

Planning Board Minutes  
March 2, 2016 – 7:00 P.M.  
Town Council Chambers, Town Hall  
125 Main Street  
East Greenwich, R.I

Members Present: Dan Tagliatela; Brad Turchetta; Chris Russo; John Ayotte; David Eaton

Members Absent: Steve Brusini; Michael Donegan; Jason Gomez

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

As acting Chair, Mr. Russo opened the meeting at 7:15 PM.

1. Master Plan Review with Public Informational Meeting: **Philip Ryan Homes, LTD** for property owned by Middle Park Enterprises, LLC. The applicant seeks a Master Plan approval of proposed construction of 50 dwelling units on 10.84 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 2/3/16.**

Representing the applicant was Mr. William Landry, an attorney with Blish and Cavanagh. After a brief discussion, he suggested that the peer-reviewed traffic study comments be presented first.

Anna Novo, a traffic engineer with Caputo and Wick consulting for the Town of East Greenwich, was sworn in. Ms. Novo explained that the traffic study was conducted by Beta Engineering for the current project. She mentioned that a comparison was done with a previous traffic study for a different project on the same subject property. There is a lot of data that can be compared between the two studies.

In short, the type of development proposed will not generate a substantial amount of traffic. In 2008, the traffic on Middle Road was much higher compared to the present time because of the economic conditions. From then until now, the peak AM traffic decreased by 4% and the peak PM traffic decrease by 15%.

The applicant's traffic engineer projected the traffic numbers by adding in the estimated traffic of the proposed development and increasing that number by 20%, which created a conservative traffic study.

In regards to the intersection of Middle Road and South County Trail, intersection operates on a C and D level of service (depending on the time of day). The future level of the intersection will

deteriorate from a level of service D to E regardless of the development being built or not. The traffic the proposed development is going to generate is not substantial enough to make the level of service drop. The traffic problem is a pre-existing condition.

Ms. Novo stated that the results of her analysis concur with the results from the traffic engineer for the applicant.

Mr. Turchetta asked Ms. Novo for a brief explanation of the levels of services. Ms. Novo explained that a level of service A is hardly any delay, a healthy intersection. Level of service F is a failing intersection with very long delays, usually indicating a problem with capacity.

Mr. Tagliatela asked what would be considered “dense” (a lot of traffic vs. not a lot of traffic). Ms. Novo explained that during the peak hours, the intersection is at, possibly over, capacity. The congestion that is seen is the traffic that cannot move through the intersection adequately with one lane. The congestion would be improved with two lanes. The congestion is mainly the result of the peak periods from the start of the high school day and when students leave the school.

Mr. Russo noted for the record that Mr. Ayotte had arrived.

Mr. Ayotte asked if the traffic study entailed the demand that New England Tech would put on the corridor. Ms. Novo responded affirmatively, stating that it is the reason for the increase on Route 2. The traffic study shows the increase and can be compared to the 2008 data.

Mr. Eaton asked what the projection was for traffic going east bound on Middle Road. Ms. Novo explained that the site will generate less than 30 trips during peak hours, which is not a substantial amount of traffic to create an issue. The traffic problem is an existing condition.

Regarding the 30 trips during peak hour, Mr. Turchetta asked how that number was calculated. Ms. Novo explained that the ITE (Institute of Transport Engineers) Trip Generation [handbook] was used to generate the numbers for the particular type of land use. Based on the size of the development and the number of units, the traffic volume can be estimated during peak times.

Mr. Ayotte stated that there were discussions about interim modifications on Middle Road and Route 2 in regard to signalization. He asked what it entailed. Ms. Novo replied that the State would be able to adjust the timing in the controller which will make the signal operate slightly better. To do this, the Town would have to request it from the DoT at the State level.

Paul Bannon, a Senior Project Manager with the Beta Group, introduced himself and was sworn in. He explained that the intersection in question operates efficiently 90% of the day. During the late afternoon period, queues of 8 vehicles on average are typical. If there is an existing issue with the traffic signals, it can be resolved by citizens or the Town requesting the DoT to alter the signal lengths.

Mr. Landry asked Mr. Bannon to address the interior traffic issues that may arise with the development. Mr. Bannon explained that there are no foreseeable issues relevant to access in and out of the homes because of the low volume of traffic projected.

Mr. Ayotte asked how overflow parking might be accommodated within the layout of the development. Mr. Bannon stated that there are no specific areas that are defined for overflow parking. The current regulations for parking are exceeded with twice the amount of parking that is required available per unit in the current zoning requirements.

With no additional comments regarding traffic, Mr. Landry moved on to general comments about the project. He stressed that the project site has been identified in the Comp Plan as a strategic parcel for a housing development because it is one of the few sites that has available access to sewers. The specific assumption mentioned is that there be a zone change to PD/R-4 zone with a density bonus of 20%. If the principles are applied to the site at the original 10 acres, the allowable density with the density bonus is around 80 units; the proposed development is much lower at 50 units.

Another important aspect in regards to the Comp Plan is that it emphasizes flexibility on dimensional issues. There were many dimensional issues in the beginning stages of the project and now there are much fewer issues. With the additional land acquired, most of the setback issues have been resolved as well as increased spacing between units. Additionally, the Comp Plan states that to make development feasible, the Planning and Zoning Boards should be encouraged to relax standards so as to permit lots that are undersized or deficient in setbacks to encourage affordable type configurations and diversity in housing types.

A third point Mr. Landry made was that the staff report states that the Town Council ultimately has to make the call for a zone change and to change the future land use map in a way that's more aligned with the text of the Comp Plan. Anything that the [Planning] board does now is conditioned on whatever happens at the Town Council level.

Another aspect of the staff report speculates the enthusiasm of the Council for LI/O use of the parcel. Mr. Landry stated that there is no market for an office use as pointed out by the applicant's planning consultant, Mr. Lombardo, at previous hearings. The planner presented a fiscal analysis that showed the project would generate a net positive annual economic benefit on the order of about \$300,000 whereas offices would generate \$198,000 for the Town.

In regards to the amount of driveways on the cul-de-sacs, the applicant is not asking for a waiver for that provision nor is it required. Mr. Landry stated that there is no provision of the Town's zoning ordinance or a subdivision regulation that regulates the number of driveways or the number of buildings on a cul-de-sac. The only definition that addresses this is the definition of cul-de-sac in section 7 in the subdivision regulations: "A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed (bulb) end. Cul-de-sac shall not exceed 1,000 feet in length. Minimum length for cul-de-sac shall

consist of the base frontage for the zone in which it lies plus the dimensions of the full bulb. The bulb of the cul-de-sac shall provide frontage for a maximum of three lots.”

Stressing 3 *lots*, Mr. Landry stated that “lots” connotes a traditional subdivision, a house on a lot. It does not connote units. There is only one lot for the development because it is a Planned Development. There is not waiver needed because the project is not out of compliance and there is nothing wrong with the configuration.

Mr. Landry stated that applicant has satisfied all of the required findings for the Master Plan stage. He opined that the findings in question are consistent with Comprehensive Plan or have satisfactorily addressed the issues where there are inconsistencies. The project is currently not in compliance with the zoning but would be if the zone change is granted. The hard engineering for the project has not been done yet and that will be done at the Preliminary Plan stage.

Mr. Landry continued, stating that the applicant has picked up additional land from ON-Semi to alleviate the density and setback issues. The additional acre parcel measures 70 feet wide by 623 feet long and changed the hammerhead configuration to a cul-de-sac configuration.

Mr. Ayotte commented that the density of the site is a primary focus. The surrounding area is zoned R-30 and the future land use map calls for moderate density which is 10,000 to 40,000 sq. ft. lots. He asked how an R-4 zone was decided for the project. Mr. Landry replied that the R-4 is from the Comp. Plan. There is a disconnect in the Comp. Plan between the future land use map and the text. The text of the plan has a circle of the property and it is identified as a lot that would be suitable for a zone change to PD/R-2, R-4 or R-6. The applicant is asking the Town Council to note the language in the text on the future land use map and zone the property according to the text.

Mrs. Bourbonnais augmented his answer by explaining that the text of the Comp Plan and the future land use map is not a disconnect but rather a hedge for the Town Council. The Council was very interested in possibly allowing a greater density for the area to accommodate a high-density residential development but they did not want to allow it by right. They wanted to retain the purview to review the potential projects on an individual basis to see what made sense for the surrounding area.

Mr. Turchetta asked if a through road to make a second egress/ingress (through the south side) was ever examined after it was brought up by the public at previous meetings. Mr. Landry replied that it would be infeasible to ask DEM to cross the wetlands when there is already suitable access to the parcel.

Nicole Reilly, an engineer with DiPrete engineering, was sworn in. She further explained the additional area (78 feet) on the western side of the project and passed out updated site plans to the board, noting that there was no change in the site design. The total acreage has been increased from 9.84 to 1 and the unit count has changed from 56 to 50. The frontage and side

yard has increased to 11 acres from 9 and there is a sidewalk included along the road. The site has a DEM verified wetland edge with full topography. The project is a little further along than it normally would at the Master Plan stage because it was been studied before on a previously proposed project. The old data is still useful and has been supplemented with new data.

With no questions for Ms. Reilly nor presentations from Mr. Landry, Mr. Tagliatela inquired about the policy in the Comp Plan for the promotion of commercial and industrial use (Ch.7) on the subject parcel and how changing the zone for the parcel would be consistent with the Comp Plan. Mr. Landry replied that it is not unusual for a Comp Plan to say two different things at the same time. It was assumed that the Comp Plan's interest in LI/O uses is not necessarily because of their impact but about the money generated for the Town. If is about the money, the Town should want this project over any other type of project because it will generate more money.

With no further questions, public comment was opened.

Ed Field of 118 Pine Glen Drive, addressed the Board:

- Pine Glen has 82 units on 40+ acres of land, this project is 50 units on 11 acres of land. The project is too dense.
- Concerns about traffic cutting through Pine Glen to get to Route 2.

Richard Portno of 177 Pine Glen Drive and vice president of Pine Glen Condo Assoc., addressed the Board:

- The exit and entrance of the development is directly across from Pine Glen which is a hazard for traffic coming in and out of both areas.
- Danger waiting to happen.

Public comment was closed after no other comments were made. Mr. Landry had no further comments to address public comment.

Mrs. Bourbonnais gave a procedural clarification to the public regarding the purview of the Planning Board. She explained that the Board has decisive authority over the land development plan approval and subsequent Preliminary and Final Plan approvals.

Mrs. Bourbonnais marked the exhibits: A – new plan set introduced during the meeting, B – original application, C – reports from DPW and the Planning Department, D – traffic study with the outside analysis.

Mr. Tagliatela presented the motion [See Exhibit A of the minutes – Motion] which was seconded by Mr. Ayotte. Before a vote was taken, final comments were made by the Board.

Mr. Eaton stated that he agreed with the motion but was struggling with the density of the project. The 20% affordable rate is great and the revenue is more beneficial than other uses.

Mr. Ayotte commented that it was in his understanding that the project falls within what the Comprehensive Plan has called for with the site. If the project does not meet the standards at the Preliminary Plan stage, the applicant will have the opportunity to argue its inconsistencies at that time.

Mr. Tagliatela asked Mrs. Bourbonnais about the criteria used to base the vote off of. The answer was that the ultimate criterion is if the project is consistent with the vision for the Town's future or not. This project is unique in that it requires a Comp Plan amendment. At this stage, the project is more conceptual so it is more of the opinion of the Board members.

Mr. Turchetta expressed that he loved the idea of the project and that it would be great for down-sizing, but the project is too dense.

After a vote was taken, the Board voted 3-2 [Mr. Ayotte, Mr. Russo, Mr. Eaton voting in favor, Mr. Turchetta and Mr. Tagliatela opposed]. As the Master Plan approval required 4 votes in favor to pass, the motion to approve the Master Plan of the Residences at Middleberry was denied.

VOTE: 3 – 2 Motion to approve the Master Plan of the Residences at Middleberry.  
Motion denied without a majority of the composition of the current Board.

For the record, Mr. Russo had recused from item #2 and stepped out of the meeting. Mr. Ayotte took over as acting chair.

2. Preliminary Plan Review with public hearing of a proposed one-lot subdivision that would create a roughly 3 acre parcel from the RI Route 4 right of way corridor. The parcel would front on Frenchtown Road and is currently owned by the RIDOT. No formal development plan is currently under consideration but the RI Housing and Mortgage Finance Corporation proposes to land bank the parcel for Cove Homes which hopes to develop supportive affordable housing on the site in the future. The “parcel” is currently without an address or parcel ID and there is no zoning designation. Any approved lot cut would be contingent upon the Town Council approving a zoning classification, currently proposed to be MUPD – Mixed Use Planned Development, which would accommodate the anticipated project.

Representing the applicant was Robert Berkelhammer, an attorney with Chace, Ruttenberg & Freedman. He began by giving a brief background of the application.

With Mr. Berkelhammer was Marcia Sullivan, executive director of the housing authority and the CEO of Cove Homes, and Frank Spinella, the consultant for the project. The people who are filing the application are not present (DOT and Rhode Island Housing). Rhode Island Housing has agreed to purchase the property and land bank it while the project moves forward. They have subsequently authorized Cove Homes to create the lot designation.

Francis Spinella was sworn in and gave further background about the application. The concept of the project proposed is senior housing with services which would be 100% affordable. It would serve the people living in East Greenwich who need services. The conceptual density for the project is 40-60 units.

Mr. Ayotte asked what the State used the property for. Mr. Spinella replied that the State bought the property for construction access when Route 403 was being built. The State put out an RFP a couple years ago but could not sell the property because it did not have a lot or zone designation. The proposed zone would be MUPD for a non-profit organization (Cove Homes and Housing Authority).

Mr. Berkelhammer commented that the applicant was hoping that the next stages of the process could be done administratively. Staff did not have any objections to this.

Mr. Ayotte asked if there were any dimensional issues with the lot. Mrs. Bourbonnais replied that what the applicant is proposing to create would be a conforming lot with the caveat that it is not zoned yet. There are several ways the project could proceed but it will be before the Planning Board again for further developmental approval regardless.

With no further presentations or public comment, Mr. Ayotte marked the exhibits: A – application, B – staff report. Mr. Turchetta presented the motion [See Exhibit B of the minutes] which was seconded by Mr. Tagliatela. It was noted that the final plan will be done administratively. A vote was taken and the motion was passed unanimously.

VOTE: 4-0 in favor of the motion to approve the application.

- 3. Continued Discussion:** The Town of East Greenwich is considering amending its zoning regulations pertaining to “farming” and agricultural land uses. Such amendment would include changes to Section 260 – 6, Definitions, of the Town Code and Section 260a, Table 1, Table of Permitted Uses by Zone. Sections 260 – 108 through 260 – 110 would be added to the Zoning Code to address farming/agricultural operations. Previous drafts were reviewed Summer, 2015 and those included provisions for “urban agriculture” which would accommodate agricultural operations on properties zoned strictly for residential use. The current draft makes no such provisions.

Mrs. Bourbonnais commented that these revisions are related to the farming ordinance from last year. This draft takes out the urban agriculture issues that were left in with the previous draft. The new issue is horses. There are situations in Town, specifically on Division Road where horses are being stabled at a density of more than 20 horses on two acres of land which is not an ideal land use. There is a need to enforce a standard for the keeping of animals.

Mr. Russo asked what would happen to the existing properties that will exceed the standards. The response was that they would be grandfathered in.

Mr. Eaton asked if a fee could be associated to impose the standard. Mrs. Bourbonnais replied that if someone sought to exceed the standard, they would have to apply for a variance and there is a fee associated with that.

Mr. Russo asked what the status of the ordinance was and what the next steps are. The answer was that it could be advanced to Town Council, discussed with other board members at a later date, or reviewed further and advance at a later date. Mr. Russo opined that it was not very urgent to pass and would like input from the other members of the board who were not present.

Mr. Ayotte suggested that a part in Section 109 – “Manure management,” be changed: “Manure shall be stored on an impermeable surface and shall be protected by a shelter from precipitation, and constructed in such a way as to prevent contaminated surface runoff from manure piles into water systems.

Mrs. Bourbonnais commented that this is an important aspect but difficult to enforce because no one is inspecting the storm water. There is a dog officer but not an animal officer.

With no other comments, it was agreed to continue the item discussion until the next meeting.

**4. Minutes:** Approval of the 2/3/16 and 1/20/16 meeting minutes.

A motion to approve the minutes from 2/3/16 was made by Mr. Turchetta and seconded by Mr. Ayotte. Motion passed unanimously. Minutes from 1/20/16 were continued until the next meeting.

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

Mrs. Bourbonnais commented that there is a council meeting on 3/14/16 for an affordable housing symposium with the Town Council and the Affordable Housing Committee and asked the Planning Board to attend. On the 28<sup>th</sup> of March, East Greenwich is hosting Grow Smart Rhode Island’s Effective Land Use Review workshop

A motion to adjourn was made by Mr. Tagliatela, seconded by Mr. Ayotte. Meeting adjourned 9:16 PM.