

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Thursday, November 13, 2008 in the Hope Highlands Elementary School, 300 Hope Rd., Cranston, Rhode Island.

The meeting was called to order at 7:50 P.M. by the Chair.

Present: Council Vice-President Paula McFarland, Chair  
Councilman John E. Lanni, Jr., Vice-Chair  
Councilman Richard D. Santamaria, Jr.  
Councilman Jeffrey P. Barone  
Council President Aram G. Garabedian (left meeting at 9:00 P.M.)

Absent: Council Member Maria A. Bucci

Also Present: Ernie Carlucci, Director of Administration  
Vito Sciolto, City Solicitor  
Anthony Sylvia, Director of Public Works  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Meredith Mahoney, Stenographer

On motion by Councilman Lanni, seconded by Councilman Barone, 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** read letter from applicant of 47 Natick Ave. withdrawing Comprehensive Plan and Zone Change Ordinances and a letter from RI DOT regarding Ordinance 8-08-10.

### **PUBLIC HEARINGS/OLD BUSINESS:**

**7-08-01 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Halfway Housing). Cont. 9/11/2008.**

No one appeared to speak in favor or to oppose.

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to continue this Ordinance. Motion passed unanimously.

**7-08-2 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions). Cont. 9/11/2008.**

No one appeared to speak in favor or to oppose.

On motion by Councilman Santamaria, seconded by Councilman Barone, it was voted to remove this Ordinance from the table and continue it to the January meeting. Motion passed unanimously.

**8-08-3 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Redevelopment Agency). Cont. 9/11/2008.**

No one appeared to speak in favor or to oppose.

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

**8-08-10 Ordinance amending the Comprehensive Plan of 1992 (Glen Hills Section). Cont. 9/11/2008.**

**9-08-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – Glen Hills Section). Cont. 9/11/2008.**

**Robert Murray, Esq.** appeared to represent glen Hills LLC, and opposed these two Ordinances. He stated that on September 11, 2008, the City Plan Commission denied the request and decision was filed in Land Evidence Records and an appeal was filed with the Platting Board of Review on September 29, 2008. The Plan Commission recommended denial last week to this Committee. He presented to the Committee copies of the Purchase and Sales Agreement between the State of Rhode Island and his client. He indicated that the City had the opportunity to purchase this property. The City waived their right not to purchase it and now that his client is trying to develop the property and the City is opposed to it.

**Councilman Santamaria** questioned the buffer for the neighbors. He also asked what kind of homes are being proposed and how many. Attorney Murray stated that what was proposed to the Plan Commission was three lot sub-division, which conformed all requirements. There are certain setback requirements and plans show three homes, which would be comparable to the neighboring homes. There will be some trees removed. There are homes closer to Route 37 than these homes that are being proposed.

**Councilman Lanni** stated that these neighbors have to have Open Space. This is an opportunity that we saw not only as an Open Space, but as a buffer. He indicated to Attorney Murray that the date his client purchased his property was the same date it was offered to the City. It seems like it was purchased the same date and offered to the City on the same date. Attorney Murray stated that the Purchase and Sales states that it is subject to the City and anyone else having the right to acquiring this property waiving their right.

**Councilman Barone** stated that he tried to obtain a copy of the bid and was not able to. He is under the impression that it never went out to bid. Attorney Murray stated that that is not correct, it did go out to bid. There was a public advertising in the newspaper in August, 2007. He presented a copy of this bid to the Committee. There was a pre-bid conference held on the site. Some of the neighbors, who are present this evening, were present at the pre-bid conference on the site. He also presented for the record, a copy of his remarks, Planning Department’s memo dated October 2, 2008 and a letter dated November 12, 2008 from his client.

**Council President Grabedian** stated that he believes that the plans submitted are not consistent with the Comprehensive Plan.

**Public Speakers:**

**Brian Brady**, Glen Hills, appeared to speak in favor these two Ordinances.

**Michelle Bergin-Andrews**, 280 Summit Dr., appeared to speak in favor of these two Ordinances.

**Richard Evans** or Edwards, 1 Evans Way, appeared to speak in favor of these two Ordinances.

**Anthony Sylvia**, Director of Public Works, appeared to speak as a member of the Plan Commission and stated that his interest is in protecting the neighborhood from impact that would be there. He would be willing to revisit a development there if a substantial buffer could be maintained.

**Ronald Blackmar**, 142 Natick Ave., appeared speak and stated that he does not live in the area, but stated that buffer zones are important for residential communities.

**Allan Fung**, 252 Mayfield Ave., appeared to speak and stated that buffer zones are important. We need that protection for the neighborhoods.

**Paula Eric Brokovich Cicerone** appeared to speak in favor of these two Ordinances and by building three homes on this site, the children who attend Glen Hills School will be at a great risk and the pollution from the diesel trucks and cars on Route 37 is awful. Right now, the trees are a buffer for the diesel fumes.

**Robert Cicerone**, Belvedere Dr., appeared to speak in favor of these two Ordinances and stated that he abuts this property and in the thirty years he has owned his property, the State has never approached him to see if he was interested in purchasing this property. This should be left as Open Space.

**Bob McCabe**, 237 Belvedere Dr., appeared to speak in favor of these two Ordinances and stated that Mr. Cicerone bid on the land more then Mr. Murray's Client's bid and it was not given to Mr. Cicerone.

**Michael Mitchell, Esq.**, appeared to represent RI Department of Administration and stated that these two Ordinances, if approved, would be spot zoning and spot zoning is not going to solve the problem with the Comprehensive Plan. As to the bid process, if you believe it was not done correctly, you have a Solicitor, let him advise you as to what legal resource you have, if any.

**Council Vice-President McFarland** asked what the notification process was to the City and who it was sent to. Attorney Mitchell stated that the letter was sent to the City Clerk, Maria Medeiros Wall, by certified mail on January 3, 2008. Chair stated that she believes the State and developer should have also notified the Council members and her, as Chair of this Committee. She asked that the City Clerk notify the General Assembly, Senate and House, asking to make

changes to the Statute of who notifications go out to and the length of time for notification process.

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

**PUBLIC HEARINGS/NEW BUSINESS:**

**9-08-3 Ordinance amending the Comprehensive Plan of 1992 (47 Natick Ave.).**

**9-08-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 47 Natick Ave.).**

**10-08-10 Ordinance authorizing the Purchasing Agent to sell a portion of the abandoned streets known as Mayberry Street and Arnolda Avenue.**

**Council President Garabedian** recused.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Richard Licht, Esq.**, appeared to represent Dunkin Donuts, who is interested in purchasing a portion of the property in question. He presented a plan of what the proposed reconstructed drive-thru would look like. He indicated that none of the former Police Station lot is included in this. His client is paying the appraised value of approximately \$24 per square foot. In addition, his client will give up any claims they might have.

**Councilman Barone** stated that his concern is eliminating the bid process. Attorney Licht stated that his client has a claim to that land. Mr. Sciolto stated that in this particular transaction, it is his opinion that in not just settling a claim, it is the right thing to do. If we went out to bid, we may lose this transaction and lose money and would have a negative impact to the City.

**Attorney Licht** indicated that this is subject to Site Plan Review.

No one appeared to oppose.

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

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

