

Planning Board Meeting  
Wednesday, October 7, 2020  
Virtual  
7:00 PM

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

Absent:

Staff: Lisa Bourbonnais, Town Planner; Aaron Lindo, Planning Technician; Mike Ursillo, Solicitor

### 1. Call to Order

Mr. Gomez called the meeting to order at 7:05

### 2. Roll Call

### 3. Consent Agenda

**A: Recent Administrative Actions** - In certain circumstances, the Planning Director, acting as the Administrative Officer for subdivisions and land developments, is authorized to grant final plan and decision approvals. According to RI General Laws Section 45-23-37, such actions are to be reported to the Planning Board. The following outlines such actions taken during the month of September, 2020:

- On 9/11/20, a merger plan for 95 Kenyon Avenue was approved and recorded. Applicants were John and Joan Osawa and the property is known as Assessors Map 84, Plat 9, Lots 21 and 198. The result was a single roughly 1.7 acre lot with house and accessory structures created by eliminating the lot line between the two lots, being 0.2 and 1.5 acre lots respectively.
- On 9/24/20 the Final Plan for the approved land development known as 461 Main Street was approved and recorded. Property is known as Assessors Map 75, Plat 3, Lot 286 and is owned by East Greenwich Properties, LLC. Project gained final approval by the Planning Board in May, 2020 and will result in 15 new residential units and almost 10,000 square feet of refurbished commercial space.

A motion to approve the consent agenda was made by Mr. Ginsburg, seconded by Mr. Murphy, and unanimously approved.

**4. Final Plan** review of a 12-unit residential Major Land Development proposed by Grenier Properties, LLC. Location is **32 Exchange Street**, being Assessor's Map 085, Plat 001, Lots 087 and 382. Property is owned by Grenier Properties, LLC and is roughly 0.47 acres in size. Zoning is R-6, high density residential. Greater than 25% of proposed units will be "affordable" so the project has proceeded as a **Comprehensive Permit** with expedited review.

Attorney John Kupa represented the application. He explained that the projected has been vetted and re-vetted several times in the past year and a half. DEM has granted final approval and the applicant is looking for a final approval from the Planning Board at tonight's hearing.

Donald Powers, the principal from Union Studios, was accepted as an expert and sworn in. Mr. Powers commented that the project has been before the Planning Board several times already and gave a brief overview of the project. There are two residential buildings proposed with 12 1-bedroom units in total. He presented images of the landscape architecture and an overview of the approval process.

Jonathan Ford, the project's civil engineer with Horsley Whitten, was sworn in and recognized as an expert. Mr. Ford briefly explained the detail oriented changes promulgated by the Town's DPW. The entry driveway was widened to 20' as required, a utility change was made, and the underground storm water infiltration system was modified. The requirements from the DPW have been addressed for the final plan. Ms. Bourbonnais commented that Mr. Conboy and Mr. Duarte confirmed that everything has been addressed.

John Luca from Transverse Landscape Architects was sworn in and recognized as an expert after going over his qualifications. He reviewed the landscape plan and the small changes that were made. There were not many changes but there was coordination with the civil engineering. The main change was at the entrance for increasing the driveway width. The main goal was to have all trees avoid utilities in reference to comments made by the Town Engineer and DEM.

Mr. Gomez asked about the landscape plan in regards to buffering. Mr. Luca replied that there is buffering along the eastern side along the train tracks as well as buffer plantings around the utilities at the main entrance. There will be opaque fencing around the property and there was a conscious effort to make certain buffering was made for the northern abutter.

Gary Kaufman, the environmental expert from Redwood Environmental Group, was sworn in and recognized as an expert. He explained that the project has gone to DEM because of metals and DAHs. As part of the remediation, DEM agreed that the applicant can take two feet of soil and dispose of it. The building will also act as an engineering control. The idea is that no one will be able to get down two feet to the contaminated soil. An Environmental Land Use Restriction (ELUR) will be recorded on the property and will continue with the property in perpetuity. If anything gets transferred, it will be on the deeds. All comments and recommendations from DEM will be incorporated into the Remedial Action Work Plan (RAWP) and the Site Mitigation Plan (SMP).

Replying to the Board's questions, the ELUR, RAWP, and SMP will be included into the prospectus and the condominium documents for the property. Mr. Kaufman will be monitoring the project for compliance and all aforementioned documentation will be a part of the construction meetings with all contractors working on the project. The RAWP and SMP will be recorded in land evidence and all RFPs will have the documentation.

Mr. Ginsburg suggested that all documentation is included in into the conditions for approval and that the building official also has all documentation given to him.

#### Public Comment

Aimee Heru, 24 Exchange Street

Ms. Heru asked questions and gave comments which were summarized by the chair when responding to the questions.

Regarding grading of the site, Mr. Ford commented that the proposed grades are at consistent grades pitched to drain away from all abutters. No drainage will be directed at any abutting property.

Regarding fire safety configuration, the hydrant on previous iterations of the plan was removed and replaced to address the changes from Town and NFPA requirements. All requirements have been met with the fire department.

Regarding exiting the property and pedestrian egress, there is a sidewalk provided along the frontage of the lot and along building A. The sidewalk connects to the parking aisle.

Regarding the purview of the HDC, Ms. Bourbonnais commented that the project is a comprehensive permit. The Planning Board has the authority to supplant judgement from the Zoning Board, the HDC, and the Town Council. There will be no outside review from the HDC. Mr. Ginsburg added that, coming from an architectural point of view, the materials are very appropriate and very much like the surrounding area. Mr. Powers and his design team spoke to the design elements of the project at previous meetings. Mr. Powers commented that at some point, the application was before the HDC and the designs were shown for the appropriateness of the buildings. The inclination is to pick up on the character of the surrounding area.

Addressing the remediation plan, the plan was developed out of the comments from the DEM public comments. The remediation plan being followed is under the purview of DEM. M. Kaufman commented that the documentation that was sent out by DEM was the final public comment which required the applicant to provide documentation to the Planning Department and the Planning Board.

Regarding the truck size, impervious barrier, and concerns about the turning radius, Mr. Ford commented that there is not an expected issue with the truck turning as there is room for trucks to turn around. In reference to the impervious barrier, the applicant cannot put up a fence on someone else's property. Mr. Powers added that the turning radii was vetted from the NFPA and was determined to be appropriate.

Public comment closed.

Mr. Lupovitz made a motion to grant final approval for the project as written in the draft motion with adjustments made. Mr. Murphy seconded the motion which was unanimously approved by with a 7-0 vote.

**5. Annual Report** - the Town Charter (at Section C-114 (E)), "Town Planning Board: Specific Duties," states, "The Town Planning Board shall report annually to the Town Council at the end of the fiscal year, summarizing the work of the preceding year and recommending plans for future development of the Town." The Board shall review a draft annual report and discuss/comment in preparation for transmittal of an approved document to the Town Council.

A draft annual report was presented by staff. Ms. Bourbonnais suggested the Board consider the document in two parts. The first part provides a comprehensive re-cap of all Board activity undertaken during the period July 1, 2019 through June 30, 2020. The second part, which likely warrants more discussion, attempts to project the priorities and activities the Board will be focused on in the coming fiscal year. Ms. Bourbonnais also noted that while the report is already lengthy, there are a couple of additional topics that should likely be added. These included: potential development of an Aquifer Overlay Zone – as called for in

the Comprehensive Community Plan to protect groundwater resources in the vicinity of the Hunt River; and additional support for the Municipal Land Trust in their efforts to protect and conserve open space and prime agricultural land as well as sensitive forest and wetland habitats. Following some discussion, there was consensus among Board members that themes should find their way into any future work program.

The Board then turned its attention to the balance of the report and there were serious concerns expressed regarding the Town's growth rate, especially as relates to service level burdens, particularly where education is concerned. Some Board members, including the Chair and Vice Chair, had participated in a recent Town Council meeting where similar concerns had also been expressed. That conversation had been prompted by a report on residential development that highlighted an unexpected and unprecedented increase in the use of the Comprehensive Permit process to gain approval of housing projects that include a significant number of deed-restricted Affordable units. The sheer volume of such submissions has gotten the attention of the public and elected officials. Ms. Bourbonnais explained that as a result of the Council discussion, Planning staff had been asked to use the Planning Board Annual Report as an opportunity to begin exploring some growth management strategies that might be prioritized in the coming year.

Following a detailed and substantive debate, the Board agreed that they liked the idea of creating some sort of "incentive zoning" that might compel developers to propose residential project types that might not bring the same fiscal impacts and other public service challenges that traditional single family home development does. While they liked the idea of attracting more age-restricted units, they did not want to limit future development potential to strictly that. They suggested loosening up some of the language pertaining to senior housing and perhaps consider creating regulations customized to attract veteran-specific new dwellings.

Staff suggested that such incentive zoning might be accomplished via a state law that allows for Unified Development Review which is akin to the Comp Permit process with expedited timelines and "one-stop shopping." Board members agreed this was definitely worthy of further consideration.

Some Board members noted that State law specifies that projects are eligible to use the Comp Permit process if they provide 25% or more of total dwellings in new construction as deed-restricted Affordable. The local Zoning code also has an "Inclusionary" provision that requires 20% of all new residential development to be Affordable. Developers have clearly concluded it is well worth the effort to add a mere 5% to their Affordable totals in order to qualify for the streamlined process and large density bonuses that accompany Comp Permits. Since the Town cannot raise the 25% threshold, it might want to instead consider lowering the "Inclusionary" percentage requirement to widen that gap. If a developer must devote a substantially larger portion of a project to below market rate rents or sales prices, they may opt to forego the extra density and do a smaller project overall in order that a larger percentage of total units can be transacted at or above market rate. Staff noted that the Town just raised its "Inclusionary" percentages in 2016 across the board in order to leverage more Affordable unit construction, but conceded it now might make sense to reverse that action.

In terms of other actions, not housing-related, that the Board might want to pursue in 2021, it was noted that a land development application for a craft brewery last year seemed to reveal some shortcomings in the zoning provisions that accommodate such developments. Board members suggested some minor regulatory revisions that might clarify locations where breweries/distilleries would be allowed and create some performance standards for such uses to reassure abutters that any impacts would be minimized.

The Board concluded its discussion of the Annual Report and opined that guidance had been provided to staff about revisions that should be made. Ms. Bourbonnais agreed to modify the report accordingly and provide a second draft for discussion and possible approval at the next meeting.

**6. Minutes** – The Board is asked to review and approve minutes of the 8/5/20 and the 9/2/20 meetings.

Mr. Ginsburg made to motion to approve both sets of minutes. Mr. Murphy seconded the motion which was unanimously approved.

A motion to adjourn was made by Mr. Gomez. Meeting adjourned at 9:23 PM.

Minutes respectfully submitted by Aaron Lindo, Planning Technician.