

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Monday, November 19, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:05 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair  
Councilman Steven A. Stycos, Vice-Chair  
Councilman James E. Donahue  
Council Vice-President Emilio L. Navarro  
Councilwoman Maria A. Bucci  
Council President Anthony J. Lupino

Also Present: Councilman Michael W. Favicchio  
Councilman Richard D. Santamaria, Jr.  
Carlos Lopez, Chief of Staff  
David Igliazzi, Assistant City Solicitor  
Robert Strom, Director of Finance  
Patrick Quinlan, City Council Legal Counsel  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Ron Ronzio, Stenographer

### **MINUTES OF THE LAST MEETING:**

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

### **CORRESPONDENCE:**

### **OLD BUSINESS:**

**9-12-3** Ordinance in amendment of Title 6, Chapter 4 of the Code of the City of Cranston, 2005, entitled "Animals Generally". (Tabled 10/11/2012) [\[click here to view\]](#)

**William Surtell**, 25 Sumner Ave., appeared to oppose to this Ordinance and stated that chickens attract rats and his neighborhood has a rat problem already. Adding chickens will cause more of a problem.

**Drake Patten**, 1097 Phenix Ave., appeared to speak in favor of this Ordinance and stated that that purpose of this Ordinance is to make sure that people who have or would like to have chickens are doing it properly and safely to the residents.

**Gennaro Trombetti**, 636 Laurel Hill Ave., appeared to oppose to this Ordinance and stated that chickens will create a severe rat problem and odor will also be a problem. This will also depreciate value of homes in the City. Rodents attracted by the chickens will bring diseases.

**Kim Morin**, 150 Quail Hollow Rd., appeared to speak in favor of this Ordinance.

**Wendy Bouin**, 84 Richard St., appeared to speak in favor of this Ordinance and stated that she had a chicken at her home for five years and never had a rate on her property. If the chickens are properly kept and properly fed, there should be no issues.

**Mr. Quinlan** stated that he worked with the Mayor's Office in drafting this Ordinance and incorporated their comments into this Ordinance. He indicated that the highlighted comments are the amendments being proposed. He also incorporated amendments that were proposed at the last meeting, along with suggested amendments by D.E.M.

**Councilman Stycos** questioned line #35 and questioned why the word "Open" is being used. Mr. Lopez stated that Solicitor Rawson put this amendment in and he believes it is to avoid a compact space. Councilman Stycos asked where the number for permit fees and license fees and violations came from. Mr. Lopez stated that he does not know.

On motion by Council President Lupino, seconded by Councilwoman Bucci, it was voted to approve this Ordinance as amended.

Under Discussion:

Council President Lupino motioned to amend line #113 to delete "Dog Officer" and add "Animal Control Department". Councilman Donahue seconded the motion.

Under Discussion:

**Council President Lupino** stated that the amended Ordinance, as presented by the Solicitor, needs to be accepted and work with that, otherwise, the line numbers will not match.

**Councilman Stycos** stated that he thinks the Committee should work with the old version. He objected to Council President Lupino's amendment because there are items in the amended version he does not agree with.

Roll call was taken on motion to amend line #113 to delete "Dog Officer" and add "Animal Control Department" and motion passed on a vote of 4-2. The following being recorded as voting "aye": Councilman Donahue, Councilwoman Bucci, Council Vice-President Navarro and Council President Lupino -4. The following being recorded as voting "nay": Councilmen Archetto and Stycos -2.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #40 to remove "or raise". Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilwoman Bucci, it was voted to amend line #57(c) to read “One time registration fee of \$25.

Under Discussion:

**Council Vice-President Navarro** suggested doubling the fee and have the renewal every two years. Council President Lupino stated that he does not support this amendment because the inspection fee is justified. It is a reasonable fee. He agrees with the registration fee and renewal fee. The registration fee makes certain that the person knows all the requirements and violations and renewal fee is to make sure that the person is going to continue to do this. Council Vice-President Navarro questioned if the owner of the chickens has to live in the home to raise the chickens. Mr. Quinlan indicated to line #34.

Roll call was taken on motion to amend line #57(c) to read “One time registration fee of \$25” and motion failed on a vote of 2-4. The following being recorded as voting “aye”: Councilman Stycos and Councilwoman Bucci -2. The following being recorded as voting “nay”: Councilmen Archetto, Donahue, Council Vice-President Navarro and Council President Lupino -4.

On motion by Council Vice-President Navarro, seconded by Councilman Archetto, it was voted to amend line #170 to amend “registration fee to \$50” and wherever “annually” is stated in the Ordinance, be amended to “bi-annually”.

Under Discussion:

**Councilman Stycos** stated that the Ordinance states one time registration fee is \$25 and renewal is \$5.

Motion and second were withdrawn.

On motion by Council Vice-President Navarro, seconded by Councilman Stycos, it was voted to change renewal fee to \$10 and bi-annually. Motion passed unanimously.

Councilman Archetto motioned to amend Ordinance from ten chickens to maximum of six. Councilman Donahue seconded the motion for discussion.

Roll call was taken on motion to amend Ordinance from ten chickens to maximum of six and motion failed on a vote of 1-5. The following being recorded as voting “aye”: Councilman Archetto -1. The following being recorded as voting “nay”: Councilmen Donahue, Stycos, Councilwoman Bucci, Council Vice-President Navarro and Council President Lupino -5.

On motion by Councilwoman Bucci, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance as amended.

Under Discussion:

**Councilman Archetto** stated that this is not the right time to pass this. We need to address the rat problem in the City before we create another issue.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilmen Donahue, Stycos, Councilwoman Bucci, Council Vice-President Navarro and Council President Lupino -5. The following being recorded as voting “nay”: Councilman Archetto -1.

## **PUBLIC HEARINGS/NEW BUSINESS:**

**10-12-4** Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston 'Future Land Use Map' (Neighborhood/Commercial Services). [\[click here to view\]](#)

On motion by Council President Lupino, seconded by Councilwoman Bucci, it was voted to recommend approval of this Ordinance.

### Under Discussion:

**Council President Lupino** stated that if this Ordinance is passed, he would ask that the Council direct the Assessor to do an immediate re-assessment of those lots considered mix use.

Councilman Stycos stated that he believes that if this is passed, it would not trigger a Zone Change.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

**10-12-5** Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (942 & 950 Reservoir Ave. – Zone Change). [\[click here to view\]](#)

**John DiBona, Esq.**, appeared to represent applicant and stated that the proposal is for Change of Zone from C-1 to C-4 for a Wendy's Restaurant with a drive-thru use, which is a permitted use in the Comprehensive Plan.

**Edward Pimentel**, Land Use Planner and Planning Consultant, appeared to speak and stated that he conducted an analysis for this project. The purpose of his analysis was to review the Comprehensive Plan for consistency and also review of Reservoir Ave. corridor. It was his determination that this property is more appropriate for a C-4 designation. He presented a packet of his analysis for the record.

**Paul Bannon**, Professional Traffic Engineer, appeared to speak and stated that he conducted a traffic study with regards to this property. His study consisted of:

- Meeting with Site Engineer
- Conducted numerous site visits
- Obtained geometry and site distances
- Obtained accident reports from the Police Department
- Conducted traffic counts
- Obtained traffic information from D.O.T.
- Conducted study regarding egress and ingress of the property

**Mr. Bannon** stated that a proposal is for a one-way traffic circulation pattern along the entrance of the property with angular parking. Findings of his analysis are Reservoir Ave. is a four-way road with on-street parking on either side. This area provides immediate access to commercial properties. He feels there is sufficient and adequate safety for the vehicles entering and exiting the property. It will not have an adverse impact to the area properties.

**Council Vice-President Navarro** asked if there are any D.E.M. or Wetlands issues that would have to be addressed in order to construct, since there is a pond in the back of the property. Nicole Reilly of DiPrete Engineering, appeared to speak and stated that they are at the beginning of the engineering process. They will be filing with D.E.M. Wetlands, in addition to City requirements.

**John Ennis, Esq.**, appeared to represent Garrett Brown, adjacent property owner, who is opposed to this Zone Change. He indicated that 942 Reservoir Ave. a few months ago was a house, not an office, which has been torn down. There are no drive-thru businesses on Reservoir Ave. that abutt residential homes. The only one is Taco Bell, which accidents occur there frequently. He stated that the proposal is to have Wendy's open until 2:00 A.M. This will attract people leaving nightclubs in Providence to come into Cranston and this will cause traffic, among other problems.

**Russ Chateaufort**, 40 Nickerson St., appeared to oppose to this Ordinance and stated that the lot is a small lot. Making a left hand turn on Reservoir Ave. with cars parked on the street is very difficult now. Fast food restaurants is a 70% drive-thru. This will cause a lot of traffic. It will affect the residents significantly. He presented a petition of people who are opposed to this Ordinance.

**Ronald Footit**, 47 Nickerson St., appeared to oppose to this Ordinance and stated that there is already pollution in Blackamore Pond. This will only make it worse.

**Paul Peligian**, 53 Nickerson St., appeared to oppose to this Ordinance and stated that he is concerned about increase of traffic, debris, reduction in property value and environmental concerns of the Blackamore Pond.

**Michael Farina**, 15 Redberry Circle, appeared to oppose to this Ordinance and stated that he grew up on 175 Concord Ave. and he is concerned with noise and bright lights that this type of business will bring. He stated that the Council has to think about the neighbors.

**Donald Botts**, 65 Tennyson Rd., appeared to oppose to this Ordinance and stated that he sees a lack of concern for the residents around this property.

**Carol Salisbury**, 10 Viking Rd., appeared to oppose to this Ordinance and stated that traffic has always been a concern at the entrance to her street for the past 35 years she has lived at this residence. It is not the business that is a concern of hers, it is traffic.

Council President Lupino motioned to approve this Ordinance. Councilman Archetto seconded the motion for discussion.

Under Discussion:

**Councilman Stycos** stated that he is very concerned with drive-thrus and the amount of trash the business generates. He asked if the applicant has any strategy for reducing this problem and keeping the trash out of the pond. Attorney DiBona stated that there will be recepticals in the parking lot. He indicated that his client has other businesses that he operates in other cities. Ultimately, this is the business owner's responsibility to maintain. Harvey Bennett, applicant, appeared to speak and stated that he has eight sites that he operates. There are four sites in Warwick and he has never had any complaints.

**Council President Lupino** asked if there will be any fencing behind the property to avoid debris and trash from building up. Nicole Reilly of DiPrete Engineering, stated that proposal is to install vegetation and fencing as a buffer in the back of the property.

Roll call was taken on motion to recommend approval of the above Ordinance and motion failed on a vote of 2-4. The following being recorded as voting “aye”: Councilwoman Bucci and Council President Lupino -2. The following being recorded as voting “nay”: Councilmen Archetto, Donahue, Stycos and Council Vice-President Navarro -4.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees