

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, January 15, 2009 in the Cranston High School East Auditorium, 899 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 8:45 P.M. by the Chair.

Present: Councilman Anthony J. Lupino, Chair
Councilman Robert J. Pelletier, Vice-Chair
Council Member Michelle Bergin-Andrews
Councilman Mario Aceto
Councilman Emilio L. Navarro
Council President John E. Lanni, Jr.

Also Present: Councilman Richard D. Santamaria, Jr.
Council Vice-President Terence Livingston
Robin Muksian-Schutt, Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Pat Quinlan, City Council Legal Counsel
Peter LaPolla, City Planner
Lynne Furney, Senior Planner
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees

MINUTES OF THE LAST MEETING:

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

CORRESPONDENCE:

OLD BUSINESS/PUBLIC HEARINGS:

7-08-2 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions).

Mr. LaPolla stated that the Planning Commission reviewed this Ordinance and made no recommendation. This Ordinance expands uses to districts without changing the districts itself. He recommended not approving this Ordinance. As to the definition section of retail establishments, by passing this Ordinance, you could make some of the smaller existing establishments not conforming.

Public Speakers:

Robert Cribari, 136 Mayflower Dr., appeared to oppose and stated that a Stop and Shop in this area is a disaster. This is back door politics and he is opposed to this Ordinance.

John Robison, 126 Mayflower Dr., appeared to oppose to this Ordinance and stated that this is will have a negative impact on the residents' properties.

Raymond Tomasso, 150 Lyndon Rd., appeared to oppose and stated that he is very concerned about what is being done and the way it is being done. He is dumfounded on the lack of concern. This is exactly how we got into the situation of the concrete plant. He questioned Councilman Santamaria, Council for Ward 5, why he would be proposing this Ordinance, which affects Ward 1. Stop and Shop would be a detriment to the neighbors and would deprive neighbors of due process of any future action in this area.

Steve Stycos, 37 Ferncrest Ave., appeared to speak on behalf of the Friends of the Pawtuxet and stated that what concerns him is trail easement and also there is a lot of trash generated by supermarkets. He is not in favor of a Stop and Shop in this area, but if it is approved, there should be a fence along the edge of the property to catch the trash.

Councilman Aceto questioned whether process through various departments would have to be followed if this Ordinance is approved. Mr. LaPolla stated that if this Ordinance is approved, it would make this property a use by right, which the owners could apply for a permit and they would have to go before Site Plan Review. Not knowing the project, you can't say. It depends on the square footage. Councilman Aceto addressed the easement right as to a trail. Mr. LaPolla stated that conceivably, it could happen two ways. The City Council could do what he calls a contract zoning and Site Plan Review could require it as site mitigation.

Council Vice-President Livingston stated that he does not want this to impact the neighborhood and does not support this Ordinance.

Councilman Archetto asked if this Ordinance would change the Zoning for this property. Mr. LaPolla stated, no. In a C-5 Zone, food establishments is not allowed. By putting in this definition, it would allow food establishments in a C-5 Zone. If this Ordinance was not proposed, what the owner would have to do is seek a variance. They seeked a change of zoning and they chose to change the definition instead of filing for a zone change.

Councilman Navarro stated that his concern is there is no recommendation from the Planning Commission and the ultimate decision is placed on the hands of the Council. We need commercial development in the City. It was stated that this would be a detriment to the residents. He questioned what is a detriment, this is a supermarket in a commercial area. He depends on staff, Planning Commission and other departments to supply information to him in order to make a determination. He has no problem with Stop and Shop. His concern is with the process.

Council President Lanni motioned to recommend approval of this Ordinance. No one seconded the motion.

Councilman Aceto motioned to refer this Ordinance to the full Council without a recommendation in order to give the Council members time to review this and speak to the neighbors and get a clear understanding of the Planning and Zoning process. Councilman Pelletier seconded the motion. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Pelletier, Aceto, Navarro, Council Member Bergin-Andrews and Council President Lanni -5. The following being recorded as voting "nay": Councilman Lupino -1.

PUBLIC HEARINGS/NEW BUSINESS:

11-08-1 Ordinance in amendment of Chapter 17.12 of the Code of the City of Cranston, 2005, entitled "Zoning" (Historic Districts – Pawtuxet Village Historic District).

Mr. LaPolla appeared to speak and stated that the Pawtuxet Village was recognized in the 1992 Comprehensive Plan. Pawtuxet Village is unique and it is recognized in the National Historical Register.

Lynne Furney, Senior Planner, appeared to speak and gave a presentation addressing the reasons why many of the residents in the Pawtuxet Village are before the Committee to request that Pawtuxet Village would be designated as local historic district.

Michael Bell, 49 Parkway Ave., member of the Cranston Historic Commission for 23 years, appeared to speak and continued slide presentation showing examples of homes or buildings that were historic and have been stripped, demolished or renovated and historic features been removed.

Ms. Furney stated that she has received phone calls from people who are in favor of this Ordinance and people who are not in favor of it. There are residents who live on Seaview Ave. and Fort Ave. that will be speaking against this Ordinance because they feel this is another bureaucracy move and an inconvenience to them. Right now, these people do have things they need to comply with.

Public Speakers:

Bradley Chase, 40 Seaview Ave., appeared to speak and stated that he agrees with the principle of preserving the historic nature of the neighborhood, but he is against this Ordinance because there are procedures in place already.

Richard Brown, 170 Hilltop Dr., member of the Cranston Historic District Commission, appeared to speak in favor of this Ordinance and stated that the way it is today, there is nothing on the books preventing a developer from purchasing a historic building, leveling it and building a commercial building or another home.

Jonathan Lewis, 9 Bayamo Lane, appeared to speak and stated that we have responsibility to our village, our City, our State and beyond. He addressed the Committee members and stated that your vote must be guided by morals. Preserving our village with restrictions is good for us all.

Susan Hartman, 24 Mather Ave., member of the Pawtuxet Village Association, which was established in the 1970's. She stated that this issue is not what is going to happen today or tomorrow, it is what is going to happen 50-100 years from now and preserving history and she asked that this Ordinance be approved.

Sam Brusco, 152 Arnold Ave., appeared to speak and stated that he was shocked that this village has no protection of historic district, except the 200ft. perimeter with State approval. He is not in favor of more regulations, but this area needs protection and he asked that this Ordinance be approved.

Julia Johnston, 46 Tucker Ave., appeared to speak and stated that she would favor legislation that is less strict.

Brian Lanoie, 46 Tucker Ave., appeared to speak and stated that he is opposed to this Ordinance because the existing National Historic District is being expanded.

Elizabeth Armour, 9 Bayamo Lane, appeared to speak in favor of this Ordinance and stated that the 200ft. regulations don't necessarily work to protect our history.

Gene Perry, 4 Bayamo Lane, appeared to speak in favor of this Ordinance.

Kathleen Scharf, 108 Fort Ave., Co-Chair of the Pawtuxet Village Association, appeared to speak in favor of this Ordinance.

Laura Kline, 169 Pawtuxet Ave., member of the Cranston Historic District Commission, appeared to speak in favor of this Ordinance.

Dr. Carolyn Lobban, 23 Fort Ave., appeared to speak in favor of this Ordinance and stated that she has been a resident of the Pawtuxet Village for 35 years.

Drayton Fair, Harbor Terrace, member of the Cranston Historic District Commission, appeared to speak in favor of this Ordinance.

Alan Butler, 45 Fort Ave., appeared to speak in favor of this Ordinance.

Jim Doorley, 112 Fort Ave., appeared to represent approximately 120 property owners of the Pawtuxet area in this zone and presented a packet, and a petition of the residents who are opposed to this Ordinance. He asked that the Committee listed to the taxpayers. Councilman Navarro asked Mr. Dorley his capacity in representing the residents who are opposed. Mr. Dorley stated that he is not an attorney, he is a civil engineer and he is also present as a resident. Councilman Navarro asked what the reasons are for the opposition. Mr. Doorley stated that right now, the residents do have to come under the RI Coastal Resources Management Council, the RI Historic District Commission and the Cranston Building Inspector. This is why they do not need this additional level.

John Biafore, 52 Fort Ave., appeared to oppose to this Ordinance and stated that the properties in this area are very-well maintained. He does not want another level of bureaucracy.

Kimberly Doorley, 112 Fort Ave., appeared to oppose to this Ordinance. She stated that as members of the National Historic District, they already are eligible for tax breaks. She indicated that this Ordinance is before this Committee with no recommendation from the Planning Commission.

Richard Youngken of Wakefield, RI Advisor to the National Trust, appeared to speak and stated that none of the opponents have said this evening that they are opposed because their property value is going to go down, when in-fact, it will go up. The aim is to protect the architectural character of the buildings in the area.

Fred Costello, Esq., 3 Butler Ct., Warwick, appeared to speak in favor of this Ordinance and stated that Historic District is a necessary protection for a unique area like Pawtuxet Village. He represented the City of Warwick when they created Historic District Zoning in 1988. He stated that the Committee's action this evening is going to reflect generations of Cranstonians.

Valerie Talmage, 225 Hersey St., Hingham, MA, Executive Director of Preserve RI, appeared to speak and stated that many communities create historic district zoning because it gives the community local control. She asked that the Committee be open minded and give the area a chance. Three things that have made historic district zoning successful in other communities are: 1) Ordinance itself; 2) Commission itself, make sure they add value, add information and expertise and 3) make sure your guidelines and procedures are clear, friendly and expeditiously.

Jonathan Stevens, 29 Windsor Rd., past member of the Cranston Historic District Commission, appeared to speak and presented a copy of his testimony.

Elenore Dorsey, 156 Ocean Ave., appeared to oppose to this Ordinance.

Dwight Minter, owner of 51, 53 and 60 Tucker Ave., appeared to opposed to this Ordinance ad stated that before this Committee votes on this Ordinance, the people in the area should be allowed to vote and majority rule.

Steve Stycos, 37 Ferncrest Ave., appeared to speak in favor of this Ordinance and also stated that he received a phone call from Senator Josh Miller, who is attending a meeting at the State House, and asked that he state that he is also in favor of this Ordinance.

Chris Henderson, 41 Pearson Dr., Warwick, appeared to speak and stated that he was approved on the National Register so he could take advantage of the tax credit program. He thinks that the fears of the residents be addressed, such as financial burdens. He is in support of this proposal.

Richard Nickerson, 99 Fort Ave., appeared to oppose to this Ordinance and stated that in this area, there is no commercial at all in the Neck and essentially, all the homes are within the 200ft. of the water.

Ginny Leslie, 27 Post Rd., Warwick, Co-President of the Warwick Historic District Commission, appeared to speak in favor of this Ordinance.

Rick Santurri, 36 Fort Ave., appeared to oppose to this Ordinance and stated that by approving this Ordinance, you would be adding another problem for people, economically. He also indicated that businesses are not addressed in his proposal.

Rick Greenwood, Deputy Director of RI Historic Preservation and Heritage Commission, appeared to speak and stated that he is not present representing this agency, but as an advisor. He stated that the concern of adding an additional layer of bureaucracy, in his experience, it has not been a burden on the residents.

Attorney Steven Houda, appeared to represent Jeffrey Taffer of 84 Seaview Ave., who is opposed to this Ordinance and stated that this is going to cause financial hardship to the people.

Jim Cranshaw, 89 Sheldon St., appeared to oppose to this Ordinance because it adds another layer of bureaucracy. He stated that he pays his mortgage, his taxes and he does not want another board or commission to tell him what is going to go on on his property.

Councilman Pelletier stated that he lived in the Pawtuxet Village approximately 15 years ago and nothing has changed in the last 20-30 or 40 years. You have to be sensitive to things in the neighborhood that are historic.

Council President Lanni stated that looking at the map presented by Mr. Doorley, most of Pawtuxet is covered by the RI Historic Society. Judging by the polling done by Mr. Doorley, the majority of the residents do not want this.

Chair stated that he feels this Ordinance is not drafted properly. It does not address hardship cases, it mentions exteriors totally. If anyone is really sincere about this, another Ordinance can be drafted taking into consideration other concerns of the neighbors.

On motion by Council President Lanni, seconded by Council Member Bergin-Andrews, it was voted to deny this Ordinance.

Under Discussion:

Councilman Aceto stated that since the Council is part-time, something needs to be done about these boards, such as Planning Commission and Zoning Board of Review, when they send Ordinances forward to the Council with no recommendation.

Roll call was taken on motion to deny and motion passed unanimously.

12-08-3 Ordinance in amendment of Chapter 2.40.130 of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Municipal Court Auxiliary Judge).

No one appeared to speak in favor or to oppose.

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

12-08-4 Ordinance in amendment of Chapter 2.40.040 of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Municipal Court Clerk-Appointment and Duties).

No one appeared to speak in favor or to oppose.

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

12-08-5 Ordinance in amendment of Chapter 2.40.020 of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Municipal Court Judges).

No one appeared to speak in favor or to oppose.

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

12-08-11 Ordinance in amendment of Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Special Flood Hazard Districts).

Mr. LaPolla appeared to speak and presented a copy of two maps. He stated that the requirement by FEMA is we adopt this by March 2, 2009. No one appeared to oppose.

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

The meeting adjourned at 12:00 midnight.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees