

A. ROBERT'S RULES OF ORDER

Robert's Rules of Order are hereby adopted for the governance of City Plan Commission **[COMMISSION]** meetings in all cases not otherwise provided for in these policies.

B. ORGANIZATION OF THE CITY PLAN COMMISSION

1. The Commission has been created in conformance with the requirements of RI General Laws **[RIGL]** Ch. 45-22 **[CLICK HERE]** and with the requirements of the Cranston City Charter **[CHARTER]**. [Ch. 13] **[CLICK HERE]**.
2. The Commission has 9 members appointed as follows [Charter Ch. 13]:
 - a. The Director of Public Works
 - b. The Director of Finance
 - c. Five Commissioners appointed by the Mayor for 4 year terms, and
 - a. Two Commissioners appointed by the City Council President for 4 year terms
 1. One Commissioner shall be appointer for either Ward 1, 2, or 3 and
 2. One Commissioner shall be appointed from either Ward 4, 5, or 6.
3. At least one Commission appointment shall expire each year so that the terms of the Commissioners overlap.
4. The term of a Commissioner shall continue until a successor has been sworn in. If a Commissioner is not reappointed, any action taken subsequent to 90 days after a term has expired shall be null and void and of no effect. [Charter §15-11] **[CLICK HERE]**.
5. A newly appointed Commissioner shall be sworn in by the City Clerk prior to being seated as a voting member of the Commission [City Code of Ordinances **[CODE]** Title 17 Zoning (**ZONING**) §.17.109.010] **[CLICK HERE]**.
6. Each commissioner shall participate in training and education classes concerning the effects of development in a flood plain and the effects of sea-level rise once every 2 years. Each commissioner shall complete 2 hours of training in order to be certified for the 2 years required by this subsection. Upon completion of the training, a commissioner shall file with the City Clerk a statement asserting that the training course has been completed. [RIGL §45-22-7.j.] **[CLICK HERE]** **[CLICK HERE]**
7. 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)] **[CLICK HERE]**.
8. The Commissioner shall annually elect a President, a Vice-President and a Secretary [Charter Ch. 13] **[CLICK HERE]**and [RIGL §45-22-5(a)] **[CLICK HERE]**.

C. DUTIES AND POWERS OF COMMISSION OFFICERS

The duties and powers of the officers of the Commission shall be as follows:

1. The President shall:
 - a. Preside at all Commission meetings and is responsible for the conduct and decorum at the meeting;
 - b. Decide all points of order and procedure, subject to these policies and Roberts Rule of Order;
 - c. Call special meetings of the Commission in accordance with the Commission's policies;

- d. Review agendas of Commission meetings;
 - e. Evaluate annually the Director of the Department of Planning [DEPARTMENT];
 - f. See that all Commission actions are properly taken.
2. Vice-President
 - a. In the absence, disability or disqualification of the President, the Vice-President shall exercise and perform all the duties and assumes to all the responsibilities of the President.
 - b. The Vice-President shall succeed the President if he/she vacates his/her office 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.
 3. Secretary
In the absence, disability or disqualification of the President and the Vice-President, the Secretary shall exercise and perform all the duties and assumes to all the responsibilities of the President.

D. REORGANIZATION

1. The Commission shall reorganize at its first regular meeting in January as the last agenda item. At this meeting, nomination for President, Vice-President and Secretary shall be made and elections shall follow immediately thereafter.
2. The candidate for each position receiving the vote of a majority of the Commission shall be declared elected and shall serve for one year.
3. The Commission and/or President shall appoint a representative to the Parks Commission **[CLICK HERE](#)** and the Industrial Development Commission **[CLICK HERE](#)** as appropriate.
4. Commissioners who serve on other ad hoc committees shall keep the Commission informed as to the activities of said commissions or committees.
5. Notice of reorganization shall be sent to the Mayor's Office, the City Clerk and to appropriate City departments.

E. VACANCIES ON THE COMMISSION

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. If a vacancy occurs, the Department shall immediately act to fill the vacant position by providing a written notice of vacancy to appropriate appointing authority and requesting that the vacant position be filled.
3. A Commissioner appointed to fill a vacancy shall serve the remaining term of the Commissioner being replaced.

F. ATTENDANCE BY COMMISSION MEMBERS

Should a Commissioner miss 3 or more Commission meetings in a calendar year, the President may request that the appointing authority remove and replace said Commissioner.

G. POWERS AND DUTIES OF THE CITY PLAN COMMISSION AS DEFINED BY RHODE ISLAND GENERAL LAW [\[CLICK HERE\]](#).

Section 45-22-7 RIGL establishes the powers and duties of the City Plan Commission as follows:

‘§ 45-22-7. Powers and duties of a planning board or commission.

- a) 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.
- b) 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.
- c) 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.
- d) 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) Land use and land-use regulation;
 - 2) Transportation facilities;
 - 3) Public facilities, including recreation areas, utilities, schools, fire stations, police stations, and others;
 - 4) Blighted areas, including the designation of general areas for redevelopment, renewal, rehabilitation, or conservation;
 - 5) Problems of housing and the development of housing programs;
 - 6) Environmental protection;
 - 7) Natural resource conservation;
 - 8) Protection from disaster;
 - 9) Economic and social characteristics of the population;
 - 10) Preservation of historic sites and buildings; and
 - 11) Economic development.
- e) 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.

- f) 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.
- g) 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.
- h) 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.

H. CITY PLAN COMMISSION DUTIES AND RESPONSIBILITIES

1. LAND DEVELOPMENT

- a. The Commission shall review and act on applications for subdivision and major land development in accordance with the City of Cranston Subdivision Rules and Land Development Regulations **[SSR]** **[CLICK HERE]** including:
 - 1. administrative subdivisions [SRR Sec. V.B],
 - 2. minor subdivisions [SRR Sec. V, C and D] and
 - 3. major subdivisions or major land developments [SRR Sec. V and F].
- b. The Commission shall review and act on applications for Planed Developments [Zoning Ch. 17.96] **[CLICK HERE]** including Residential Planned Development [Zoning Ch. 17.104] **[CLICK HERE]** and [SRR Sec IV] and Mix Plan Development. [Zoning Ch. 17.100] **[CLICK HERE]** and [SRR Sec IV]
- c. The Commission shall review and act on applications for an Educational Institution in an Educational Institution District [Zoning Ch. 17.106] **[CLICK HERE]**.
- d. 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 §17.76.C.3.p] **[CLICK HERE]**.

2. COMPREHENSIVE PLAN

- a. 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 Rhode Island Comprehensive Planning and Land Use Act. [Charter §13.03 **[CLICK HERE]**AND RIGL Ch.45.22.2 **[CLICK HERE]**].
- b. 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]

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] [\[CLICK HERE\]](#) and the Code §6.12 [\[CLICK HERE\]](#).
 4. **ZONING BOARD REVIEW:** The Zoning Board of Appeal shall not take final action applications for variance or special permit unless the Commission has submitted recommendations on the matter in writing or until 30 days have elapsed from the date of notice to the Commission [Zoning §17.92.010 and §17.92.020] [\[CLICK HERE\]](#).
 5. **AMENDMENTS TO THE ZONING [SEE SECTION BB BELOW]**
 - a. The Commission shall recommend to the Council from time to time such changes in the zoning regulations previously adopted as in the Commission's judgment are necessary or desirable [Charter § 13.05] [\[CLICK HERE\]](#).
 - b. 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 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]
 6. **OFFICIAL STREET MAP:** The Prior to the City Council making any make additions to or modifications of the official street map, the Council shall refer the matter to the Commission for a report, or 45 days have elapsed from the date of notice. [Zoning §12.04.020] [\[CLICK HERE\]](#).
 7. **SUBDIVISION RULE 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 [SRR 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 recommend to the City's Purchasing Agent restrictions to be place on a City owned land that is being sold as surplus. [Charter § 7.08].
 11. The Commission acts on Applications for Comprehensive Permits in accordance with RIGL Ch.45-53. [\[CLICK HERE\]](#).
- H. OPEN MEETING ACT [RIGL Chapter 42-46] [\[CLICK HERE\]](#) [\[CLICK HERE\]](#) [\[CLICK HERE\]](#)
1. All activities of the Commission are subject to the Open Meeting Act **[OMA]** RIGL Chapter 42-46. Said act requires:
 - a. That all activities of the Commission be conducted through a public forum with notification to the public.
 - b. 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.

- c. 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].
 - d. 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 his/her first meeting on the Commission.
 3. On an annual basis, Commission shall be provided with any new guidance from the Rhode Island Attorney General as to the proper administration of the OMA.

I. REMOTE MEETING [ZOOM MEETING] [as authorized by the Secretary of State]

For meetings that are held on line:

1. When a Commissioner votes, the Commissioner must be on screen with his/her face clearly visible.
2. All votes of the Commission shall be conducted by roll call vote.
3. Interested parties who wish to speak will be call in alphabetical order based on their last name.

J. CONFLICT OF INTEREST [RIGL CODE OF ETHICS § 36-14-6] [[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 Ethic's Commission. [[CLICK HERE](#)]
2. Any Commissioner who feels that he/she has a conflict of interest on any matter that is before the Commission shall
 - a. voluntarily Recuse himself/herself,
 - b. vacate his/her seat and leave the meeting and
 - c. refrain from discussing and voting on said item as a Commissioner.
3. Should a Commissioner recuse him/herself, the Commissioner shall complete and submit a Recusal Form [[CLICK HERE](#)] and said recusal shall be announced at the public meeting.

K. EX PARTE COMMUNICATION

1. All questions on matters currently before the Commission and matters that are to be submitted to 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 and suggest that the individual present the information at the appropriate Commission meeting.
3. 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 the contact to the full Commission for inclusion in its formal record.
4. Written information transmitted to a Commissioner shall be forwarded directly to the Department for review and incorporation into the public record.

5. For all hearings, communications with the Commission shall be confined to the following:
 - a. documents on file with the Department as public records prior to the public hearing,
 - b. documents filed with the Department as public records while the public hearing is open,
 - c. information and documents presented to the Commission at the public meeting.

L. PLAN COMMISSION MINUTES

1. Minutes of all Commission meetings shall be kept and posted in accordance with the provision 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 by tape, CD or other electronic device and shall be retained for a minimum of 5 years after the date of the meeting.

M. QUORUM AND VOTING

1. With a 9-member Commission, 5 Commission members shall constitute a quorum.
2. The vote 5 members of the Commission [a majority of the full Commission] shall be required to transact business and to approve applications before the Commission.
 - a. An abstention shall not be considered "a vote" in determining whether action has been adopted.
 - b. When a vote on a question does not receive 5 votes to approve, the question shall be deemed to have been defeated.
3. In order to vote on a matter on that is before the Commission, for which a Commissioner has missed a meeting, the Commissioner shall:
 - a. Review the application file,
 - b. Consult with Department staff as to what transpired during the hearing,
 - c. Review the draft minutes of the meeting missed and
 - d. Review any Commission audio/visual media regarding the meeting missed.
4. Procedure for taking a vote shall be as follows:
 - a. A Commissioner shall obtain the floor and state a motion in full.
 - b. The motion shall be seconded by another Commissioner.
 - c. The motion it shall be restated by the President prior to discussion.
 - d. If there is no discussion, a vote shall be taken. If there is discussion, discussion shall continue until the question is called as originally proposed or as amended and a vote shall be taken.
 - e. After a vote is taken, the President shall restate both the motion with any amendments and the official vote.

N. AGENDAS

1. The Commission agendas shall have a coherent and consistent structure, with similar items grouped together. In addition to procedural requirements [i.e. call to order], the agenda shall clearly identify old business and new business.
2. The President may review the agenda for a Commission meeting prior to its publication.
3. A 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 3 days prior to the issuance of the agenda.

4. 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.
5. The agenda for a regularly scheduled Commission meeting shall be published not less than 6 days prior to the date of the meeting.
6. Agendas shall be provided to following individuals or entities:
 - a. The Commission,
 - b. The Mayor's office,
 - c. The City Council,
7. 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 Library in accordance the OMA.
8. Commission Agendas may have the following organization:
 - CALL TO ORDER/DETERMINATION OF QUORUM
 - APPROVAL OF MINUTES
 - ORDINANCE HEARINGS
 - SUBDIVISION/LAND DEVELOPMENT HEARINGS
 - RECOMMENDATIONS TO THE ZONING BOARD REVIEW
 - RECOMMENDATIONS ON MATTERS REFERRED BY CITY COUNCIL
 - WORKSHOPS WITH NO PUBLIC COMMENT
 - OTHER PLAN COMMISSIN ACTIVITIES
 - DIRECTOR'S REPORT
 - ADJOURNMENT
9. Items on an agenda may be taken out of order at the discretion of the President.

O. PLAN COMMISSION MEETINGS

1. All Commission meetings are subject to the Open Meeting Act **[OMA]** [RIGL Chap. 42-46]. [\[CLICK HERE\]](#)
2. A schedule of meeting dates shall be established by the Commission at its **December** meeting. Said schedule may be altered or changed at any regularly scheduled meeting.
3. Commission meetings shall be at 6:30 PM on the first Tuesday of the month when practicable. Meetings shall be held at Council Chambers, 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 72 hours is given to each Commissioner and notice of the meeting is posted in in accordance with the requirements of the OMA.
5. Whenever there is no business for the Commission, the Director may cancel a scheduled meeting by giving notice of at least 48 hours to the Commissioners and a notice of cancellation is posted in accordance the OMA.
6. Public hearings/meetings on an application before the Commission shall have the following format:
 - a. Opening of the public hearing/meeting by the President.

- b. Initial comments by Department staff including a presentation of staff's review of the application [the staff report].
 - c. 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 his application including the provision of expert testimony.]
 - d. When expert testimony 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.
 - e. Questions by Commissioners.
 - f. Questions/comments by interested parties [see below].
 - g. Final comments by the applicant as appropriate. [The applicant should note the issues raised during the hearing and address them in the closing comments.]
 - h. Final comments by staff including recommendation for Commission action.
 - i. Deliberation and vote of the Commission.
7. When the Commission hears testimony from interested parties on an item under discussion, the President shall impose fair and uniform limitations on oral presentations so as to maximize public input.
- a. Any interested party may speak after receiving recognition by the President. Said party shall state his/her name and address prior to speaking and shall direct all questions through the President.
 - b. If the comments by any interested party 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.
 - c. During a public hearing, only the person who has the floor, as recognized by the President, shall speak.
 - d. The Commission shall generally allow wide latitude in allowing interested parties to speak. However, the Commission, through the President, reserves the right:
 1. To limit comments which are not relevant to the matters at hand.
 2. To limit the amount of time a party may speak.
 3. To limit comments which are repetitive of points previously made.
 4. To limit a party from speaking again until all other interested parties have spoken.
8. CLOSING THE PUBLIC COMMENT PORTION OF A HEARING.
- a. 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 vote of the Commission when all pertinent information has been placed on the record and the Commission has determined that all its questions have been answered.
 - b. Once a public comment portion hearing has been closed, communication between the Commission and all parties shall be confined to direct responses to questions raised by the Commission at the meeting.
 - c. 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.
 - d. Documents and written comments receive 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.
 - e. At the close of the public comment portion of a hearing the Commission may
 1. Proceed to discussion of and vote on the matter under consideration or

2. Vote to continue the matter under consideration to another meeting for discussion and vote.
- f. The Commission shall take a vote to close the full public hearing after it has taken a final vote on the matter under consideration.
9. The Commission shall not commence any public hearing after 10:00 PM except by unanimous vote of the Commission.
10. All Commission meetings shall adjourn by 11:00 PM unless by unanimous vote of the Commission the meeting may be extended by one hour. If extended, a Commission meeting shall be adjourned by 12:00 PM.

P. SITE VISITS

1. A site visit is defined as a visit by the Commission to a location on a matter that is before it. The visit is in the company of the owner, the applicant or their agents, the Commission, 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. [This does not include viewing the site from adjoining public ways or other observations that can be made without entering on the property by individual Commissioners.]
2. If the President and the Director decides a site visit is required, permission from the applicant for both the Commission and the general public to go onto the site shall be obtained.
3. If The President and the Director determines that joint site visit, involving the Commission and 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 the 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. posting to agendas to the Secretary of State's and Cranston's website], 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 Common and City Council and notice shall be published in Cranston Herald.
6. Site visits shall be conducted in a single body. Commissioners and members of the public, who are in attendance, shall not fragment in to separate bodies or groups.
7. The practice of an applicant directly calling a Commission member to invite that member to visit a site is a violation of the OMA.

Q. WITHDRAWAL OF AN APPLICATION

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.

R. REPRESENTATION FAILURE TO PROSECUTE

An applicant may appear on his/her own behalf or 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.

S. 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:
 - a. Failure to comply with the notice requirements,
 - b. Lack of a quorum, and
 - c. 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, the public notice requirements as stated in RIGL 45-23 shall apply to the continued hearing.

T. REVISIONS TO APPLICATIONS

If revised plans and/or additional studies or reports [additional materials] are submitted for an Application, the following shall apply:

1. The Applicant shall submit 2 copies of revised plans and 2 copies of additional materials.
2. All revised plans shall include a revision date in the title block and shall be signed and stamped by an appropriate professional.
3. All revised plans shall be accompanied by a cover letter which provides a detailed description of the revisions made to the plans.
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.
5. All revisions to the plans shall be clearly highlighted on the record set of plans.
6. The applicant shall submit all revised plans and any additional materials required for a continued public hearing as a single package.
7. Revised plans or additional material shall be submitted to the Department at least 14 days before the continued public hearing on an Application or else the Department cannot guarantee timely review and comments.

U. 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 Planning Department.

2. Upon a request by a Commissioner, a specific piece of correspondence shall be read into the record in its entirety.
3. The deadline for submitting correspondence on an agenda item before the Commission shall be the close of 5 business 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 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 comment portion of a hearing is 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 shall not be read in their entirety at a Commission meeting. However, said documents may be summarized at said meeting.

V. PROJECT CONDITIONS

1. 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 5 days prior to Commission meeting at which they would be considered.
3. Draft conditions may be changed (i.e. added, deleted or modified) by a vote of the Commission during the public meeting.
4. Approval of conditions including any amendments shall require the affirmative vote of 5 members of the Commission.

W. DECISIONS AND RECORDS.

1. A written decision of the Commission shall be recorded in the land evidence records within 20 days after the Commission's vote. A copy of the recorded decision shall be mailed within one 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 of the Department of Planning shall file all decisions in the land evidence records, as required above.
 - a. 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.

X. DEPARTMENT OF PLANNING

1. **GENERAL RESPONSIBILITIES:** Staff shall have 3 general responsibilities:
 - a. to provide disciplined, consistent and fair implementation of the City's land use regulations and the Commission's policies;
 - b. to assist the Commission and the City with long-range planning for the City and
 - c. to assist the Commission and the City with the development and administration of best management practices for the regulation land development in the City.
2. **HIRING, PROMOTION, DISCIPLINE AND DISMISSAL**
 - a. In that Department staff are employees of the City, their hiring, promotion, discipline and dismissal shall be governed by contract and by any personnel policies and procedures adopted by the City.
 - b. In that the Director of the Department reports to the Commission, he/she shall be appointed by the Commission.
 - c. In that the Director has direct supervision over staff:
 1. The Director shall interview and hire candidates for positions within the Department in consultation with the Commission President.
 2. The Director shall be responsible for the evaluation, promotion, discipline and dismissal of staff consistent with City's personnel policies.
 - d. The Commission 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 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, the annual evaluation may be amended and submitted to the Personnel Department by a majority vote of the Commission.
3. **DEPARTMENT WORK PRODUCTS**
 - a. Staff will forward work products (i.e. staff reports) to the Commission at least 4 days prior to a regularly scheduled Commission meeting. [i.e. For a Tuesday Commission meeting, work products correspondence shall be forwarded no later than the close of business Friday.]
 - b. Staff's work products shall be released to the Commission as a package.
4. **REQUESTS FOR INFORMATION, RESEARCH OR SERVICES**
 - a. Members of the Commission shall work only through the Director in requesting information, research or services from staff.
 - b. Any Commission member who asks staff for information, research or services should take care not to unnecessarily disrupt staff's priority work.

Y. 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 [i.e. 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 said documents.

Z. PLAN COMMISSION SUBCOMMITTEES

1. At their discretion, the Commission may create subcommittees for special purposes and appoint members to said committees.
2. Subcommittee members shall be appointed for one year or for the duration of the subcommittee whichever is shorter.
3. In creating a subcommittee and appointing subcommittee members, the Commission shall clearly outline a charge to the subcommittee and indicate a completion date.
4. Creation of a subcommittee shall require the affirmative vote of 5 members of the commission.
5. Appointment of members to a subcommittee shall be by a 5 vote majority vote of the Commission
6. The Commission shall fill any vacancies on a subcommittee that may occur.
7. The President of the Commission shall serve as an ex officio member of all subcommittees.
8. A subcommittee shall make periodic reports to the Commission on its efforts to complete the Commission's charge.
9. Subcommittees shall be subject to the OMA [RIGL Chap. 42-46]

AA. ANNUAL ACTIVITIES

1. Annually, the Commission shall review its procedures, policies, 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 Subdivision and Land Development Regulations. The Commission may review, comment on the work program and suggest items to be added to the work program.
3. During the course of the year, staff shall provide periodic reports on the status of non-day to day items such as plan preparation, ordinance writing and zoning studies.
4. Each year, the Commission shall prepare a capital improvement budget for submission to the Mayor for the Mayor's review and approval.

BB. AMENDING THE ZONING ORDINANCE

1. 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 with said drafts presented to the Commission for their review and for possible inclusion as a Work Shop on a Commission Agenda.
3. As an agenda item at a Commission meeting, the Commission may vote to submit an amendment to the Zoning Ordinance by a 5 vote majority. Staff shall provide a copy of a proposed amendment to each Commissioner at least 2 weeks prior to said meeting.
4. Should the Commission vote to amend the Zoning Ordinance, the Commission may

- a. Instruct staff to seek a sponsor [Mayor or City Council member] for the zoning amendment [**NOTE THE PLAN COMMISSION CANNOT SPONSORE ON ITS OWN AN AMENDMENT TO THE ZOING ORDINANCE**] or
- b. Forward the proposed amendment to the City Council with a recommendation to the Council that the ordinance be amended.

CC. AMENDING THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

1. 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 Subdivision and Land Development Regulations should be considered.
2. Based on these discussions, the Commission may instruct staff to prepare drafts of said amendments with said drafts presented to the Commission for their review and for possible inclusion as a Work Shop on a Commission Agenda.
3. The Commission may vote to amend to the Subdivision and Land Development Regulations, in accordance with RGIL §45.22.53 **[CLICK HERE]** and the SRR Sec. X **[CLICK HERE]**, at any Commission meeting by a vote of 5 vote majority. Staff shall provide a copy of a proposed amendment to each Commissioner at least 2 weeks prior to said meeting.

DD. TRAFFIC INPACT ANALYSIS

The Commission has adopted a policy governing the study and mitigation of traffic impacts created by development. Said policy is appended as Attachment III below.

EE. Minor Subdivisions

A Minor subdivision that require 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.

DD. AMENDING COMMISSION POLICY

The Commission's policies may be amended at any Commission meeting by a 5 vote majority of the Commission provided that notice of the proposed amendments is given to each Commission member at least one week prior to said meeting.

EE. EFFECTIVE DATE

These policies and any amendments shall be effective upon adoption by a majority vote of the City Plan Commission and filed with the office of the City Clerk.

ATTACHMENT I
STANDARDS OF CONDUCT FOR THE CITY PLAN COMMISSION

- The Commission shall concern itself with the advancement of the public interest in all matters that come before the Commission.
- The Commission shall place competence and effectiveness of service to the public above the interests of persons, factions or parties.
- The Commission shall endeavor, through diligent attendance, to represent the best interest of the City as a whole as it has been appointed to do.
- The Commission shall seek to assimilate all pertinent information on matters before the Commission prior to committing itself to an irrevocable judgement or decision.
- The Commission shall prepare itself for all items scheduled for presentation to the Commission.
- The Commission shall strive to provide fiscally sound policies, matching expenditures to funds budgeted.
- 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.
- Commission members shall abstain from participation in a decision of the Commission in which they have a conflict of interest.
- Commission members shall avoid unilateral action that does not comply with existing policy of the Commission.
- The Commission shall work with its professional staff and other persons to achieve the most desirable results with regard to the planning or zoning process and established City goals.
- The Commission shall conduct itself in its contacts with other persons and groups in a manner to maintain the trust and dignity in the Commission's position as servants of the people and the City. It shall further take care to guard not only the factual principles but also the appearance of justice and integrity.

ATTACHMENT II
STANDARDS OF CONDUCT FOR STAFF OF THE DEPARTMENT OF PLANNING

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

ATTACHMENT III CITY PLAN COMMISSION POLICY FOR TRAFFIC

I. PURPOSE

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. provide for the orderly movement of traffic, reduce the potential for accidents, allow adequate emergency response, and maintain adequate and safe streets;
2. discourage the use of neighborhood streets as shortcuts by promoting the use of arterial and collector streets;
3. encourage the use of traffic engineering design standards appropriate for residential and commercial neighborhoods;
4. encourage private sector participation in managing traffic;
5. create and maintain safe and convenient pedestrian access and bike paths;
6. encourage the use of public transit, carpools and vanpools;
7. promote clean air by encouraging/providing alternative modes of transportation and reducing vehicle delays and resultant exhaust emissions.

II. DEFINITIONS

For the purposes of this policy the following terms shall have the following meanings:

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 roadway 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.

AVERAGE DAILY TRAFFIC (ADT): The number of vehicles passing a point on a street during a 24-hour period on a typical day.

CAPACITY OF AN INTERSECTION: The maximum number of vehicles which can reasonably be expected to be processed through an intersection or street segment during a one-hour peak time period.

DESIGN YEAR: The fifth year after a development is scheduled to be completed.

EXCEPTIONAL PEAK PERIOD: An exceptional hourly, daily or seasonal period of trip generation (i.e., the December holiday).

IMPACTED STREET: A street or intersection projected to receive 50 or more peak hour [any peak hour] trips from a development.

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.

PASS-BY TRIPS: The number of trips captured by a land use from existing traffic on an adjacent street.

PEAK HOUR: The four consecutive 15 minute periods of heaviest volume of traffic on a street or from a development.

PEAK PERIOD, MORNING: Generally, 7 A.M. to 9 A.M.

PEAK PERIOD, EVENING: Generally, 3 P.M. to 6 P.M.

PEAK PERIOD, WEEKEND: Generally, noon to 4 P.M on a Saturday or Sunday.

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.

STREET:

ARTERIAL: An interregional street with an ADT of more than 5,000 conveying traffic between centers.

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.

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.

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.

STUDY AREA: An area which encompasses all impacted streets.

TRIP: A single or one-directional vehicle movement.

TRIP ASSIGNMENT: Assignment of development generated and through trips to municipal streets and a development's driveways.

TRIP RATE: The number of trips per unit of independent variable (e.g., trips per dwelling unit, employee or square footage).

III. APPLICABILITY

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

IV. TRAFFIC STUDY

- A. For any Development in which the proposed activity under review will generate 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.

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.

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.

- B. 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.
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. If local trip rates are used, the methodology used to develop the data and the applicability of the data shall be provided.
 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 shall determine which data source will be used.
- C. 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.
- D. Projections of ADT's, turning movements and capacity analyses shall be adjusted for (where appropriate):
1. background traffic with an explanation as to how said adjustment was made;

2. truck traffic and buses;
 3. vacant space in existing buildings in the study area;
 4. trips to be generated by the proposed development based on full occupancy; and
 5. trips to be generated by developments in the study area that are under review or approved by a municipal or state agency.
- E. If an exceptional peak period is likely to occur, the Commission may require analysis of traffic for said period.
- F. Trips from an existing land use that are being replaced by a new land use may be subtracted as follows:
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.
 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.
- G. 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.
- H. The traffic study shall have the following elements (when applicable):
1. Executive summary with:
 - a. 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;
 - b. schedule for project development;
 - c. summary of existing and future traffic conditions including deficiencies in the street system;
 - d. summary of traffic impacts and proposed mitigation; and
 - e. listing of all permits required by the project and a summary of the status of permitting process for each required permit.
 2. Review of traffic studies undertaken within the study area during the prior 5 years that are on file with the State or in the municipalities within the study area.
 3. Description of roadway characteristics for all impacted streets to include:
 - a. a general inventory of land uses within 500 feet of the development and description of land uses on each impacted street;
 - b. identification of all curb cuts and driveways within 500 feet of the development;
 - c. 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;
 - d. inventory of traffic control devices including regulatory parking and warning signs, traffic signal permits, control units and description of signal phasing;
 - e. sight distances and obstructions to sight lines;

- f. location and type of street lighting;
 - g. actual design [85th percentile] and posted traffic speeds;
 - h. number, type and location of accidents by year for the most recent three years;
 - i. description of transit system serving the study area including mode, frequency, schedule, routes, stop location and patronage;
 - j. time and peak volume of parking for the development;
 - k. location of pedestrian and bicycle routes;
 - l. location of churches, schools, parks and similar public or civic uses within the study area.
4. 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.
 5. ADT's on all impacted streets for the current year and the no-build and build conditions of the design year. Current ADT's shall be counted for a 48-hour period on a typical weekday.
 6. Existing site generated trips with a trip assignment.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. Measures to mitigate traffic impacts to include:
 - a. The process through which the mitigation will be authorized, financed, designed and implemented.
 - b. Peak hour(s) capacity analysis on all impacted streets and intersections based on the mitigation proposed.
 - c. Review of potential impact to utilities, wetlands, archaeological/historical sites, etc.
 - d. 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.
 - e. 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:
 1. scaled plan(s) (1"=40' preferred) showing:
 - a. existing and proposed layout lines, building footprint(s), parking lot areas

- and driveways;
- b. the relationship of the site layout to existing rights-of-way with sight distances;
- c. proposed geometric changes and widening (driveways, storage lanes, acceleration and deceleration lanes, turning lanes, etc).
- 2. A traffic management plan to maintain traffic flow on impacted street(s) and allow access to abutting properties by vehicles, pedestrians, and handicap persons during construction.
- 3. Measures to mitigate traffic generated noise and dust pollution.
- f. If traffic signalization is proposed, a signal warrant analysis based on Manual on Uniform Traffic Control Devices (FHWA, latest edition).
- g. Program to monitor the effects of the mitigation for period of up to three years after implementation.
- h. 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.

V. TRAFFIC CAPACITY

- A. 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. 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.
 - 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:
 - a. The Commission shall require the implementation of mitigative measures to achieve adequate capacity.
 - b. 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 insure that there is no increase in delay and capacity.
 - c. The Commission shall deny the application if mitigative measures to achieve adequate capacity cannot be implemented.
- B. The Commission may condition its approval on:
 - 1. Completion of mitigation prior to issuing any occupancy permit.
 - 2. Posting surety to guarantee implementation of mitigation.
 - 3. Implementing measures to reduce trips generated by a development including use of:
 - a. employer subsidized passes for public transit,
 - b. carpools and vanpools,
 - c. flex time or staggered work hours,
 - d. preferential parking for high occupancy vehicles,
 - e. restricting access to or egress from off street parking areas during peak hours,

- f. measures to promote pedestrian access,
 - g. measures to encourage bicycle commuting such as secured bike racks and locker and shower facilities.
4. The submission of periodic reports on the effectiveness of the trip reduction programs as part of the monitoring required under Section H.12.g. above.
 5. Reducing of the size or intensity of the project.
 6. Phasing the development of the project.
 7. Obtaining all other permits where applicable.

VI. COMPLIANCE

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

VII. WAIVER OF THE POLICY

If the Commission finds that any section or provision of this policy does not apply, it may be waived by vote of the Commission.

VIII. SEPARATION

Should any section or provision of this policy be declared to be invalid, said section or provision shall not invalidate any other section.