

## Berry, Joshua

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**From:** PMalcolm <pmalcolm@cox.net>  
**Sent:** Thursday, November 19, 2020 12:58 PM  
**To:** Berry, Joshua  
**Subject:** Re: Cranston Crossing MPD application

Dear Joshua, Thank you for keeping me aware of these changes. As you stated, my position on NOT moving the cemetery remains as was stated previously . The cemetery has been there for many , many decades and I feel that the uncaring attitude of this company for historical preservation is beyond recognition. . There are RI state laws that prohibit moving a cemetery for fiduciary gain, which this certainly is. If they are doing away with the housing component, perhaps the building can be situated in another piece of the property. The RI advisory commission on historical cemeteries could acknowledge the Costco corporation for their dedication to preservation.  
Pegee

On Nov 19, 2020, at 11:49 AM, Berry, Joshua <JBerry@cranstonri.org> wrote:

Pegee,

I wanted to follow back with you both regarding the proposed ordinance to allow a Costco and other businesses at the Mulligan's Island site. If you recall, we held a pre-application meeting on this proposal on June 30, 2020.

The applicant has made some revisions to the plans, the most significant being the removal of the housing. I don't suspect that this would have any substantive impact to your previously stated position on the historic cemetery issue, but I did want to make sure you are aware of the revisions in case you would like to update your comments. The cemetery is proposed to be relocated on site to a nearby portion of the property to be dedicated to the City as open space.

The application materials are available [here](#).

The ordinance is docketed to be heard by the Plan Commission on December 1.

Kind regards,

**Joshua Berry**, AICP  
*Senior Planner*  
City of Cranston, City Planning Department  
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RHODE ISLAND ADVISORY COMMISSION ON HISTORICAL CEMETERIES

PO Box 8993

Warwick, RI 02888

Caring for the permanent residents of Rhode Island

Greetings,

The R.I. Advisory Commission on Historical Cemeteries has as their mission to locate, preserve and protect the historical resources known as historical cemeteries. I write this letter in opposition to the plan for Cranston Crossings as exactly presented to the board at the pre application hearing on June 30th 2020 at 2:00pm. It appears that Cranston historical cemetery number 058, the Thomas Congdon Lot, currently lies under where the building would be. It has been suggested that the cemetery be moved to make way for the Costco building.

RI State law 23-18 spells out what is considered a cemetery, which is as follows:

5) "Historic cemetery" means any tract of land which has been for more than one hundred (100) years used as a burial place, whether or not marked with an historic marker, including but not limited to, ancient burial places known or suspected to contain the remains of one or more American Indians. CR58 contains 8 burials from the 1840s through the 1880s. .

The law further goes on to state that there shall be no ground disturbance within 25 feet of an historical cemetery

The gentleman who spoke repeatedly stated that it was only one family, but there were two, those of the Congdon and Randall families. One burial constitutes a cemetery. There are at least eight folks buried in this lot.

This gentleman also may also be aware that RI contains approximately 3200 historical cemeteries, most of which contain the remains of families as was customary for folks to be buried on their own land. These folks were buried when this land was their farmland.

It was also mentioned that often cemeteries are moved for development. This does not routinely happen in R.I. The RI state laws also address this situation as follows:

According to RIGeneral law 23.18.11

[2013\)](#)

§ 23-18-11 Regulation of excavation around cemeteries. – (a) The city or town council of any municipality may by ordinance prescribe standards regulating any construction or excavation in the city or town, when those standards are reasonably necessary to prevent deterioration of or damage to any cemetery or burial ground, or to any structures or gravesites located in any cemetery or burial ground. The rules and regulations shall not apply to the ordinary installation of gravesites or of monuments, markers, or mausoleums.

(b) No city or town shall permit construction, excavation or other ground disturbing activity within twenty-five feet (25') of a recorded historic cemetery except in compliance with the following provisions:

(1) The boundaries of the cemetery are adequately documented and there is no reason to believe additional graves exist outside the recorded cemetery and the proposed construction or excavation activity will not damage or destructively alter the historic cemetery through erosion, flooding, filling, or encroachment; or

(2) The proposed construction or excavation activity has been reviewed and approved by the city or town in accordance with § 23-18-11.1.

(c) Whenever an unmarked cemetery or human skeletal material is inadvertently located during any construction, excavation, or other ground disturbing activity, including archaeological excavation, the building official of the city or town where the unmarked cemetery or human skeletal material is located shall be immediately notified. The building official shall, in turn, notify the state medical examiner and the Rhode Island historical preservation and heritage commission if the grave, cemetery, or skeletal material appears to be historic. Prior to the continuation of any further construction, excavation, or other ground disturbing activity, and unless the provisions of § 23-18-7 shall apply, the property owner shall undertake an archaeological investigation to determine the boundaries of the unmarked cemetery and shall so inform the building official. In the event that the cemetery meets the criteria for a historic cemetery, the building official shall so advise the recorder of deeds of the city or town who shall record and register the cemetery in accordance with the provisions of § 23-18-10.1.

If the footprint of the Costco building can not be changed, as would be ideal, and if City of Cranston chooses to allow the relocation of this cemetery, we would suggest that it be kept in as close proximity to it's current location rather than moving it to another part of the city, and kept near their historically correct family land. If they were to be removed to where it was suggested, where again, the burials are specific folk associated with a specific area. That would also provide

that PAL find available spots in this cemetery, as no headstone does not mean space available.

Thanks for for your consideration in this matter.m