He said he would begin to disseminate individual departmental requests, interview directors, and formulate the draft Capital Budget over the course of this month. He then noted Mr. Zidelis, in his capacity as Finance Director, advised that the budget process will be updated next year. Director Pezzullo said the Commission should expect to see the first draft in February, with a final draft up for a vote at its March meeting.

Turning to accessory dwelling units (ADUs), Director Pezzullo said the Commission and the City Council (hopefully through a joint workshop) need to begin to think about how the City wants to update its now-obsolete regulations for in-law apartments to account for the new ADU law that passed in the State House last May. He said his understanding was that the law allows ADUs by-right if they are located within the existing footprint of a dwelling, and there would be no performance standards to meet in the A-80 and A-20 zones; it also no longer requires the occupant to be a relative of the property owner, and there can be separate entrances. He also said the state will count each ADU as 0.5 affordable housing units. Finally, he said there are opt-out provisions, so the City should reflect on how it wants to handle the matter, particularly in zones where lots are smaller, and he would begin contacting sister communities to see how they are approaching the issue.

Solicitor Marsella echoed Director Pezzullo's statement about the timeliness of the conversation and noted the state seems to be planning to change the law soon to counteract efforts by municipalities to limit the growth of ADUs. Chairman Smith asked if Staff could email the Commissioners a link to the new state law in question, which Director Pezzullo agreed to do. Ms. Lanphear asked which communities Director Pezzullo had in mind; he said East Providence and Warwick were among them. Mr. Frias agreed that Warwick was probably the closest comparison to Cranston; he then said he wanted to speak with Solicitor Marsella and Director Pezzullo on the different ways the law could be interpreted as currently written, because he thought the law allowed communities to opt-in, as opposed to opt-out.

Finally, on the topic of long-range planning, Director Pezzullo said he hoped the Commission could continue dialogue with the City Council on possibly creating an inclusionary zoning ordinance. He noted

the City made good progress in 2022 on affordable housing and wanted to keep the momentum up. He said any such ordinance would probably be focused on multifamily proposals, but it would mean affordable units are determined by a set percentage instead of on an individual basis. Mr. Frias said he looked forward to taking it up and said the role the Mayor's office plays in approving new ordinances should be taken into account as the conversations progress.

ADJOURNMENT / NEXT REGULAR MEETING

(vote taken)

- Tuesday, February 7th, 2023 — City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Frias, and seconded by Mr. Coupe, the City Plan Commission voted unanimously (6-0) to adjourn the meeting at 7:10pm.