

Planning Board Meeting

August 19, 2020

Virtual

7:00 PM

Present: Jason Gomez, Chair; Nate Ginsburg, Vice-Chair; Kevin Murphy; Chris Pels; Eric Jautaikis;
Ben Lupovitz

Absent:

Staff: Lisa Bourbonnais, Planning Director; Aaron Lindo, Planning Technician; Andy Teitz,
Solicitor

1. Call to Order

Mr. Gomez called the meeting to order at 7:03.

2. Roll Call

3. Proposed **reconsideration** of **15 Castle Street**, being Assessor's Map 85, Plat 1, Lot 118 – currently under development as a 9-unit residential project. The site is roughly 32,000 square feet in area and is now owned by **East Greenwich Cove Builders LLC**. The project received Final Approval in November, 2018. The Preliminary Plan approval was granted in April, 2018 and certain unmet conditions from that decision still apply. Specifically, the applicant seeks a reconsideration of Condition 3 of that decision to accommodate the occupancy of market-rate units at the site ahead of occupancy of the deed-restricted affordable units. A minor plan modification is also sought as the exact location and footprint of some structures has changed.

Mr. Ginsburg recused himself from this item.

Ms. Bourbonnais gave background on the item, noting that the project has been in planning and construction for the past three and a half years. The plan was approved under a different development team and was sold to the current developer.

Ms. Bourbonnais shared her screen with the plans for the 15 Castle Street project. A buyer of one of the units wanted a custom unit. The plan now looks a little different than the approved plan. There are still 9 units with two of those units designated deed-restricted affordable. In the past, all affordable units were front-loaded on projects, coming online before the market rate units. For the reconsideration, the applicant would like to get some of the market rate units online first and then get the affordable units online later. The reconsideration must be heard before the Planning Board because it was the Board who imposed the condition that the affordable units receive Certificates of Occupancy before the market rate units.

Greg Morris represented the application. He commented that there were delays in construction and timing. The affordable units have taken longer than anticipated to complete and the applicant is asking for 60-90 days to complete them. The original decision was to have 2 affordable units come online first. The applicant would like to have the market rate units come online first and would be posting a bond to complete the 2 affordable units.

Ms. Bourbonnais commented that there have been minor modifications to the plan but the changes do not affect the approved plan. The difference in the plan is the last building's footprint. Unit D is to be a duplex

and unit E is going to be a single family unit. There are no other significant changes in the plan. The distances to the closest residential abutters have not changed. The original decision from the Planning Board was to front-load the affordable units. The applicant has agreed to post a bond. The building official said that the modification to construction is estimated at around \$40,000. There are other conditions that will be imposed such as a time restriction condition which the applicant has agreed to.

Mr. Murphy opined that he would be comfortable with 60 or 90 days for the bond and asked if staff had a recommendation for either the 60 or 90 days. Staff asked Mr. Teitz to address the question. Mr. Teitz commented that the applicant said they could complete the modification in 30 days and the thought was to double that time. Regarding the estimate of \$40,000, the Town would be looking for \$60,000 as a premium. If the worst situation was to happen and the Town has to finish the project, the \$60,000 would act as insurance and protection. It is also an incentive for the developer to get the work done.

Mr. Lupovitz commented that he is inclined to support Mr. Teitz's advice. He asked if there was any precedent for this type of modification. Ms. Bourbonnais replied that reconsiderations happen and there is precedent for the reconsideration. Due to the circumstances, the Town is comfortable with what the applicant is suggesting. The Town would ask for authorization from the Board to draft a decision and give conditions into the record.

Mr. Morris commented that the applicant has buyers waiting to get into the purchased homes. The applicant would be looking for 5 market rate units to come online. They are prepared to post a \$60,000 bond and appreciate the 60 day deadline to complete the modifications.

Mr. Lupovitz asked if staff was comfortable with the conditions. Mr. Teitz clarified the conditions of a \$60,000 bond, a 60 day timeline, and that the last two market rate units do not get CO's until after the affordable units get CO's. The 60 day timeline starts when the bond is posted.

Ms. Bourbonnais read the conditions into the record:

1. The total unit count at the subject parcel shall be nine (9) units with two (2) of the nine (9) units being Affordable, per the State's definition. The two Affordable Units shall be Units 7 and 8, located in Building 4, f/k/a Building D as labeled on the "As-Built Survey" for "15 Castle Street" dated 7/22/20, stamped and signed by Robert G. Babcock, RIPLS and recorded with this decision. No additional units, including accessory units, shall be allowed.
2. The Building Official is authorized to issue (provided that all other requirements by law are met) not more than 5 Certificates of Occupancy (C/O's) for market rate units (specifically for Units 1, 2, 3, 5, and 6 located in Buildings 1, 2 and 3, f/k/a respectively Buildings A, B and C on the plan referenced in Condition 1, above) prior to the two affordable units being completed and receiving Certificates of Occupancy. Under no conditions shall the final two C/O's for the last market-rate units be issued unless and until the Affordable dwelling units have complied with all of the requirements by law for C/O's and such C/O's have been issued.
3. The developer shall issue a Performance Bond to the Town of East Greenwich and provide cash surety in the amount of \$60,000.00 to guarantee timely completion of the two affordable units. No C/O's will be granted until the bond is issued and secured.

4. The Affordable dwelling units shall be completed within sixty (60) days of performance bond issuance. Only the Planning Board shall have the power to grant more time..

5. Fourteen on-site parking spaces are required to serve the proposed 9 dwelling units. Failure to provide adequate parking shall also be condition to prevent issuances of one or more Certificates of Occupancy.

Mr. Lupovitz made a motion to approve the request subject to the conditions. Mr. Murphy seconded the motion. Mr. Teitz commented to include a finding of fact: While the Town does not ordinarily require or accept bonding for a private improvement, in this case, the required Affordable units are considered a public good. Mr. Lupovitz approved the modification to the motion. The motion was approved 5-0 with Mr. Ginsburg recused.

4. Pre-Application Review: Major Residential Comprehensive Permit Project for property owned by Ned Capozzi, Modern Industries, Inc., located at Division Road (across from Westfield Drive); Map 67 AP 13 Lots 35 and 53 (Zoned Farm, F-2). The subject property is just over 80 acres and currently vacant. The Applicant's intent is to build approximately 418 new dwelling units in a variety of housing types and styles ranging from multi-story apartment buildings to small single family cottages. This constitutes a major land development and because the applicant will deed restrict more than 25% of the total units as Affordable, it qualifies as a Comprehensive Permit submission and is eligible for an expedited review.

Attorney William Landry represented the application and gave an introduction. Mr. Landry briefly described the property and added that the project was modeled after the Town's own Comprehensive Plan. The Town's plan is not to continue with the low density residential projects but converting to high density housing. According to the Comp Plan, the density of the proposed parcel could potentially be justified at as much as 20 units per acre. The proposed plan comes in at 5 units per acre. The plan to be presented addresses the different housing needs in the town and takes advantage of the unique topography to present open space amenities.

As the project is proceeding as a Comp Permit, 25% of the units would be deed-restricted affordable housing under the low-moderate inclusionary housing act. It would be consistent with the local Comp Plan. The act gives the Planning Board, not the Town Council, the authority to change the zoning for the special density housing that the Comp Plan contemplates. The pre-application plan is the earliest stage. There is a potential sewer connection to the West Warwick sewer system. There has also been significant evolving consideration to the grading and onsite/offsite storm water management systems. The applicant knows that traffic will be an impending issue and the team has engaged BETA Engineering for a comprehensive traffic study to be presented at the Master Plan stage. Mr. Landry proceeded to introduce the projects professional team.

Don Powers, the principal engineer at Union Studio, introduced himself to the Board explained that the project has been worked on for some time already. He shared his screen to give the presentation. He proceeded to give a background of Union Studios and the principles behind the project idea, as well as give comparative examples of the 'New Urbanism' school of thought.

Mr. Powers presented a PowerPoint and started with the existing site conditions, topography description, wetlands, and other natural features. The wetland complex in the center of the site is to be an open space park with additional open space parks near natural steep slopes. There are historic assets on the property that

the plan acknowledges and are proposed to enhance. Conceptually, the interconnected detention ponds will serve as a buffer.

The access points to the parcel are across from Westfield Drive and an opening further west on Division Road. There is a proposed connected primary roadway that makes its way around the open space and water feature.

Mr. Powers presented the concept plan and described it. There will be 418 proposed units with 136 multifamily units in the north west of the parcel. Spread around, there will be 72 'manor' houses that house up to 6 units to transition from larger to smaller housing units. The remainder of the units are cottage-style and small/larger single family houses. Every unit will have a front door on a public street.

From an aerial perspective, the detention ponds can be demonstrated and there will be a trail that connects to the different historic pieces on the east side of the parcel.

The proposed architecture was described and examples were given. There are design guidelines with 5 standard plans. There can be a variety of homes even with a limited number of plan sets. Mr. Powers went on to describe the open space and address the walkable sidewalks. There has been an effort to create a neighborhood that is compact enough so that one can see their neighbors. Regarding the open space, he showed known comparable spaces to the sizes of the different open spaces and common areas.

Regarding the streets and the driveways, there are specific dimensions to the types of road ways. The primary roadway is a total of 65 feet with the road being 36 feet including parking on both sides. Wider travel lanes correlate with higher vehicle speeds and he compared the road ways with existing roadways in East Greenwich, citing smaller roadways in the Downtown/Main Street area.

Questions and comments from the Board.

Mr. Lupovitz asked how long the project would take to complete. Mr. Powers replied that the developer would be able to answer the question more adequately but said that typically, 20-30 units per year is a good pace. It is suspected to go faster and the speculation is that it would be a 5-9 year process for a complete build out.

Mr. Ginsburg commented that having a sense of what the phasing plan is going to be will be important. He commended the applicant for the through presentation and commented that the design is pretty well developed. Buffers for the project will be significant and asked if the storm water ponds are intended to be full of water at all times or if they will drain. Mr. Powers replied that it is unknown at the current time whether or not ponds are feasible. Drainage will logically be in the specific locations but it is an aspirational concept plan.

Mr. Murphy commended the presentation and the consideration of project elements the applicant has made. There are a lot of unknowns and it will be beneficial to take a gradual approach to the development.

Mr. Pels commented that he agreed with other Board members comments regarding the scope and size of the project. He liked the concept and how it would not be just another development on the west side of Town. It takes in a lot of factors that represents a community.

Mr. Jautais agreed with some of the comments that have been made. The project site is a large tract of land to bring in mixed uses which is a good thing and shows some creativity in some areas. The inclusion of green spaces is a positive aspect. The houses are reminiscent of military housing and the shared drives are concerning. It is understood the use and need for the driveways and about parking. The inclusion of some of the manor house units does not really show the amount of parking needed. With the density and amount of units involved, parking is a concern as there seems to be no additional parking.

Mr. Powers responded, noting that every unit would have at least 2 parking spots for themselves. All of the streets have on street parking which is hundreds of extra parking spaces. The parking will be quantified but it will be way above the required parking from the zoning ordinance.

Mr. Jautais continued, stating that it is understood that the project at the current phase is a concept in theory. Phasing is an important aspect to understand. There is precedent from a project on Rt. 2 for phasing to minimize the impact for schools and other Town amenities. There is uneasiness with such a large scale where so much authority is solely with the Planning Board. The concept overall is decent and it will be important to see how the problems are identified and solved.

Ms. Bourbonnais commented about the Rt. 2 project and the conversation about phasing. There is a Town ordinance that allows the Town to cap housing units at 1% of the total housing stock, which is currently 53 units. The Board can make good use of that cap to have a more reasonable pace for a buildout. The Town has a right to cap the total number of units and it would not be given to just 1 developer.

Regarding the shared driveway, Mr. Ginsburg commented that he would like to know a better way to arrange it. Seeing other good examples would be beneficial. The shared driveway seems to restrict the use of the yard and to be able to walk to the neighboring units. It is a hazard for children as they would not necessarily stop at the driveway. He added that the zoning of the parcel would need to be identified to have something in which to measure by. Mr. Gomez commented that the zoning is mixed use residential which is meant for residential uses but a lot commercial uses for people to walk to.

Ms. Bourbonnais commented that in the Comp Plan, the project site is addressed very specifically in the land use and affordable housing chapter. In neither of those chapters, commercial uses are not mentioned. It would be allowed by right but the residential mixed use is to incentivize affordable units. Mixed use is encouraged but it is not a requirement to include commercial uses.

Mr. Ginsburg suggested that the Town hire its own consultant in regards to the traffic study. Ms. Bourbonnais replied that typically, the applicants hire an engineering firm to perform the study and the Town has it peer reviewed by the Town's own consultants.

Mr. Gomez commented that current housing projects will have a big impact for this project. There is concern with the overall density of the project. A lot of these types of neighborhoods have somewhere to walk to but this parcel happens to be isolated in the corner of Town. The overall thought put into the project presentation is appreciated.

Public comment.

Caryn Corenthal, Westfield Drive.

Ms. Conenthal commented that the project would impact her directly and asked if the 2 egress/ingress points on Division was correct. Mr. Powers replied that the access points are the only two places where the site is not landlocked. Ms. Corenthal voices concerns about the massive scale of the project.

Mr. Brillon (screen name of Sharon Brillon), an abutter on Division.

Mr. Brillon asked about the 25% deed restricted units and how the median income level was determined. Mr. Landry replied that the area median income is regional and not specific to East Greenwich. It is a number the Rhode Island Housing provides. The standard is driven by the income of the occupants. The maximum ends up being a percentage on the income. Rental is different but also based on the AMI of a much broader area which includes south eastern Massachusetts. The applicant will proceed to RIH to get a letter of eligibility. At master plan, much greater detail about the affordable housing aspect will be addressed. At the current time, it is too early to tell. With the impact analysis provided more details can be included.

Mr. Brillon commented that he moved to the Town 14 years ago because of the secluded area. He disagreed with the project as a concept because it is not the neighborhood he bought into.

The Board thanked the applicant and team for the presentation.

5. Third Reading/Adoption: Proposed Amendments to the Land Development and Subdivision Review Regulations (LDSR's)

– The Town of East Greenwich has not conducted a review of its fee schedule for the review of land development and subdivision [applications since 2010. Current fees do not capture the costs associated with such reviews. An update of those fees is thus now proposed. Specifically, such update will involve revisions to Section 35 of the LDSR's. Within the Town Code, this section can be found at: "\[§ A263-35 Administration: administrative fees.\]\(#\)"](#) Minor revisions to Section 25 of the LDSR's are also now proposed. This section, found at "[§ A263-25 General Provisions: construction and/or improvement guarantees,](#)" addresses inspection fees paid to the Public Works Department in conjunction with infrastructure and utility installations at new developments. A required public hearing on the proposed amendments was conducted August 5, 2020. The Board is now asked to adopt the draft amendments.

Ms. Bourbonnais gave background information regarding the item. The proposed amendments were introduced in June and they are ready to be voted on. The amendments are a modernization effort to increase some of the Town's development fees. Mr. Murphy made a motion to adopt the new ordinance. Mr. Jautaikis seconded the motion which was unanimously approved 6-0.

A motion to adjourn was made by Mr. Ginsburg which was unanimously approved.

Meeting adjourned at 9:21 PM.

Minutes respectfully submitted by Aaron Lindo, Planning Technician.