

*(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 Thursday, October 15, 2015, in the Council Chambers, City Hall, Cranston, Rhode Island.

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

The meeting was called to order at 6:00 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair  
Councilman Mario Aceto, Vice-Chair  
Councilman Steven A. Stycos  
Councilman Michael J Farina  
Councilman Donald Botts, Jr.

Absent: Council President John E. Lanni, Jr.

Also Present: Council Vice-President Richard D. Santamaria, Jr.  
Council Minority Leader Michael W. Favicchio  
Councilman Christopher G. Paplauskas  
Carlos Lopez, Chief of Staff  
Robert Coupe, Director of Administration/Acting Personnel Director  
Evan Kirshenbaum, Assistant City Solicitor  
Robert Strom, Director of Finance  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

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

On motion by Councilman Aceto seconded by Councilman Farina, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE/COMMUNICATIONS**

**OLD BUSINESS:**

**7-15-04 Ordinance in amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions 2015). (Cont. 9/17/2015). [\[click to view\]](#)  
[\[click to view Planning Commission Recommendation\]](#)**

**Councilman Aceto** stated that he received a map similar to everyone else and he has some concerns. He is waiting to get some legal opinions on certain Zone Changes. Concerns he has is Fletcher Ave. and Macklin St. and proposed solar array in Western Cranston. As to the proposed solar array, he stated that what he and Council President Lanni would like to do is leave the current zone and look for a Special Permit or license for the company to come in and use it for what they want to do, but not deplete the farmland.

**Councilman Stycos** stated that he also has concerns regarding this proposal. He does not think it was comprehensively reviewed by the Planning Commission. He asked the Solicitor if we can make a motion to send this back to the Planning Commission for a more thorough review or would it be more proper to not act on it and send a letter to the Planning Commission asking for a more thorough review. Solicitor Kirshenbaum stated that he thinks the second suggestion would be more proper.

**Councilman Stycos** motioned to continue this Ordinance until the City Council’s questions are addressed by the Planning Commission. No one seconded the motion.

**Chair** stated that it would be better to continue this Ordinance to next month’s meeting and see if the Administration has any report.

On motion by Councilman Stycos, seconded by Council Majority Leader Archetto, it was voted to continue this Ordinance. Motion passed on a vote of 4-1. The following being recorded as voting “aye”: Council Majority Leader Archetto, Councilmen Aceto, Farina and Stycos -4. The following being recorded as voting “nay”: Councilman Botts -1.

**7-15-05 Ordinance in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Schedule of Uses). (Cont. 9/17/2015). [\[click to view\]](#)  
[\[click to view Planning Commission Recommendation\]](#)**

On motion by Councilman Aceto, seconded by Council Majority Leader Archetto, it was voted to continue this Ordinance.

Under Discussion:

**Councilman Stycos** questioned when this Committee will come up with the questions. Chair stated that that is up to the Committee. His advice would be that this would be done in the next few weeks. Those questions could be e-mailed to Mr. Lapolla.

**Councilman Aceto** stated that he and Council President Lanni plan to sit down with Mr. Lapolla regarding this.

**Councilman Botts** stated that he is not sure why we are looking for a recommendation. We have a unanimous recommendation. There seems to be stonewalling on the part of the City Council.

**Council Vice-President Santamaria** stated that he spoke to Mr. Lapolla and they are looking at Fletcher Ave. and Macklin St. to make special Zoning permits for those two areas.

**Mr. Coupe** stated that delaying this, as to the solar farm, may threaten that project. If the Committee wishes to continue this, he would hope it would be resolved as quickly as possible.

**Councilman Paplauskas** stated that he would also like to attend the meeting with Mr. Lapolla to resolve this as quickly as possible.

**Councilman Aceto** stated that Council President Lanni and the other Council members are aware of the urgency and will try to get this done as quickly as possible.

**Council Minority Leader Favicchio** questioned what the concerns are for a solar farm. Councilman Aceto stated that even though we do not have all the information, most solar farms operate by batteries and it could be issues with the environment. Also, farmland is being wiped out all over the country. If homes were built on this land, the City would generate tax revenues.

**Councilman Aceto** responded that if operated by batteries, there could environmental concerns. Currently Zoned for 30 house development, which would create a deficit. Goal is to save the farmland and look into leasing.

**Solicitor Kirshenbaum** suggested that it may be appropriate to set a time limit for questions to be proposed.

**Chair** suggested questions be forwarded within the next three weeks.

Roll call was taken on motion to continue this Ordinance and motion passed on a vote of 4-1. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Aceto, Farina and Stycos -4. The following being recorded as voting "nay": Councilman Botts -1.

**Resolution calling upon the Rhode Island General Assembly to modify provisions of the Law Enforcement Officers Bill of Rights to provide transparency and reduce costs for cities and towns. Sponsored by Council Minority Leader Favicchio and Councilmen Botts and Paplauskas. Referred from City Council 8/24/2015. (Cont. 9/17/2015). [\[click to view\]](#)**

**Councilman Botts** asked that this Resolution be withdrawn. No one objected.

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

**Peter Lapolla**, City Planner, appeared to speak regarding proposed Ordinances 7-15-04 and 7-15-05 and stated that these two Ordinances were not presented as minor housekeeping.

**Ann Marie Bruen**, 146 Ocean Ave., West Bay Land Trust Member, appeared to speak regarding proposed Ordinances 7-15-04 and 7-15-05 and stated that her objection to these Ordinances is lack of transparency in this process. These lands are continuous with other saved agricultural lands. There are other sites in our City, abandoned industrial sites, that can be used for solar farm. To take virgin farmland and cover it up for 25 years is not right.

**Douglas Doe**, Chair of Conservation Commission, appeared to speak and read a letter from the Commission in opposition to proposed Ordinances 7-15-04 and 7-15-05. He also presented a letter from the North Kingstown Planning Commission.

**Lynne Harrington**, President of West Bay Land Trust and member of the Planning Commission, appeared to speak and stated that solar farm is disruptive. The Land Trust is opposed to solar farm in the City. They are opposed to the location of it. this is on the historic farm route and these are areas they wish to protect.

**Council Minority Leader Favicchio** questioned if this land is partially farmed by Confreda. Ms. Bruen stated that it had been a tree farm. Under the Natural Resource Conservation Land Services criteria, a tree farm is not considered valuable soil, so what the owners did was bring in Confreda to farm on the land to meet that criteria. Council Minority Leader Favicchio asked how much of the property is being used for farming right now. Ms. Bruen stated that she is not sure, but there is a lot of wetlands on the property.

#### **MISCELLANEOUS BUSINESS:**

**Solicitor Kirshenbaum** stated that tomorrow, at 1:30 p.m., there will be a hearing at Department of Business Regulations regarding a liquor license transfer that is being appealed. He stated that if any of the Council members wish to attend this meeting, they are welcomed.

**Council Vice-President Santamaria** stated that, as Chair of Safety Services and Licenses Committee, he cannot attend, but Council Minority Leader Favicchio will try to attend.

**Solicitor Kirshenbaum** stated that the City Clerk will also be attending.

The meeting adjourned at 7:45 P.M.

Respectfully submitted,



Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

*Presented by Douglas Doe  
Ordinance Committee 10/10/15  
Ord. 7-15-04 + 7-15-05*

2015 September 30

Conservation Commission  
Cranston City Hall  
869 Park Avenue  
Cranston, RI 02910

Mr. Peter Lapolla, Director  
Planning Department  
Cranston City Hall  
869 Park Avenue  
Cranston, RI 02910

Dear Peter,

The Cranston Conservation Commission met 2015 September 22 and discussed the proposed ordinances 7-15-04 and 7-15-05 as part of our posted agenda. The chair described the proposals as detailed in documents presented to the City Council's Ordinance Committee at their September 17 meeting. The Commission's subsequent discussion raised significant questions about the process used to bring the ordinances to the Committee, the potential impact of the proposed changes to the Schedule of Uses, and the apparent lack of discussion of those impacts during the Planning Commission's discussion of the proposals at its August 4 meeting. As a result of our discussions, the Commission voted unanimously to have the Chair write a letter to you outlining our concerns and the Commission's willingness to assist in developing a comprehensive alternative/solar power ordinance.

It is my understanding that residents may install solar panels for onsite use with the approval of the Building Department. Proposed ordinance 7-15-5 allows the use of alternative electric generation for off-site use within the A-80 zoning district with a special permit. Such a profound change should only come after an open and transparent public discussion before the appropriate city commissions and committees. According to posted meeting minutes that has not happened.

A search of the city's Comprehensive Plan does not support the use of residential land for off-site alternative electric generation. The Plan does advocate in numerous goals the preservation of open space, farmland, and woods located in Western Cranston as well as the protection of the Historic Farm Route established by the City Council. How is the proposed ordinance compatible with goals of the Comprehensive Plan?

The Commission sponsored a successful Conservation Subdivision workshop earlier this month and we are willing to sponsor any workshops on the development of a comprehensive alternative energy/solar power ordinance that should come before any changes are made to the Schedule of Uses. The North Kingstown Planning Department is developing such an ordinance, first outlined at their Planning Commission's 2015 February 17 meeting. The Massachusetts Department of Energy Resources has developed a "Model Solar Zoning Proposal." I note their discussion of siting priorities:

DOER strongly discourages locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.

In regard to farm properties, rooftops are preferable. If roof space is inadequate non-productive, non-arable agricultural land is the second choice. Should this also prove infeasible or inadequate a dual use

of land design concept could preserve productive farmland by continuing crop production underneath high-mounted and well spaced panels. Finally, if none of these are feasible or they are inadequate the least productive land should be used first to minimize the loss of productive food/crop land. (page 5)

Clearly there is much to discuss and the Conservation Commission meetings are always available for public discussions of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Doe". The signature is fluid and cursive, with the first name "Douglas" written in a larger, more prominent script than the last name "Doe".

Douglas Doe  
Chair,  
Cranston Conservation Commission

*Presented by Douglas Doe  
Ordinance Committee 10-11-15  
Ord. 7-15-04 + 7-15-05*



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**NORTH KINGSTOWN PLANNING COMMISSION**

**February 17, 2015**

The North Kingstown Planning Commission convened at Beechwood Center, 44 Beach St., North Kingstown at 7:30PM

The following members were present:

Gardner Palmer  
Michael Annarummo  
Harriet Powell  
Brent Cleaveland  
James Grundy

Paul Dion was excused.

Also in attendance were Acting Director of Planning Nicole LaFontaine and Town Solicitor Robert Donnelly.

Mr. Palmer opened the meeting at 7:30.

**Nitrate Loading Study of Carl Wicker for Just a Mere Farm, a 3 lot, 4 unit minor conservation subdivision proposed at Assessor's Plat 85 Lot 48 zoned Neighborhood Residential (NR), Village Residential (VR) and located within the Groundwater One (GW1) overlay zone.**

Ms. LaFontaine told the Commission that the PreApplication for this project was heard in October. At that time, the Water Department had recommended the use of innovative septic systems because the property is located in the Groundwater district. The applicant has submitted a nitrate study which shows that both conventional and innovative systems would fall within the 5.0 mg/l. requirement. The applicant wanted the Planning Commission approval for installation of the conventional systems before moving forward.

Ms. Powell commented that Mr. Cranston of the Water Department had mentioned creating an "area of disturbance." Ms. LaFontaine said that suggestion was made, but would be addressed at the Preliminary stage. The Commission was just being asked tonight whether they would agree with the installation of conventional septic systems.

Mr. Annarummo said that after looking at the studies, he agrees that conventional systems could be used. He added that he also agreed with Mr. Cranston about establishing an "area of disturbance," at a later phase.

Ms. LaFontaine added that the town engineer was fine with this plan.

The Commission agreed that they would go along with the conventional systems, unless the applicant chose to go with d-nite systems, which they of course would go along with also.

### **Discussion: Solar Ordinance**

Ms. LaFontaine told the Commission that there had been some inquiries regarding the installation of larger solar energy projects (some for commercial purposes). The town has allowed residential installation of solar panels, but the ordinance does not provide for larger, commercial projects.

Mr. Palmer said that firstly, the Commission should be sure to include all facets of the community in the process, so they do not repeat the problems that befell the wind turbine ordinance.

Ms. LaFontaine said that staff would be sure to involve experts and opinions on the matter. Public input would be welcome.

Mr. Donnelly said that the RI state law regarding solar energy would have to be reviewed; any ordinance the town adopted would have to fall within state requirements.

Ms. Powell noted that the fast pace of technological upgrades should be addressed in any ordinance language; so, that the adopted ordinance would account for revolving changes to solar technology.

Mr. Annarummo said that he had been in touch with Rachel Sholly at the RI Dept. of Energy. She had been a great source of information on solar energy; perhaps, Planning Staff could use her and the department's resources.

Mr. Grundy mentioned that some solar technology uses arsenic. Attention should be paid the town's groundwater. Ms. LaFontaine said that Sue Licardi and Tim Cranston of the Water department would be included in discussions.

Mr. Grundy also wanted to be sure that the structural soundness of the systems was addressed and engineered plans were a requirement.

Ms. Powell said that “communal” systems should be considered. She also said that the Commission should learn about the heat and temperatures the panels generate.

The Commission members also questioned “glare.” They wondered whether flight paths need consideration.

Ms. LaFontaine said that some sample ordinances had addressed height limits. Planning Commission members agreed they would want to add height limitations. There was agreement that a sliding scale structure should be considered as a way to best regulate sizing of systems... smaller systems may not require the same review as large scale systems?

Ms. Powell said that abandonment conditions and penalties should be studied to ensure the town financial recourse if needed.

The discussion ended with the Commission agreeing to give staff and the solicitor time to address some of the points brought up.

### **Planning Department Update**

Ms. LaFontaine reminded the Commission members that a joint Planning Commission/Town Council meeting was scheduled for March 2.

She also announced that the Kick Off of the Comprehensive Plan Re-write was happening the first week of April. She told the members that she would appreciate any and all help they could offer.

### **Minutes**

Mr. Palmer called for a motion to approve the January 6, 2015 Planning Commission meeting minutes. Ms. Powell asked for a change. Mr. Grundy moved to approve the amended minutes. Mr. Cleaveland seconded. All voted aye. The motion carried.

Mr. Palmer called for a motion to approve the Planning Commission meeting minutes of January 20, 2015. Mr. Grundy moved. Ms. Powell seconded. All voted aye. This motion carried also.

### **Adjournment**

Mr. Palmer entertained a motion to adjourn. Mr. Cleaveland moved. Mr. Grundy seconded. All voted aye. The meeting was adjourned at 8:15PM.

Beth Gagnon-Glasberg  
Recording Secretary