

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

MEMORANDUM

TO: Councilwoman Bridget Graziano and Members of Cranston City Council
Members of Cranston Planning Commission
Beth E. Ashman, MCP, AICP, Planning Director
Frank Corrao, III, PE, Public Works Director
Stanley F. Pikul, Building Official

FROM: Robert D. Murray, Esq.
Taft & McSally LLP

DATE: August 24, 2026

SUBJECT: Ordinance No. 7-20-01 in amendment of Chapter 17 of the Code of the City of
Cranston, as amended entitled "Zoning"

I offer this memorandum as commentary to the proposed amendment to the Zoning Code sponsored by Councilwoman Bridget Graziano relating to managing stormwater runoff and drainage mitigation. I know this topic is one of importance to Councilwoman Graziano and she has on many occasions shared her experiences and knowledge from her work as a Conservation Agent in Medway, Massachusetts with her colleagues in Cranston government.

As a practicing land use and zoning attorney who devotes a portion of my practice representing clients before local and state regulatory boards and commissions, Ordinance No 7-20-01 interests me and its potential adoption could impact clients and local builders and developers. I generally leave the technical issues and compliance with state and local regulations in the preparation of applications, permits and plans to the many design professionals who I work with in the course of my practice.

I took the liberty to share the proposed ordinance with some of these professionals including licensed professional engineers, civil engineers, land surveyors, builders and developers. Knowing that they may not be able to attend a public hearing or meeting on this ordinance, I shared it with these stakeholders for comments and suggestions. I offer these comments from them in a format where I have assembled written comments given to me. The words are their own without any editorial direction from me. If the City Council or Planning Commission see value in these comments and choose to perhaps have a separate workshop on this topic, I would certainly try and encourage some of these professionals to participate.

Many of the topics touched upon in Ordinance No. 7-20-01 are already addressed in Rhode Island and local regulatory review and permitting. However well intended, the sponsor in bringing her Massachusetts knowledge and experiences to this discussion, there may already be jurisdictional preemption in Rhode Island that must be considered and observed.

At the end of the day, I sincerely believe there needs to be a regulatory balance between the twin goals of increased housing and economic development with the environmental interests of our community. Councilwoman Graziano has attempted to stimulate a good discussion of these issues, and I appreciate the opportunity to share some thoughts with you as the ordinance is considered by the City Council and Planning Commission.

I. COMMENTS FROM DESIGN PROFESSIONALS AND BUILDERS

- 1. Bradford J. Travers, PLS
Waterman Engineering Co.
46 Sutton Avenue
East Providence, RI 02914
(401) 438-5775**

Section 17-22-020 (D): Stormwater Mitigation:

Item D in this section should be eliminated. If someone owns an existing house and they want to subdivide the vacant part of their lot off, they would have to do stormwater for the old existing house and parking area next door. I can see for the new lot when it comes time to develop it, but to bring an existing developed property into conformance is a lot to ask for the typical homeowner or business in my opinion.

Section 17-22-030 Riparian Buffers should be eliminated. Let CRMC regulate this. For instance, CRMC allows for a shoreline recreation structure for storage of riparian activities (kayaks, supplies, etc.). Under this ordinance you cannot have that (or would be required to go to zoning). I understand they mention the CRMC regulations at the beginning, but these items will conflict with a lot of CRMC regulations and are just asking for issues and zoning submissions that shouldn't be necessary. Remove this section and let CRMC continue to regulate what can and cannot be done with buffer requirements, plantings, etc.

Also, they spelled Riparian wrong in the title of this section...

- 2. Patricia A. Kelly, PLS
Kelly Land Services, Inc.
97 Bucks Way
Tiverton, RI 02878
(401) 232-2620**

I took a look at RIDEM's stormwater regulations, and didn't find anything that says a City or Town can't have their own ordinance. I did find a paragraph under "Training" that

speaks to the regulation not intending to place a burden on single family residential development projects. If the proposed project does not meet Sec. 17.22.020(a) the stormwater design must be done by an engineer or landscape architect, which adds an additional cost to the project and makes the housing units less "affordable".

3. **Richard T. Bzdyra, PLS**
Ocean State Planners, Inc.
1255 Oaklawn Avenue
Cranston, RI 02920
(401) 463-9696

My only concern is 17.22.020 C, the recording of the maintenance manual with the City Clerk. What actually is that? We normally prepare a Soil Erosion and Sedimentation Plan to show all that they are asking. Will this mean that we have to record that plan? Prepare a mylar? The recorder's vault cannot handle what they have now. Plus, the added cost to the client. Who is policing this?

4. **Timothy J. Behan, PE**
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908
(401) 273-6000

Regarding the Table 17.22.010. Providence and Narragansett do something like this with front yard/rear yard impervious. What we see on our end.....there are several designers needed on each project (architect, engineer, builder, surveyor and sometimes a landscape architect), and coordination between all is very time consuming and costly for the applicant. It is common that an architect/surveyor/builder will create a concept site plan and draw up architectural drawings based on this. Then another designer reviews the design and says, 'you forgot about the front yard impervious requirement'. Then the concept plan gets revised which takes time and money. Conclusion, simple codes are better for timelines and cost burden. I would recommend deleting the front yard impervious, rear yard impervious, and minimum pervious surface coverage requirements. JUST KEEP THE TOTAL IMPERVIOUS % COLUMN. If you have a total impervious requirement, why do you have a minimum pervious requirement?? They are the same thing.

Regarding 17.22.010.D. Another burdensome requirement. Isn't minimum landscape addressed with TOTAL IMPERVIOUS % above? If you have a 50% max impervious, then 50% is landscaped (pervious).

Regarding 17.22.020. Regarding C: Typically, we record Operation Manuals with final approvals not after installation. Regarding D: Timing is not practical. Bring into compliance prior to issuing occupancy permit of first new unit.

Regarding 17.22.030. Towns are not supposed to supersede state wetland regulations. Any project dealing with riparian buffers needs a DEM/CRMC Wetland permit application due to jurisdictional area setbacks. DEM/CRMC decisions are final regarding activities in buffers. Delete the proposed section.

General. Regarding Stormwater. DEM/CRMC have state stormwater requirements. In the City Code, just state all projects need to be in accordance with State Stormwater Codes.

5. **Joseph Casali, PE**
Joe Casali Engineering, Inc.
300 Post Road
Warwick, RI 02888
(401) 943-1000

I do not agree with impervious lot coverage regulations. You should be able to cover as much as you want as long as you meet the ground water recharge standards.

It's an impractical metric to control stormwater.

Think of how they whittle away lots by looking at them from buildable lot area (lot area less wetlands and easements, etc.) and not from a minimum lot area per the zone it is in.

Enabling legislation gave the City the power to create minimum lot sizes, yet they then create further encumbrances like buildable lot area or maximum impervious lot coverage to further regulate development, but this stuff has no origin from the enabling legislation. Remember when they stopped cities and towns from discounting lot areas with slopes over 15%. This is just more overstepping

6. **Daniel R. DeCesaris, PE**
Joe Casali Engineering, Inc.

Stormwater requirements already exist under RIDEM regulations (Rhode Island Stormwater Design and Installation Standards Manual; RI Stormwater Guidance for Individual Single-Family Residential Lots; RIDEM Freshwater Wetlands Rules; CRMC requirements; Municipal MS4 permit obligations). Local ordinances already require compliance with these - so we're not creating new environmental protections - we're just adding another local regulatory layer.

It is just a blanket coverage requirement...doesn't take into account site specifics (i.e. soil types, groundwater tables, etc.). Impervious coverage on a lot with bad soils and high groundwater tables is a lot different than impervious coverage with great soils and deep groundwater tables. Again, the regulations above address these issues already...why are we duplicating efforts?

Seems that any expansion beyond the limits triggers full compliance - larger developed lots will be severely impacted with costly stormwater construction requirements. There's no mechanism to deal with alternative compliance (such as a fee in lieu).

Why is everything a percent and pervious surface coverage is a square footage? Regardless of zone, there are properties of many sizes and dimensions. For example, in an A-6 zone, 1000 SF of pervious area required is a lot different on a 6,000 SF lot compared to a 20,000 SF lot...

Mentions "City Arborist"...we have a City Arborist?

Is there any engineering justification for these numbers?

**7. William M. Lavery, Jr., Project Manager
Joe Casali Engineering, Inc.**

Referencing the Praise Tabernacle project as an example. It was suggested that entire site should be in compliance for a 100-year storm. Not only is that impractical physically, its economically impractical. This ordinance would cause any expansion of an existing establishment or a reuse of existing sites (which you would want to do) and make it economically impossible.

It's also not required per RIDEM. There are specific criteria for redevelopment within RIDEM which make considerations for development of already disturbed sites.

**8. Leonard R. Bradley, PE
DiPrete Engineering Associates, Inc.
Two Stafford Court
Cranston, RI 02920
(401) 943-1000**

From a stormwater perspective, Rhode Island has statewide regulations that municipalities are required to follow. As a result, cities and towns generally cannot adopt requirements that are either more or less stringent than those established by the state. Similar to wetlands and septic systems, which fall under state jurisdiction, municipalities cannot impose requirements beyond state regulations.

I have seen several other municipalities attempting to regulate stormwater. If this becomes a broader issue, it may be something that needs to be addressed with RIDEM and the State House.

Attached as Exhibit A is an analysis comparing existing regulations to the proposed ordinance.

9. Chris Duhamel, PE, PLS
DiPrete Engineering Associates, Inc.

Another odd requirement is calculating the impervious area in the front yard and the rear yard, in addition to the overall impervious lot coverage. Mitigation of the overall impervious surface runoff is typically the requirement without regards to where on the lot the stormwater is generated.

I think the council women is on the right tract to confront the problem. The flash flooding in Cranston seems to make the news a lot.

New development is covered by RIDEM regulations. Finding an incentive to mitigate stormwater in existing neighborhoods will be the most effective means to reduce flooding.

10. Sheryl Guglielmo, LEED, AP
DiPrete Engineering Associates, Inc.

Section 17.22.010

- Separating out coverage by yards is going to be a burden to the city and applicants and make design and construction more expensive and potentially conflict with other goals of the city. Maximum Impervious coverage allows the applicant to work within the other parameters and design standards set forth by RIDEM and RIDOT.

Section 17.64.010

- F3 – This appears to be in conflict with RIDEM's regulations which allow for pervious pavement, pavers, crushed stone, crushed seashells, reinforced grass pavers, etc. for parking surface which is a low impact development technique.
- F4 we would have to prepare a real life scenario, but this is likely in conflict with other permitted building sizes, required parking calculations, etc.

11. David Russo, PE
Revity Energy
349 Centerville Road
Warwick, RI 02886
(401) 339-1995

The table is from Providence and attempted to be modified for Cranston. No City or Town should be modeling their ordinance off Providence which is the most confusing ordinance in the State and very specific to Providence.

The table is confusing. The total minimum pervious surface coverage column for larger lot districts (S-1, A-80, A-20) are a lower floor than what's already implied by the percentage cap. For example, A-80s 15% maximum impervious already implies 68,000 sf pervious area on an 80,000 sf lot, so the stated 10,000 sf floor does not matter. They should focus on just a total maximum impervious/lot coverage number to make it much easier for everyone. Remove the front yard coverage, side yard coverage, and minimum pervious. The maximum impervious surface coverage achieves the purpose.

The table caps total maximum impervious surface coverage by district as 15% in S-1/A-80, 30% in A-20, 50% in A-8/A-12, 60% B-1/B-2, 70% in multifamily, C-1, and C-2 but then later states Principal Use Parking lots shall not exceed 75% impervious surface? Providence's version of this same clause (which Cranston appears to have borrowed the "75%" figure from) limited it explicitly to residential zones.

The single family RIDEM design guidelines are very basic and make sense for single family homes. You do not need a RIDEM permit for this so the City Engineer would be responsible for understanding the RIDEM Single Family regs and approving that it meets it. I can see the City being confusing and thinking there is a permit associated with that so they should be aware.

"All areas designated or used for parking or access to parking shall be considered impervious surfaces. Parking shall not be permitted on non-paved portions of the lot." This should state unless designed with a porous surface (pavers, crushed stone, etc) Even in the definition they write "regardless of surface treatment, all areas designated or used for parking or access to parking shall be considered impervious surfaces". This doesn't promote porous pavement, grass parking or porous surfaces at all which has an opposite effect of reducing drainage. When people are trying to meet the RIDEM design guidance document porous driveways are an option.

17.22.030 Riparian (Spelled Incorrectly in document) Buffers section seems not needed since I do not believe municipalities are authorized to apply local buffer/setback ordinance requirements for new applications.

12. Dante Calise

Calise Development, LLC
PO Box 277
Greenville, RI 02828
(401) 489-6740

The way I read the ordinance the sponsor is recommending any development to follow RIDEM stormwater management (RIPDES). This would be a significant roadblock and cost to any development in the city. There is a reason RIDEM sets the one acre threshold. If housing is such a problem this ordinance is not a step in the right direction.

II. ISSUES FOR DISCUSSION

- A. The comments offered by these stakeholders who work with existing state and local regulations as design professionals should be carefully considered in the review of Ordinance No. 7-20-01. They work with a wide range of existing rules, regulations and laws in developing plans and projects for clients.
- B. While stormwater mitigation is a worthwhile public policy issue, perhaps there are already adequate oversight and approval processes in place.
- C. Cranston cannot supersede those areas pre-empted in law by RIDEM and CRMC.
- D. If a major goal of the city is to promote housing and economic development, we should not be layering more regulations that hinder those pursuits and add substantial cost to development.
- E. As an amendment to the zoning ordinance, these regulations may spur more appeals or variances to the Zoning Board of Review if they impose hardship on a property owner.
- F. Does the City have properly trained personnel to conduct a thorough and timely review of a submission for a development project. Even if existing staff is capably trained, do they have the time with other duties to become a local RIDEM or CRMC.

III. SUMMARY

After review and consideration of the information contained in this memorandum, I would urge the City Council and Planning Commission to postpone adoption to allow for further review of the points raised herein by appropriate city officials to properly advise the members.

There are existing state and local regulations in place that comprehensively address stormwater management. We should not be adding additional local regulations that add to the cost of permitting and ultimately construction and development.

Thank you for your time and consideration.

Respectfully submitted,
Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
(401) 946-3800 (o) (401) 943-8859 (fax)

EXHIBIT A

**ANALYSIS OF PROPOSED
ORDINANCE 7-20-01 TO EXISTING
STORMWATER REGULATIONS**

PREPARED BY

Leonard R. Bradley, PE

DiPrete Engineering Associates, Inc.

Two Stafford Court

Cranston, RI 02920

(401) 943-1000

Executive Summary – Cranston Ordinance No. 7-20-01 Stormwater Mitigation

This proposed ordinance amends the City of Cranston Zoning Ordinance (Chapter 17) to address increased stormwater runoff caused by development and expanding impervious surfaces. The ordinance establishes impervious surface limits, requires stormwater mitigation measures, mandates riparian buffers, and introduces landscaping requirements for larger nonresidential projects. [\[Cranston O...mitigation | PDF\]](#)

Purpose of the Ordinance

The City finds that:

- Stormwater runoff is a growing concern throughout Cranston.
- Continued development should be supported while minimizing environmental impacts.
- Additional impervious surfaces increase runoff volumes and contribute to heat-related impacts.
- Enhanced stormwater management can improve water quality and reduce runoff impacts. [\[Cranston O...mitigation | PDF\]](#)

Key New Definitions

The ordinance adds definitions for:

- **Green Stormwater Infrastructure (GSI):** Natural systems using vegetation, soils, and other materials to capture, infiltrate, treat, and slow stormwater runoff.
- **Impervious Surface Coverage:** Areas that prevent infiltration, including buildings, pavement, parking areas, and access drives.
- **Pervious Surface Coverage:** Areas that allow water infiltration.
- **Riparian Buffer:** Vegetated areas adjacent to rivers, streams, ponds, lakes, wetlands, and other water bodies. [\[Cranston O...mitigation | PDF\]](#)

Commented [LB1]: State already defines Low Impact Development standards, which would cover GSI

Impervious Surface Limits for Residential Development

The ordinance establishes maximum allowable impervious coverage by zoning district and requires minimum pervious areas.

Examples include:

Zone	Max Total Impervious Coverage	Minimum Pervious Area
S-1 / A-80	15%	10,000 SF
A-20	30%	5,000 SF
A-12	50%	2,000 SF
A-8	50%	1,000 SF
A-6	60%	1,000 SF
B-1/B-2 (1 & 2 family)	60%	1,000 SF
B-2 Multifamily	70%	1,000 SF
C-1/C-2 Residential	70%	1,000 SF

If additional impervious area is added beyond these limits, the property must comply with the ordinance's stormwater mitigation requirements. [\[Cranston O...mitigation | PDF\]](#)

Potential Development Impact

For residential subdivisions and redevelopment projects, this may:

- Limit driveway and parking expansions.
- Restrict lot coverage in lower-density zones.
- Require stormwater management upgrades when new impervious areas are added.
- Reduce development yield on constrained lots. (This is an interpretation of the ordinance's practical effect, not ordinance text.)

Landscaping Requirements for Commercial and Mixed-Use Projects

For mixed-use and nonresidential developments larger than 10,000 square feet:

- At least **15% of the parcel must be landscaped**.
- Waivers may be granted for certain changes of use when significant site improvements are not proposed.
- After minimum parking requirements are satisfied, landscaping takes priority over additional parking.
- Planters may count toward landscaping requirements when approved.
- Green stormwater infrastructure may be credited toward landscaping requirements.

[\[Cranston O...mitigation | PDF\]](#)

Stormwater Mitigation Requirements

Residential Lots (1-2 Units)

Development of new residential structures and increases in impervious area on existing residential lots with up to two dwelling units must comply with the:

State of Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development. [\[Cranston O...mitigation | PDF\]](#)

Other Development

Commercial, industrial, multifamily, and larger development projects must comply with:

- City erosion and sedimentation control regulations (Chapter 15.28).
- Rhode Island Stormwater Design and Installation Standards Manual. [\[Cranston O...mitigation | PDF\]](#)

Additional requirements include:

- Recording stormwater operation and maintenance manuals in Land Evidence Records.
- Bringing existing lots with buildings or parking areas into compliance when subdivided. [\[Cranston O...mitigation | PDF\]](#)

Riparian Buffer Requirements

The ordinance creates a new riparian buffer standard requiring:

- A minimum **25-foot vegetated buffer** adjacent to water bodies unless superseded by CRMC regulations.
- Native Southern New England plantings.
- Vegetation that improves water quality and stabilizes soils. [\[Cranston O...mitigation | PDF\]](#)

Commented [LB2]: Buffering is under the jurisdiction of the State, both RIDEM and CRMC

Prohibited Activities Within Buffer Areas

The following would generally be prohibited:

- Land disturbance causing erosion or sedimentation.
- Structures.
- Impervious surfaces.
- Fertilizers, herbicides, and pesticides.
- Petroleum storage tanks.
- Septic tanks and leach fields.
- Clear-cutting.
- Stormwater management facilities. [\[Cranston O...mitigation | PDF\]](#)

Limited exceptions may be approved for:

- Walkways and bicycle paths.

- Access to docks, piers, and beaches.
 - Restoration work authorized by the City Arborist. [\[Cranston O...mitigation | PDF\]](#)
-

Parking Lot Changes

The ordinance further regulates parking facilities by providing that:

- All parking and parking access areas are considered impervious surfaces.
- Parking is not allowed on unpaved portions of a lot.
- Principal-use parking lots may not exceed **75% impervious coverage**.
- Parking lot expansions or significant modifications disturbing more than **2,000 square feet** must be brought into compliance with zoning and land development regulations.
- Pavement overlays alone do not trigger these requirements. [\[Cranston O...mitigation | PDF\]](#)

Commented [LB3]: What about gravel / stone parking for LID or overflow parking

Commented [LB4]: State threshold is 10,000 s.f.

Key Concerns from a Land Development Perspective

For developers, engineers, and property owners, the most significant provisions are likely:

1. **Residential impervious coverage caps** that may limit lot utilization.
2. **Mandatory stormwater mitigation for relatively small residential improvements.**
3. **25-foot riparian buffer requirements** that could reduce developable acreage on properties containing streams, wetlands, ponds, or other water features.
4. **15% landscaping requirements** on larger commercial and mixed-use projects.
5. **Parking lot impervious surface limits and retrofit obligations.** [\[Cranston O...mitigation | PDF\]](#)

Commented [LB5]: This is under State jurisdiction

For DiPrete project planning purposes, the riparian buffer requirements and lot coverage restrictions would likely have the greatest impact on residential subdivision yield analyses, commercial site layouts, and redevelopment projects within Cranston. Based on the ordinance text, these provisions could require earlier site feasibility evaluations and more robust stormwater design during entitlement and permitting. [\[Cranston O...mitigation | PDF\]](#)

Based on the current Cranston zoning provisions and the proposed ordinance, the **proposed maximum impervious coverages are substantially higher than the current maximum lot coverage limits** in every residential district. However, the two standards regulate different things:

- **Current zoning** regulates **lot coverage by buildings** (principal and accessory structures). [\[zoneomics.com\]](http://zoneomics.com)
- **Proposed ordinance** regulates **total impervious surface coverage**, including buildings, driveways, parking areas, and other paved surfaces. [\[Cranston O...mitigation | PDF\]](#)

Comparison of Current vs. Proposed Coverage

Zoning District	Current Maximum Lot Coverage	Proposed Maximum Impervious Coverage	Difference
S-1 / A-80	10%	15%	+5%
A-20	20%	30%	+10%
A-12	30%	50%	+20%
A-8	30%	50%	+20%
A-6	30%	60%	+30%
B-1	35%	60%	+25%
B-2 (1- & 2-family)	35%	60%	+25%
B-2 (multifamily)	50%	70%	+20%
C-1/C-2 Residential	No comparable residential lot coverage found	70%	N/A

Current lot coverage standards include primary and accessory buildings. The ordinance section found does not count uncovered features such as pools and decks in lot coverage calculations. [\[zoneomics.com\]](http://zoneomics.com)

Why the Comparison Can Be Misleading

The proposed ordinance is not simply increasing allowable coverage. It is changing the metric from **building coverage to impervious coverage**. Under the proposed ordinance:

- Houses count.
- Garages count.
- Driveways count.
- Parking areas count.
- Access drives count.
- Other paved surfaces generally count. [\[Cranston O...mitigation | PDF\]](#)

As a result, a lot that currently meets a 30% building coverage limit could easily have 45% to 55% total impervious coverage once driveways and other hardscape are included.

Development Perspective

For most residential development projects, particularly the subdivision work DiPrete frequently performs, the proposed ordinance would effectively establish the following practical impervious limits:

- **A-20:** 30% impervious with 5,000 SF minimum pervious area.
- **A-12:** 50% impervious with 2,000 SF minimum pervious area.
- **A-8:** 50% impervious with 1,000 SF minimum pervious area.
- **A-6:** 60% impervious with 1,000 SF minimum pervious area. [[Cranston O...mitigation | PDF](#)]

Key Takeaway

If you compare the percentages alone, the proposed ordinance appears **less restrictive** because the maximum coverage percentages are 5% to 30% higher than current zoning. However, because the proposed ordinance regulates **all impervious surfaces instead of just building coverage**, it represents a much more comprehensive stormwater management standard and could be more restrictive on lots with substantial driveways, parking areas, patios, or other hardscape improvements. [[Cranston O...mitigation | PDF](#)], [[zoneomics.com](#)]

For a Planning Commission or Ordinance Committee review, I would summarize the change as:

The proposed ordinance replaces Cranston's traditional building lot coverage approach with a stormwater-based impervious surface standard. While the numerical coverage limits are generally higher than existing zoning allowances, the proposed calculations include substantially more site area and therefore represent a fundamentally different regulatory approach rather than a simple increase in allowable coverage. [[Cranston O...mitigation | PDF](#)], [[zoneomics.com](#)]