

Planning Board Minutes
December 9, 2015 – 7:00 P.M.
Swift Community Center
121 Peirce Street
East Greenwich, R.I

Members Present: Steve Brusini, Chair; Jason Gomez; John Ayotte; Dan Tagliatela;
David Eaton; Brad Turchetta

Members Absent: Michael Donegan; Chris Russo

Staff present: Lisa Bourbonnais, Planning Director; Aaron Lindo, Planning Assistant; Joe Duarte, Director of Public Works; Sarah Jette, Legal Counsel

Note for the record: Mr. Brusini was recused from the first and second items on the agenda. Mr. Gomez filled in as chair.

Mr. Gomez opened the meeting at 7:10 p.m. and stated that the first item (**#1**) on the agenda (Preliminary Plan Review with Public Hearing for **Vikon Properties Corp.** at property known as **Vistas on the Trail**) would not be heard as the applicant withdrew the application. Mr. Gomez introduced the second item on the agenda:

2. Master Plan Review with Public Informational Meeting: **Philip Ryan Homes, LTD** for property owned by Middle Park Enterprises, LLC. The applicant seeks a Pre-Application conference regarding proposed construction of ~~56~~ [52] dwelling units on 9.84 acres, being near utility pole 104 on Middle Road; Assessor's Map52, Plat 11, Lot 499, zoned LI-O, Light Industry-Office. Project requires a Comprehensive Plan amendment and a Change of Zone to PD-R/4 which is a residential planned development zone. **Continued from 11/4/15.**

Mr. Gomez stated that there have been late changes to the plan that some board members had not seen until the time of the meeting and the item would possibly have to be continued to a later date. Representing the applicant, William Landry, a partner with Blish and Cavanaugh in Providence, presented the project.

As the project had come before the Planning Board at the Pre-Application stage, the Board members were familiar with the project. The project is set on an approximately 10-acre site on Middle Road with the current zone of Light Office/Industrial. The site was approved for office use many years ago but had not attracted the attention of a buyer for the use and the applicant is proposing a different use. 52 units (down from 56) are proposed with 11 of the units being moderate-income, deed-restrictive housing. The market rate units are expected to sell for upper

\$300,000 to low \$400,000 range with the moderate income units restricted to residents with 80% or less median income (potentially \$60,000 – \$70,000 in East Greenwich).

As the project is at Master Plan, it does not have “hard engineering” such as drainage calculations that comes at the Preliminary Plan stage. The applicant is required to demonstrate compliance to the East Greenwich Comprehensive Plan through the proposal and has designed the proposal around the Comp. Plan, specifically the housing element of the plan. The Town has designated the project site as one of the scattered sites for affordable housing in the Comp. Plan. The Plan calls for a PD zone with a 20% density bonus. The applicant is seeking a zone change to an R-4/PD.

Mr. Landry noted language in Comprehensive Plan that states “To make development feasible in specific areas, the Planning and Zoning Boards are encouraged to relax standards so as to permit lots that are undersized or deficient in setbacks, minimal buildable area, etc., to be built as affordable housing.” The idea is to give enough flexibility to incentivize new development in the identified areas where affordable housing makes sense. Mr. Landry continued to give a summary of what his team would be presenting to the Board.

Nicole Reilly of DiPrete Engineering introduced herself and stated her qualifications. Ms. Reilly went over the changes that were made since the last time the project was heard at the Pre-application stage. The engineering that had been done was in response to the DPW memo that had been generated for the previously continued Master Plan hearing. She presented a plan set to the Board that was addressed in an 11/19/15 memo. In summary, it pertained to the widening of the roadway and a simulation of firetruck turning throughout the development. Snow storage was also taken into consideration across the site as well as driveway length and how it corresponds to parking dimensions.

The project has changed from a 10 foot setback to a 30 foot setback along Middle Road. The side yard setback has increased from 10 to more than 20 feet in some places. Drainage and how it relates to density across the site was also taken into consideration. In response to the Public Works comments, the amount of units has changed from 56 to 51 to accommodate some of the density and setback concerns.

On the subject of water and sewer, the applicant is proposing a water connection on Middle Road and a sewer connection on Cherry Lane.

Mr. Gomez opened up questions from the Board regarding Ms. Reilly’s presentation. In regards to the sewer connection, Mr. Ayotte asked if there had been any discussion with the owner of the land where the sewer would be connecting. Mr. Landry replied that they have existing easements that would permit the sewer connection. Mr. Duarte commented that it is not a private connection. The Town maintains the sewer line but an easement for access would be needed.

Mr. Ayotte questioned the fire turn radius in the upper northwest corner of the development (units 45-51). Ms. Reilly replied that it is based on discussions with the Fire Department at the TRC meetings. As long as the fire trucks can get within 40 feet of a building (the closest part of the structure), it would be adequate to meet the requirements. The driveway alignment has been reconfigured to meet the 40 foot requirement.

Mr. Ayotte continued to ask about the turn radius and if the model was based off of a continuous movement. The response was that it is one continuous movement for the modeled scenario.

Mr. Ayotte commented that building cluster 13-15 is considerably close to wetlands and asked if there is any foreseen impact for wetlands when the building is constructed. Ms. Reilly agreed that the cluster is a pinch-point for the perimeter of the wetland on the southern side. The solution is to make sure there will not be too much grading in that area. It is something that DEM is likely going to have influence with. The next step is to obtain permits from DEM.

Mr. Landry commented that the applicant is asking the Board to waive the requirement that the development be a public road. The Town is not being asked to maintain the roads or infrastructure. For single family lots, there is language about the number of driveways permitted on a cul-de-sac and the applicant would like to waive the requirement as well.

To clarify, Mr. Gomez stated that road in the development would be a private road. The Town would have no responsibility for snow removal or garbage removal, only for emergency vehicles that would need to access the homes. Mr. Duarte commented that this is how the applicant is proposing this development but not how the regulations read. The regulations state that roads with residential units are to be maintained by the Town.

Paul Bannon, a senior project manager at Beta Group, was sworn in, introduced himself and stated his qualifications as a traffic engineer. Mr. Bannon presented the traffic study findings to the Board (see Exhibit A).

Mr. Turchetta asked if the traffic study included Tanglewood Road and Queen's Grant, stating the probable increase of traffic for the high school cut-through in lieu of using Avenger Drive. Mr. Bannon responded that he estimated 40% (8 cars) of the traffic from the project will travel in the direction of the high school at peak travel time, which would be barely noticeable.

Mr. Ayotte asked for an explanation of how the given traffic volume number was derived (count of 23 a.m., 27 p.m.). Mr. Bannon replied that the trip generation numbers are obtained from a manual that has been in existence for decades. Data is collected from across the country and the manual is updated regularly (most recently 2 years ago) from hundreds of studies. The estimation uses independent variables (i.e. number of residential units) to obtain projected traffic volume numbers for the worst case condition.

Mr. Gomez asked for clarification of the “level of service,” such as “C” or “D.” Mr. Bannon explained that there are different criteria for different facilities. The evaluations include seconds of delay at the intersection, which is based on turning movement volumes and timing of the signal. It is interpreted as a delay thresh-hold and is ranked accordingly by letter. The intersection of Middle Road and South County Trail in the worst case scenario operates at level of service D, which acceptable by the DoT at peak hours for a major arterial road. The traffic coming out of the development was estimated to be 60% toward the highway (exiting left toward South County Trail) and 40% toward Main Street (exiting right on Middle Road).

Mr. Landry asked Mr. Bannon to address the age-restrictive component and previously approved office environment use. Mr. Bannon commented that age-restricted communities typically have much less traffic than the average town house project. A commercial office use has the characteristic of a cluster of traffic during the a.m. arrival time and p.m. departure time for work hours (7/8 a.m. – 5 p.m.).

Joseph Lombardo, a certified land use planner, introduced himself and was sworn in. Mr. Lombardo presented the fiscal impact study and a Comprehensive Plan compliance presentation (see Exhibit B). Although the Board understood that the age restriction on the proposed units would likely mean very few school children would reside here, the underlying assumptions were questioned. Mr. Lombardo explained that the analysis was performed using actual Town data and multipliers from similar projects around the region. The State average for “number of children living in 2 bedroom condos” is 5 children per hundred units. In this case, the number would be expected to be even less given the 55 and over resident age requirement. The study projects 105 people will live on site here and 2 of those will be school-age children.

Mr. Eaton asked if the assumption of special needs children was included in the study. Mr. Lombardo said that it was not as there is no way of knowing if there will be special needs children in the development. Mr. Eaton followed up with a question about people with tax exemptions and if they would have an impact on the study. Mr. Lombardo replied that it would depend on individual qualifications but again, there is no way of knowing.

Mr. Turchetta asked if there was any data on how many condos are for sale in East Greenwich. Mr. Lombardo said he did not know. Mr. Turchetta followed up asking if there was any consideration of a different site to build the project on, citing the reason that there are various variance and set back issues that have to be addressed. Mr. Lombardo opined that the current site was a very suitable site for the intended housing because of the location to businesses and the multi-family setting.

Mrs. Bourbonnais was asked for comment on the Comprehensive Plan compliance but declined because of the new information that was recently provided from the applicant. A new staff report would be written before the Board renders a decision.

Mr. Gomez gave a clarifying statement that at the current time, the lot is not consistent with the Comp. Plan ~~yet~~ but it is a conforming lot.

Mr. Landry introduced Diane Soule, landscape architect, who was sworn in. Ms. Soule presented illustrations that gave a “flavor” of the project, referring to the houses in a “craftsman, arts and crafts bungalow style.” After the presentation of the illustrations, Mr. Ayotte asked how the renderings were developed. Ms. Soule replied that the renderings were taken from an AutoCAD drawing, assuming that the grade was held level at Middle Road then dropped down into the cul-de-sac. Ms. Reilly confirmed that the grade will drop down at the property entrance, noting that there may be pockets of fill with respect to the groundwater table elevation; specifically, a 4-6 foot drop-down at the first intersection could be expected. Mr. Ayotte followed up, noting the perspective drawings could thus be a little misleading in light of the true expected grade change. Showing vegetation at-grade does not have the same visual impact as showing vegetation growing up from a 6 foot drop.

After the conclusion of the presentation, Mr. Gomez asked for Board comments. Mr. Ayotte addressed the responsive comments from DiPrete to DPW. Upon review of the comments, it appeared that there were a number of comments that questioned whether or not the project is feasible the way it is designed. Mr. Landry responded that there is nothing infeasible about the project. There have been a number of modifications that have addressed the Public Works issues. There is still specific engineering to be done but more work has been done to constructively address the issues.

Mr. Ayotte asked a question about the open space on the site and if it included the wet lands. Ms. Reilly stated that the open space is shown on the plan. It is the area outside of the biological wetland and comprised of 36% of the site. This also includes a small part of the drainage infrastructure.

Mr. Gomez asked Mr. Lombardo if the project would adversely impact any of the adjacent sites with regard to property value. Mr. Lombardo opined that the site is well suited for multi-family residences and the adjacent sites would hold or increase their value.

After opening public comment, Nelson Brinkerhoff, of 831 Middle Road, addressed the Board. He made specific points in regards to the project:

- The development is far too dense. There is no room for snow removal and there is no visitor parking.
- From real estate research, the predicted prices for the proposed condos are exaggerated from comparison to Pine Glen.
- The cul-de-sac is an issue because it decreases safety and increased congestion because of the traffic flow.
- The groundwater is fairly high and is susceptible to flooding. The Fry Brook development floods every so often.

- Trying to squeeze too much into too small of an area.
- A development is either a good plan or a bad plan. If it is approved, the Town is stuck with it either way.
- Opposed to the project.

Jack Lawlor, a 27 year resident of 132 Pine Glen Drive, addressed the Board.

- Concern about the traffic volume that will increase in Pine Glen.
- The access and egress of Pine Glen Drive has two entrances; on Middle Road and on South County Trail. It is the only private road and is owned and serviced by the home owners of Pine Glen.
- Non-residents of Pine Glen have found it convenient to cut through Pine Glen Drive to avoid the traffic light at the intersection of Middle Road and South County Trail.
- Most people who cut through Pine Glen Drive greatly exceed the 15 mph speed limit.
- The road has no sidewalks but is frequently used by the residents to walk on.
- If the project proceeds with the only access and egress directly across from Pine Glen Drive, the residents of the project will realize the convenience of the Pine Glen Drive cut through, thus increasing traffic and decreasing the safety of the Pine Glen residents.
- The increased traffic will likely prompt the residents to gate and completely privatize Pine Glen Road which will drive up costs and cause unnecessary inconveniences.
- Opposed to the project.

Susan Baxter, 30 Fry Brook Drive (not an abutter), addressed the Board.

- Interest in the project because of the workforce housing component.
- Served as chairman of the Housing Resource Commission. The goal of the HRC was for all Rhode Islanders have safe and affordable housing.
- The project provides moderate income housing that coincides with the Town's Comprehensive Plan. East Greenwich does not meet the 10% affordable housing threshold but is working toward it.
- In favor of the project.

Ed Field, 118 Pine Glen, addressed the Board.

- Agreed with previous people who opposed the project.
- A through-way would be better than a cul-de-sac.
- Snow and water would exacerbate wetlands and there is nowhere to put excess snow in the winter.
- Likened the project to a densely packed 'can of sardines.'
- Opposed the project.

Ken Fish, 171 Pine Glen, addressed the Board.

- Concerns about density.
- Parking issues, especially garage spaces.
- Access is a concern as well as turning radii of large vehicles.
- Lower density by creating a through way, more space, fewer houses, less traffic and less traffic circulation problems.
- Opposed the project.

Richard Quartino, 177 Pine Glen, addressed the Board.

- Increases the need for services; fire and police, etc. More people equals more services.
- Reiterations of density, traffic.
- Seasonal summer traffic a factor on Middle Road.
- Opposed the project.

Larry Steingold, realtor, 266 Spring Valley Drive, addressed the Board.

- Traffic is an issue.
- Consider lower density and increase the value of the homes; i.e. about 20 houses for the land.
- The Town does not have much commercial/industrial land; taking land away from these zones would be detrimental.
- Too much crowding will affect the sales values of the Condos as well as the property values around it.
- Opposed the project.

Charles Moran, 116 Pine Glen, addressed the Board.

- Urge the Board to take a walk-through of Pine Glen.
- Proposed project is too dense.
- Agrees with previous opposition of the project.

Carmen Lysaght, 35 Fry Brook Drive (not an abutter), addressed the Board.

- Project will meet the need of downsizing and staying in the community of East Greenwich.
- Not enough property for people who want to downsize in the community.
- In favor of the project.

Allen Gammons, owner, 80 Pheasant Drive, addressed the Board.

- Noted that he is one of the land owners for the project site.

- Has been looking for a buyer with a commercial use for the site for 10 years.
- The Town needs more housing for people who want to stay where they are.
- Believes it is a good time for this project as there is an aging population in East Greenwich.
- In favor of the project.

Mr. Gomez closed public comment and asked members of the Board for comments. Mr. Turchetta asked if there was any consideration to downsizing density and increasing overflow parking. Mr. Landry said parking is something that could be looked at again. From his own experience living in a dense condominium environment, he said that there are usually never any parking issues. For this project, other areas could be identified for parking but the project meets the parking requirements for the zone proposed. The proposed zone calls for much more density than the project is proposing.

Mr. Primeau commented that the project details should be put in perspective. There is a need to generate enough units to pay for the 11 affordable units that will be built at a loss. The traffic engineer has forecasted that this project will be a very quiet community that will not be generating much traffic (significantly less than the approved commercial master plan). It takes a good team of engineers, builders and architects working hard to make a good product. There are details that still need to be addressed for the plan to pass onto the Preliminary stage. State and local permits and approvals need to be obtained before the going onto the second stage.

Mr. Gomez asked for closing comments. Mr. Landry stated that the Comp. Plan vision is for higher density residential units on specific parcels in Town. These parcels have water and sewer access and don't have that many limitations. In the Plan, the project site is called out specifically for a PD/R-4 or R-10 zone to accommodate higher density residential units.

Mr. Gomez stated that the Board is not ready to vote on Master Plan approval due to new information and changes that need to be reviewed further. A new staff report should be done to highlight these changes and the vote should be continued until the next meeting.

Mrs. Bourbonnais agreed. Information packets for Planning Board meetings are sent out to the Board a week in advance for them to review. The new information from the applicant has been received up until the day of the meeting and has not been properly reviewed. A cohesive set of documents from the applicant would be needed for the Board to vote on approval. Additionally, there has been discussion at the present meeting of the chief concerns of the project, specifically the traffic aspect. A traffic study has been provided but an independent peer review of the study would be desirable before rendering a decision. A site visit of the project site and surrounding properties would also be beneficial before a decision is made.

Mr. Turchetta commented that a continuance with public comment is in order to review the changes that have been received. A site visit would also be beneficial.

Mr. Ayotte was in agreement and commented that it would be beneficial to see the results for the 3rd party review of the traffic study. Mr. Eaton and Mr. Tagliatela were in agreement with the previous Board members.

Mrs. Bourbonnais commented that the motion would be to continue public comment and a decision and in the interim, instruct staff to contract a 3rd party traffic review as well as coordinate a site visit with the applicant. Mr. Ayotte motioned as such and was seconded by Mr. Turchetta.

Vote: 5 – 0 – 0 in favor of motion be to continue public comment and a decision and in the interim, instruct staff to contract a 3rd party traffic review as well as coordinate a site visit with the applicant.

The date for continuance was projected for January 6, 2016.

Mr. Brusini joined the meeting and introduced item #3 on the agenda.

3. Amendments to Regulations: Public Hearing – Revisions to the Town’s Development and Subdivision Review Regulations, Chapter A263 of the Town Code, adopted August 16, 1999 are proposed. Specifically, the amendments are being made in conjunction with a broader recodification project undertaken by the Town in 2015. All proposed revisions are designed to bring local regulations into conformance with State law and recent changes thereto. Examples include requiring that at every stage of application, petitions for land developments or subdivisions of land are required to be certified complete *in writing* before the review period commences. The changes also extend the vesting period for approvals from one year to two. Another change provides for notices of hearings on certain projects to be sent to abutters who hold conservation easements over nearby lands in addition to those abutters already covered by the notice requirements and provides for a “public notice registry” so that other interested parties who may not be abutters also receive notice of proposed projects. In addition to other minor text revisions, proposed amendments correctly refer to the East Greenwich Fire Department and provide options for fire protection consistent with said Department’s recommendations. Staff asks that the Board take action to adopt the amendments.

Mrs. Bourbonnais explained that the company who codifies the Town’s ordinances and laws are doing a recodification project and the Planning Board is to review and approve the changes that have been made to the land development/subdivision regulations.

Mr. Ayotte had a comment on page 7 in respect to the cisterns and asked if the fire department inspects them. Mrs. Bourbonnais replied that the FD does inspect them and the language written was provided by the FD.

Mr. Ayotte asked if legal counsel reviewed the amendments to the regulations. Ms. Jette replied that she looked at the amendments in preparation for the meeting. She had a question on page 2, specifically “...vesting may be extended for a longer period for good cause...,” and inquired

about the language as the phrase “good cause” seemed too vague. Mrs. Bourbonnais replied that it came directly from the State language.

Related to the above section, Mr. Brusini quoted “The approved Master Plan shall be vested for an initial period of 2 years with the right of two 1-year extensions,” and commented that there is a contradiction on the next page in section 2, “...vested for an initial period of 4 years.” There is no initial 4 years of vesting. The language is wrong but cannot be changed at the current time.

Mr. Ayotte asked if there was an opportunity to modify the regulations to accommodate correct changes. Mrs. Bourbonnais replied that there is no opportunity for any modifications due to the time constraints of passing the regulations by the end of the year. There are a number of modifications that need to be made but they are made on a rolling basis. As soon as the current process is finished, a new process will be started for adoption of new set of laws. It is a never ending process.

Mr. Eaton asked where the money came from to pay for the recodification. Mrs. Bourbonnais replied that the Town Clerk has a budget for the recodification every few years in the Capital Plan.

With no further questions from the Board or the public, Mr. Brusini asked for a motion regarding adoption of the regulations. Mr. Turchetta made the motion and Mr. Ayotte seconded followed by a unanimous decision.

Vote: 6 – 0 – 0 for a motion in favor of the adoption of the Amendments to Regulations.

4. Amendments to the Zoning Ordinance: For Recommendation to the Town Council. Revisions to Chapter 260 of the Town Code, Zoning Ordinance, are proposed. The Planning Board is required by State and local law to review and recommend zoning ordinance amendments when they are under consideration by the Town Council. The subject amendments are being made in conjunction with a broader recodification project undertaken by the Town in 2015. All proposed revisions are designed to bring local regulations into conformance with State law and recent changes thereto. The majority of revisions are changes to definitions for compliance with definitions found in RI State law. Complete copies of the proposed changes are available for review in Town Hall.

This was the same concept as the previous item on the agenda. Mr. Brusini asked if there were any questions. Mr. Ayotte inquired about #10 on the ordinance list with respect to wetlands. There is a description of the 50 foot edge and further references to RI General Laws. He asked if the language from the RI General Laws should be included in the ordinance or if it is automatically included with the reference to the State law. Mrs. Bourbonnais was under the impression that it is included by the reference. Ms. Jette commented that the mandate is to bring the ordinance into compliance with the State and does not need to be verbatim. Mr. Brusini

commented that the phrase "..., as defined in [RI General Law]..." is modifying everything in the ordinance.

Mrs. Bourbonnais commented that a number of these amendments are not necessarily improvements to the pre-existing language but will now be consistent with State law.

Mr. Eaton asked if it made sense to include specific language to narrow the scope of the ordinance or just reference the State laws so the local ordinances can be kept the same over time. Mrs. Bourbonnais replied that the Town is moving toward referencing State law so that the local regulations don't have to be changed so often. It is better to refer to the State laws by section so the Town is not stuck playing with the language every time the State makes modifications to the laws.

With no further questions from the Board or the public, Mr. Brusini asked for a motion regarding the zoning ordinance recommendation. Mr. Gomez made the motion, seconded by Mr. Ayotte.

Vote: 6 – 0 – 0 in favor of the motion to recommend adoption of the amendments to the zoning ordinance.

5. Minutes: Approval of the 10/7/15, 10/16/15 and 11/4/15 meeting minutes.

Motion to pass the minutes from 10/7/15 made by Mr. Ayotte, seconded by Mr. Turchetta and passed unanimously. Minutes from 10/16/15 and 11/4/15 will be continued to the next meeting.

Meeting adjourned at 10:35 p.m.