

Planning Board Minutes
June 3, 2015– 7:00 P.M.
Town Council Chambers
125 Main Street
East Greenwich, R.I

Members Present: Steve Brusini, Chair; Mike Donegan, Vice Chair; David Eaton;
Chris Russo; John Ayotte; Dan Tagliatela.

Members Absent: Jason Gomez; Brad Turchetta.

Staff present: Lisa Bourbonnais, Planning Director; Joseph Duarte, Public Works
Director; Sarah Jette, Legal Counsel; Tom Coyle, Town Manager;
Lorri Byrne, Assistant Town Engineer.

Steve Brusini called the meeting to order at 7:02 PM and introduced the members and staff present.

1. Final Application of applicant/owner New England Institute of Technology, Map 80 AP 12 lots 31, 76, 126, 128; and Map 70, AP 12, Lots 16, 75, 576, 577, 578. The applicant is presenting plans for a major land development, being a university campus for NEIT, to include academic and administrative buildings, residential complexes, dining and recreation facilities as well as athletic fields for students.

Mr. Brusini introduced the matter and confirmed that the applicants had received and reviewed the staff report. The staff report noted that the parcel is about 200 acres in a RHF zone with a combine frontage of 3,000 feet including 400' on South County Trail and 778' associated with the golf course on Division. The balance of the frontage runs East to West along Division in front of the existing NEIT building. Phase I approval now under consideration includes additions to the existing building to accommodate a dining hall and other needs and a residential dormitory with roughly 400 beds further south on the lot. These projects are inclusive of related parking, landscaping and lighting. Additional Phase I improvements include massive site work including redirecting the drainage pattern for the entire site, installing wetland crossings for future roadway construction and provision of multi-purpose athletic fields at the northwest corner of the property. Included in the application is an administrative subdivision to merge lots in a way that logically relates to the college's future layout in terms of building, roadway, and parking locations.

Attorney Joseph DeAngelis, and Professional Engineer Nicole Reilly of DiPrete Engineering were on hand to represent the applicant. Mr. DeAngelis started by addressing some of the scheduling changes that emerged after the Final Plan was submitted. First, construction for the

cafeteria building which will be attached to the main building is expected to start in the next 35 to 45 days. It will house the cafeteria and a student exercise facility. Originally, a second major addition to the existing main building was planned to house a “Student Union” but that priority has now shifted further out the timeline and will likely not be constructed for at least five years.

In the current scheme, there is a plan to add additional parking on the west side of the property. The westerly entrance will be changed from the designed presented at Preliminary Plan review because DPW Director Duarte expressed concerns about internal site circulation and accommodating the required loading zone. The second major change involves moving the dorm buildings further west on the site. The current plan calls for construction of two dormitories in the near term, both located in the southern part of the circular roadway. NEIT seeks approval for construction of Building 1 being the cafeteria and exercise facility and Buildings 6 and 7 which are both dormitory buildings. The change in building construction scheduling was the result of the college putting dorm construction out to bid and resulted from the recommendation of respected contracting companies proposing specific build-out logistics.

Mr. DeAngelis went on to describe the Administrative subdivision plans which will effectively reduce the number of lots from 9 to 5. There would be a large parcel that would wrap around the east, southern, and western borders of the parcel in a “U” shape the second would extend from Division Road to the crutch of the “U”-shaped lot. The third lot would border the medical buildings at the southeast. The last 2 lots would essentially divide the remaining semi-squared lot to the northeast in half around a historic cemetery. All of these newly configured lots would have road frontage (i.e. not be land-locked) and there would no longer be any buildings or parking lots bisected by lot lines.

Mr. DeAngelis called his second witness, Phil Parsons, representing NEIT leadership. He explained that it is possible the building designs may change in the future as the current contracting bidders firm up their plans, but the footprint size, number of beds, and number of parking spots for the overall facility will stay consistent. He explained the concept for the campus design has changed a little since the Planning Board last saw it in that the “campus green” (the lawn area between the existing main building and the new residence hall) has shifted west to align with the main dining facility.

Nicole Riley of DiPrete engineering was then sworn in as the third witness to explain the drainage projects. With the cooperation of EG Public Works, DEM, the Army Corps of Engineers, and the college, DiPrete has developed a plan including permits for 24’ wide wetlands crossings, the re-direction of all drainage on the site to the southern portion of the property, and the implementation of a large detention pond at the south end portion of the site to collect the runoff. Ms. Reilly explained that this infrastructure is very large and that they are building it and testing it for leakage to ensure it is water tight and in compliance with all permitting throughout the installation and inspection process.

Mr. Donegan interjected that the town has seen some serious storms with rainfalls greater than an average 100-year storm. Ms. Reilly explained that the design will incorporate a 15% safety factor, meaning the plans for the whole campus assume 15% more impervious coverage than is actually being constructed and also assume 15% more rainfall in a given event beyond the expected 100-year storm threshold. The detention pond is also over-designed by about a foot over expected peak capacity requirements to prevent any overflow event from happening. The detention pond in front of the current building will disappear in the near future, once the design team and inspectors are confident the new system is working well, and the capacity of the existing pond will be redirected to the new southern pond. Mr. Brusini clarified that this new drainage system will be largely oversized until the next few stages of campus development are completed. Ms. Reilly confirmed the statement, noting the infrastructure improvements are all essentially “front-loaded,” and added that the drainage is designed for the “100 year campus plan” so it will be ready for all future development.

Mr. Donegan then questioned the sewer capacity along Route 2, noting that while he is sure there is capacity at the treatment plant, there seem to be issues in the lines themselves that might hamstring future development in that commercial corridor. Mr. Duarte gave a brief history of facilities planning for the Route 2 corridor and noted that the Town and its consultants had arrived at a target of not more than 513 gallons per acre per day as an acceptable average, based on existing land uses and those that current zoning might allow by right in the near future. While NEIT might not hit that mark for their total property holdings anytime in the next five to ten years, they likely will hit that target eventually and the Town will need to keep an eye on how the system reacts. Mr. Duarte emphasized that he is less concerned with average daily flows than he is with peak flows as those times are when problems are most likely. There may be a few sections of line in the corridor where improvements are required at peak times but they cannot accurately speculate until that 37,000 gpd mark is hit. This number is described as a true peak number and unless all facilities along Route 2 are peaking at once, this max capacity may not be reached.

Mr. Brusini asked if NEIT would be required to make future off-site improvements if the college ever exceeds their designated capacity. Mr. Duarte responded affirmatively but also noted the situation is not static with regard to other land users in the corridor and added that it could depend on the land use mix at the time. Mr. Brusini also inquired if staff has the latitude to require improvements to the storm-water system on-site as it appears there may be capacity issues there as well. Mr. Duarte elaborated on the identified problems with drainage and indicated that the crux of the issue is probably a construction problem and not a design problem. There seem to be some sections of pipe that are not well connected and the manholes have yet to be inspected. He added that the NEIT team has indicated a willingness to work with DPW going forward to ensure the system functions as it should. Mr. Duarte asked that wording regarding his “Condition 2” in the DPW staff memo be augmented to clarify responsibilities.

There was a question regarding a driveway connector to the medical buildings to the south and Mr. DeAngelis responded that one has been designed. Mrs. Bourbonnais added that the plans include a connector at the north lot line of the medical building with an opportunity to cut through the parking lot.

Mr. Ayotte asked if the fire department had reviewed the plans for access, site circulation and hydrants. Mr. DeAngelis stated that they had and there were plans to install both hydrants and building sprinklers and that all roadways were accessible to trucks and emergency vehicles.

Mr. DeAngelis concluded stating that the college will occupy this land for many years to come and are making a huge investment in the Town. They would like to have all infrastructure working by the time their new buildings come on line and are willing to work with Town staff to ensure optimal functioning of the site.

The chair opened up the floor to public comments. There being none, there was a motion by Mr. Donegan, seconded by Mr. Russo to approve the final plan with conditions as summarized:

The Planning Board of the Town of East Greenwich unanimously granted Final Plan approval for the proposed campus development of the “New England Institute of Technology” subject to the following terms and conditions:

- Condition 1. Approval is based on plans entitled “Final Plan Submission, NEIT Campus,” a 79 page plan set with associated reports dated 4-6-15, marked as Exhibit 1 at the June 3, 2015 Hearing, prepared by DiPrete Engineering. With regard solely to building architecture and layout, the referenced plans can be revised without subsequent review/approval provided that building scale, footprint size, use of buildings, total number of dormitory beds, and structure location in relation to roadways and parking areas do not change.
- Condition 2. Final Plan approval covers construction of buildings 1, 6, and 7 and the western-most parking lot as shown on the referenced plan. Proposed construction of buildings 2, 3, 4, and 5 shall be subject to Administrative Final Plan review and approval.
- Condition 3. Preliminary Plan approval of buildings 1 – 7 inclusive still stands as “Phase 1”. Subsequent phases proposed for development, construction of buildings 8, 9, and 10 for example, and any expansion beyond the scope in such plan or any change of uses or layout within that scope shall require a separate Preliminary Plan review and approval process.

- Condition 4. Site lighting shall conform to the Town’s lighting standards and adhere to the dark skies objective. The Planning Department shall certify conformance of proposed specifications prior to installation.
- Condition 5. Regarding setbacks and buffers, a 25’ no-grade buffer shall be maintained around East Greenwich Historic Cemetery #7. A 100’ vegetative buffer shall be maintained between the residential units in Taylor Pointe and any NEIT related improvements. Such buffer shall be maintained in its natural state to the degree possible but activities like limited mowing and pruning and removal of dead trees and invasive species is permitted.
- Condition 6. Consistent with recommendations in the Town’s Route 2 Corridor Study and the RHF Zone Change Ordinance, shared access between the subject property and the medical office complex to the south shall be provided. Such access shall be subject to DPW approval.
- Condition 7. A Stormwater Management and Soil Erosion and Sediment Control Plan Permit (Erosion Control Permit) must be obtained from EGDW/Building Department **prior** to any site construction/alteration. Additional Erosion Control Permits may be required based on phasing of construction.
- Condition 8. Because of the amount of groundwater infiltrating the storm drainage system, the Town reserves the right to re-review the stormwater system capacity and operation during the next wet season and require modifications and improvements to the system and its capacity as the Town deems necessary.
- Condition 9. Upon completion of the construction of the stormwater drainage system, a written certification from a R.I. Registered Professional Engineer must be submitted to the EGDW stating that the system, including the bio-retention areas, infiltration basin, infiltration ponds, swales, piping, catch basins, manholes, and all associated piping, etc., has been installed in accordance with the RIDEM-approved site plan and specifications. Along with the certification, an “As-built” plan of the entire stormwater drainage system must be submitted to EGDW.
- Condition 10. The Stormwater System “Operation and Maintenance Plan” (Plan) document submitted must be legally binding in accordance with the R.I. Stormwater Manual requirements. **The document must be recorded with the Town in conjunction with or made part of the property deed** prior to construction. The Plan submitted shall be revised to clarify that the Plan is a “Maintenance Requirement” that stays with the property and that the “Owner” is the sole responsible party for all O&M. It is not a

“Maintenance Agreement” with the Town of East Greenwich and references to such must be removed.

- Condition 11. The “Final Plan” set shall show an access easement for the Town of East Greenwich to inspect the on-site Stormwater Management facilities.
- Condition 12. The sanitary sewer flows for the subject property shall be limited to an average of 37,700 gallons/day. The average daily flow limit shall be measured during the largest quarterly flows. Any increase over the average daily limit shall require a re-analysis of the Rt. 2 sewer main.
- Condition 13. For purposes of approved Phase I construction, sanitary sewer flow includes classrooms, offices, cafeteria, and dormitory uses. Any changes to these uses or additions to the proposed facilities shall need to be analyzed.
- Condition 14. Upon completion of construction of the sanitary sewer system, an “As-built” plan of the system must be submitted to EGDW.
- Condition 15. Changes made by the Contractor to the sanitary sewer line in Route 2 (South County Trail) shall be inspected by the Town and documented with “As-built” plans submitted to the Town upon completion.

The Planning Board found the that proposal, subject to the conditions imposed:

1. Is consistent with the Comprehensive Community Plan and with the General Laws of Rhode Island Section 45-23-30;
2. Is in compliance with the standards and provisions of the East Greenwich Zoning Ordinance in accordance with the General Laws of Rhode Island Section 45-24;
3. Will cause no significant negative environmental impacts;
4. Will not create individual lots with any physical constraints to development such that building on those lots according to pertinent regulations and building standards would be impracticable; and
5. Has adequate and permanent physical access to a public street for the development.

A motion to amended the original Condition 1 was made by Mr. Russo, to include that the building scale, footprint size, use of buildings, total number of dormitory beds, and structure location in relation to roadways and parking areas do not change. It was seconded by Mr. Tagliatella. There was no discussion on the amendment and it passed unanimously.

VOTE: 6 – 0 – 0 in favor of the motion to approve the Final Plan Application of NEIT.

2. Urban Agriculture Ordinance

Mrs. Bourbonnais provided some background noting that some fresh egg advocates around town have been calling for some so-called “urban chicken” provisions in local zoning for a couple of years. Planning staff decided this presented an opportunity to reform the way farming and agricultural land use is treated in the zoning code in a broader way. The “chicken ordinance” is designed to allow for the raising of chickens in residential settings and not just on farm properties. This ordinance would enact regulations to allow for the keeping of chickens in residential zones but keep them from becoming a nuisance by restricting the number of chickens, accessory structures related to chickens, lighting, storage of food, size of the lot, etc.

Mrs. Bourbonnais noted the draft ordinance has been modeled on surrounding towns where “urban agriculture” including the keeping of chickens and bees has been successfully implemented. She stated that in the draft, a 5,000 square foot lot size is the minimum to keep chickens but there are communities in the State that allow them on even smaller residential lots. Mr. Eaton was familiar with some very small animal farming operations in Central Falls and other urbanized communities and he felt the structures in those settings are definitely out of character with their surroundings and that there were always smells and noises associated with those uses that might not be palatable in such close proximity to other residences. Other board members, including Mr. Ayotte, Mr. Russo, and Mr. Tagliatela echoed the concern that the smaller residential lots were probably not suitable for such operations in East Greenwich.

Mr. Donegan opined that raising a handful of chickens is more akin to a hobby than actual agriculture and he was not comfortable with how such activity might have the potential to devalue a neighbor’s property investment. He added that some neighborhoods have protective covenants that keep the chicken hobbyists from adversely impacting property values, but many other residentially zoned neighborhoods are without such protection. He felt those owners deserved a guarantee that they would be kept whole, in terms of their home’s value, when they opted to live in a residential zone. This likely means excluding “urban agriculture” as a permitted use in East Greenwich’s residential neighborhoods.

Mr. Brusini summarized the discussion stating that the draft clearly does not go far enough in regulating agricultural land uses and asserted that there is no reason to even have a “farm” zone if farming activities are going to be allowed in all residential zones. He suggested that people moving into residential zones in Town need to be able to rely on the continued use and enjoyment of such properties as purely “residential” in character, use, appearance and other traits.

3. Minutes: Motion by Mr. Donegan, second by Mr. Russo to approve the minutes of the April 15, 2015 meeting with two corrections to pages 4 and 7. Vote: 5 – 0 – 1 in favor with Mr. Ayotte recused.

4. Planning Board Member Comments: For items not on the agenda and not relating to specific applications.

Mr. Donegan asked staff to explain recent Town decisions made regarding the appointed Municipal Land Trust. Mrs. Bourbonnais began by noting that the Land Trust is a formal board charged with targeting lands around Town that are appropriate for permanent preservation as open space or recreation land or otherwise should be protected as conserved land. The Trust is also charged with managing those lands once they are added to their inventory. The Planning Board appoints a member of the Trust and has an interest in their activities insofar as they relate to development throughout Town; the Planning Board's perspective is useful in analyzing what lands have value as open space, what the economic costs and benefits are of such designation, how the conserved parcels relate to each other and where in Town there are opportunities to retain more open land. She then explained that the Land Trust's largest holding, Boesch Farm on South Road, has occupied a great deal of Town staff time lately as the property is leased to a tenant farmer who requires a public water supply. The Town has never before been in the public water supply business and a great deal of effort has been put into meeting the requirements of the RI DOH, DEM, our insurance carrier, and other mandates.

Mr. Donegan's concern was that the project seems to be for the good and benefit of a private enterprise (the tenant farmer) without regard to the public good or interest. The project could, in fact, run contrary to the public good in that the public system will require inspection and maintenance responsibilities, comes with enforcement issues and financial liabilities and may result in other on-going demands that have never before been anticipated in any budget and that take away staff time from other valuable, priority projects that are clearly designed to serve the broader public. Also, as volunteers who serve in their free time, the Land Trust does not have infinite hours to dedicate to managing this complex property or this project and every minute they spend on Boesch Farm issues takes away from time they could spend targeting new properties for acquisition or otherwise stewarding properties they already own. Mr. Donegan speculated that the average taxpayer would be dismayed to learn how far the Land Trust had gone to accommodate a private business with little Council oversight and no public buy-in. The Board asked to be kept in the loop on this issue as it evolves.

In other business, Mr. Brusini noted a couple of concerns. He recalled that the Board spent some time on the medical marijuana issue recently, which led to discussions about how best to regulate hookah, cigar bars, and other tangentially related issues. He noted that the air quality in/around/near the cigar bars in Town is overwhelmingly bad and it would seem to him that the State's goal of protecting the public health via anti-smoking laws is stymied by the existence of such establishments. In any relevant local laws promulgated in the near future, he would seek to ensure the situation is not made any worse.

Secondly, Mr. Brusini addressed the Board's standard motion format for plan approval and noted that the group is in the habit of referencing the testimony of "abutters" even when there are no abutters who seek to participate. He suggested that the template refer to "interested abutters" or otherwise make that language optional and staff agreed.

Finally, Mr. Brusini noted that the CVS on Route 2 appears to be operating a “Minute Clinic” even though there is a condition in their zone change decision that prevents such operation. He asked that the zoning officer or solicitor take action to rectify.

With no other business, Mr. Tagliatela made a motion to adjourn at 9:35 PM, seconded by Mr. Donegan, and unanimously supported.

Minutes respectfully submitted by Lisa Bourbonnais, Planning Director.

For further information, please refer to the recording available in the Planning Department.