

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Thursday, August 16, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:20 P.M. by the Chair.

Present: Council Vice-President Paula McFarland, Chair  
Councilman John E. Lanni, Jr., Vice-Chair  
Council Member Maria A. Bucci,  
Councilman Jeffrey P. Barone  
Council President Aram G. Garabedian

Absent: Councilman Richard D. Santamaria

Also Present: Councilman Anthony J. Lupino  
Councilman Emilio L. Navarro (appeared at 8:15 p.m.)  
Frank Migliorelli, Deputy Director of Administration  
Vito Sciolto, City Solicitor  
Aubrey L. Lombardo, Assistant City Solicitor  
Corsino Delgado, Director of Finance  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

On motion by Councilman Barone, seconded by Council President Garabedian, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE:**

**Chair** stated that Councilman Santamaria had family obligation and is not able to attend this meeting.

**Chair** stated that the Planning Commission scheduled for August 7, 2007 was not held due to lack of quorum. The meeting has been re-scheduled to August 21, 2007 at 7:00 P.M. and the Comprehensive Plan and Zone Change Ordinances listed on this agenda will be heard by the Planning Commission at that time.

### **OLD BUSINESS:**

### **PUBLIC HEARINGS:**

**10-06-8 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-Atwood Ave. Police Station). As amended.**

**Chair** stated that this Ordinance had to be re-advertised due to amendments.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to recommend approval of the above Ordinance. Motion passed unanimously.

**6-07-3 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Large-Scale Retail Development).**

**Council President Garabedian** recused himself on the basis that this is a large scale development and it would have a direct impact on the Warwick Mall, which he is an officer of. He has asked for an opinion from the Ethics Commission. Chair stated to Council President Garabedian that he can stay in the room, since there will be no vote taken on this Ordinance until after the Planning Commission’s recommendation is received, which they will meet on August 21, 2007. If this Ordinance makes it to the full City Council meeting, Council President Garabedian will recuse himself and she will be out of State on business and will not be present to vote on this Ordinance.

**Public Speakers:**

**Richard Brown**, 171 Hilltop Dr. and member of the Conservation Commission, appeared to speak in favor of this Ordinance. He stated that if you drive down Plainfield Pike, you see empty storefronts. Open Space is slowly being developed throughout the City.

**Suzanne Arena**, 62 Glen View Dr., appeared to speak and presented letters from residents who are in support of this Ordinance. She stated that she does not think “retail” should be included in this Ordinance. It should be all large scale developments. We are fighting a cement plant and this Ordinance would have stopped that.

**David Shallcross**, 52 Oak Hill Dr., appeared to speak and stated that this Ordinance is certainly a step in the right direction. This Ordinance would allow officials to make better and informed decisions on how land will be developed and used. He presented a written statement, which he read for the record. He suggested that the Ordinance be amended to define large scale retail development as anything larger than 45,000 square feet. He asked that this Ordinance be passed with amendments he proposed.

**Anthony Achille** appeared to speak in favor of this Ordinance. He stated that we are getting squeezed-in by big stores and there is not much Open Space left in the City.

**Marie Sweet**, 174 Gladstone St., Chair of the Conservation Commission, appeared to speak and concurred with all the speakers that spoke before her. She stated that this type of Ordinance is long overdue. She questioned how much more developments can we absorb in the City and still have Open Space and Recreational Space. There is too much Open Space being lost to all types of developments.

**Robert Murray, Esq.**, 21 Garden City Dr., appeared to represent Gateway Woodside, Inc., owner of Garden City Shopping Center, appeared to speak in opposition to this Ordinance. He stated that he understands that this Ordinance was drafted based on the Ordinance in effect in the State of Maine and it is not particularly well-drafted. This Ordinance does not meet State Law. He addressed three points in regards to this Ordinance: 1) availability of existing regulations in our City; 2) violation of City and State Ordinances; 3) technical flaws in the Ordinance. He stated that there are existing procedures and regulations already in place to monitor and regulate large scale developments. This Ordinance is in conflict in authority of the Planning and Zoning Board of Review’s duties. He quoted RIGL 45-24-57 and 45-23-57. He submitted copies of existing regulations, environmental assessments and copy of his statement.

**Rachel Mignanelli**, 113 Hilltop Dr., appeared to speak in favor of this Ordinance. She stated that although she supports this Ordinance, it should not supersede any existing procedures.

**Paula Rocha**, Director of Economic Development, appeared to speak and stated that if this Ordinance passes, it will have a negative impact on economic developments in the City. She asked that the Council consider the ramifications of this Ordinance and the impact it will have on the businesses in the City.

**Marshall D'Ambrosio**, appeared as a member of the Industrial Development Commission and representing the Chair of the Commission. He stated that the Commission is not in favor of this Ordinance and asked that it be tabled. It is his understanding that the Council has not asked for the opinion of the Planning Director or the Economic Development Director.

**Susan Pagnozzi**, Executive Director of Chamber of Commerce, appeared to speak and stated that a poll was conducted of businesses in the City regarding this Ordinance. The businesses polled had concerns on how this Ordinance was written and also whether it would inhibit the growth of their business.

**Peter Lapolla**, Planning Director, appeared to speak and presented a packet to the Committee. He stated that this Ordinance does not make clear how this ties in to State Law. The Ordinance states "local area", it fails to define "local area". This Ordinance would create problems and does no good for the community.

**Paula Jenson**, 21 Carnation Dr., appeared to speak and stated that we need some kind of Ordinance to protect our Open Spaces. There is not much Open Space left in the City. She referred to the Mulligan's Island proposed project and the residents don't want this area to become another Route 2.

**Councilman Lupino** stated that when he drafted this Ordinance, the Planning Department, Economic Development Department, Administration and member of this Council received a draft copy of this Ordinance. This Ordinance is not anti-business. He agrees it is drafted poorly. It is anything but anti-business.

**Chair** stated that this Ordinance is just not geared to one project, such as Mulligan's Island, as stated by public members who spoke.

**Councilman Lupino** stated that he received an e-mail last night from Solicitor Sciolto addressing the legal issues regarding this Ordinance. He received a response to this Ordinance from the Planning Director prior to this evening's meeting. He has a full-time job and he would have appreciated it they could have called him on the telephone, but they did not. This is what this Ordinance is about, being informed and lack of communication. This Ordinance does need a lot of work and he would rather it be tabled. He is not against development, he is for informed growth.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to table this Ordinance. Motion passed unanimously.

**Chair** stated that there will be public comment at the August 21, 2007 Planning Commission meeting and the Commission's recommendation will go before the full Council on August 27, 2007.

**6-07-4 Ordinance amending the Comprehensive Plan of 1992 (40 Sockanosset Crossroad).**

**6-07-5 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-40 Sockanosset Crossroad).**

**John Bolton, Esq.**, appeared to represent the applicant regarding the above two Ordinances. He stated that these two Ordinance were before the Planning Commission last week and since the Commission could not meet due to lack of quorum, under State Law and provisions of Zoning Ordinance, he suggested that this Committee hear these Ordinances this evening and act on them and the Planning Commission will meet next week and will still be able to be referred to the full Council meeting. Solicitor Sciolto agreed. Attorney Bolton stated that the request is changing the Zone from M-2 to Commercial C-4.

**Joseph Lombardo**, Planning Consultant, appeared to speak. He presented a report he prepared. Councilman Barone asked what the use will be if this is changed. Mr. Lombardo stated that they looked at bank facility, restaurant and retail. Attorney Bolton stated that there is no specific site plan at this time.

**Council President Garabedian** asked how large the Davol property is. **Kelly Coates**, Senior Vice-President of 40 Sockanosset and 100 Sockanosset LLC, appeared to speak and stated that the Davol property is 22 acres.

**Chair** asked what the difference is between C-3 and C-4 zoning. Attorney Bolton stated that there are specifics in the table, he does not know what they are off-hand.

**Chair** asked Attorney Bolton if any traffic analysis has been done. Attorney Bolton stated that it would be premature to do such analysis before a site plan is done.

**Chair** asked Solicitor's opinion if Comprehensive Plan and Zone Change Ordinances should come back to this Committee after they go to Site Plan Review or are we circumventing our powers as a Council to another entity, since this Committee approves Comprehensive Plans and Zone Changes. Solicitor Sciolto stated that he would have to review this question.

**Attorney Bolton** presented the Committee with the Planning Department's Staff Report.

**Robert Murray, Esq.**, appeared to represent CFS Ltd. Partners, who own property at 41, 55, 63, 75, 95, 105 Sockanosset Crossroads and stated that his clients have no opposition to these two Ordinances. His clients would like to make sure that with this Zone Change, traffic design works well for all the properties along Sockanosset Crossroads.

**Solicitor Sciolto** addressed the question asked by the Chair earlier. He stated that he does not believe this Committee can take the step of not sending these Ordinances to Site Plan Review. Chair asked, at what level does a project come back to the Council. Projects such as the Brewery and Chapel View have come before the Council after Site Plan Review and the Council saw these projects through to the end. Attorney Bolton stated that under the MPD, the project would come back to the Council. His client is not asking for an MPD (Multi Purpose Development).

No one appeared to oppose.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to recommend approval of the above two Ordinances. Motion passed unanimously.

**7-07-2 Ordinance in amendment of Chapter 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Rangeley Rd. and Deerfield Rd.).**

**Anthony Petracca**, 93 Rangeley Rd., appeared to speak and stated that he is asking for a Stop Sign because cars drive very fast down this road. There are children in the neighborhood and there has been an accident with a School bus in this area.

**Chair** stated that even though the Traffic Engineer gave a negative endorsement, this Committee can still move forward.

No one appeared to oppose.

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees