

Planning Board Minutes
July 20, 2016 – 7:00 P.M.
Town Council Chambers
125 Main Street
East Greenwich, RI

Members Present: Steve Brusini, Chair; Michael Donegan, Vice Chair; Jason Gomez; Chris Russo; Dan Tagliatela

Members Absent: Brad Turchetta

Staff present: Lisa Bourbonnais, Planning Director; Aaron Lindo, Planning Assistant; Lorrie Byrne, Assistant Town Engineer; Joe Duarte, DPW Director; Peter Clarkin, Town Solicitor

Mr. Brusini opened the meeting at 7:10 PM and introduced board members and staff present.

1. Master Plan Review of a proposed major land development that calls for 21 new residential units at 1001 Main Street (Map 64, Plat 5, Lot 106). The parcel is owned by Pojac Point Partnership and the applicant is 620 Main Street Associates, LLC. The parcel fronts on Main Street and its only access would be from there. Project is known as Steeple View Place. The property is currently zoned CD-2, Commercial but would proceed through development plan review as a Comprehensive Permit application. Project build-out would include a single structure with a roughly 9,000 square foot footprint. The building would be three stories with seven 943 square foot one-bedroom dwelling units per floor.

David Iannuccilli of 620 Main Street Associates, LLC, came forward as a representative of the application. Mr. Iannuccilli stated that his firm has constructed a number of projects in town and gave brief descriptions of those projects.

Len Iannuccilli introduced the rest of the team working on the project; architect Ed Wojcik; engineer Brandon Carr; and landscape architect Ashley Iannuccilli. He informed the Board that the target buyers for the units will be young professionals as well as more mature single people. The prices of the market rate units were projected to be in the high \$200,000 range. The building is to have features like ample storage, an elevator, a roof-top deck, and it will be close to downtown East Greenwich.

Ed Wojcik, RI Licensed Architect, spoke about the building. The building will have views toward the south west with a staggered front. The first level exterior is to be stone veneer with the upper level being vinyl siding featuring energy efficient windows. There will be a one story fitness room in the rear of the building for the occupants with a roof garden on top. The units will be one bedroom and feature an oversized bathroom, a good sized kitchen, gas fireplaces, and storage in the entire basement with elevator access. The building will be fully accessible and fully sprinklered with fire alarms. There are no issues from a safety perspective. It is still being decided whether the units will be rental apartments or condos.

Mr. Tagliatela inquired about the difference in building footprint from the current building to the proposed building. Mr. Wojcik replied that the original building is wider than the proposed

building. The new building will have less of a presence onto Main Street. On the northern side with the hill, there will be a small retaining wall.

Brandon Carr, an engineer with DiPrete Engineering, described the site from the site plan. The south site entrance will be kept the same for the ingress/egress and there will be no modifications to the sidewalk. The parking lot has been reconfigured to allow emergency vehicles to turn around in the back. In regard to the traffic study, the peak hours for the residences will be offset from the current peaks and there will be less traffic than with the original use (tool manufacturing) of the property. There is adequate site distance in each direction. For the site utilities, the sewer will be reconfigured, water service will be upgraded to accommodate sprinklers, and the existing service lines will be used for electric, gas, cable, etc. There is no stormwater treatment on site currently. There are a series of catch basins to take care of the run-off. Engineering has been done meet the required recharge volume and quality standards for the site. DEM permitting applications have been submitted 2-3 weeks ago and are under review.

Mr. Brusini pointed out that the traffic report was not signed by anyone. Mr. Carr replied that it was probably an oversight but would submit a signed copy to staff. Mr. Brusini asked if the traffic report took into account the previously approved development project across the street. Mr. Carr replied that he was not sure and would have to clarify at a later hearing. Questions about traffic light timing would also be clarified at a later hearing.

Ashley Iannuccilli, landscape architect, was sworn in, introduced herself and stated her credentials. She briefly explained the layout of the project, indicating the plant specimens being used and their locations. She asserted that all the Town's landscaping standards for parking lots will be met.

Mr. Gomez asked about the parking spots and if they were to be assigned. The reply was that it would be on a first come, first serve basis and that the association can assign spots if they chose to later on.

Mr. Clarkin asked how long the affordable deed restrictions were to be. Mr. Iannuccilli replied that they will be 30 years per the minimum requirement under State law.

After a brief recess to allow the public to view the available material, public comment was opened and closed as there were no members of the public who came up to speak.

Addressing Mrs. Bourbonnais, Mr. Gomez asked about the Comprehensive Plan consistency. Mrs. Bourbonnais replied that the property is zoned commercial and remains as such on the future land use map. The Board does not have the authority to modify the Comp Plan so the proposal will need a Plan amendment from the Town Council to alter the maps.

Mr. Brusini gave clarification of the procedure for the project. If the Board favors the project, a motion to approve the Master Plan application would be made as well as a favorable recommendation to the Town Council for the Comp Plan amendment. Mr. Brusini also added that he would like to see revisions and a traffic engineer present at later review stages.

The exhibits were marked and Mr. Gomez made the motion for Master Plan approval, seconded by Mr. Russo. With a discussion of the motion, Mr. Brusini made a motion to amend the motion to approve [see amended Master Plan approval]. Motion to amend seconded by Mr. Donegan and passed unanimously. Motion to approve the Master Plan as amended passed unanimously.

2. Preliminary Plan application of owner and applicant Barbara Pine for “Frenchtown Place”, a ten (10) lot residential cluster subdivision located at pole #38 on Frenchtown Road, being Map 29 AP 18 Lots 60 and 7 on 22.8 acres in a Farm F-1 district, requiring installation of individual on-site wastewater treatment systems, conveyance of a 50-foot wide easement along Frenchtown Brook to the Town, and a waiver for cul-de-sac length.

Representing the applicant was John Brunero, from the Law Offices of Nolan, Brunero, Cronin & Ferrara LTD. Mr. Brusini deferred to Mrs. Bourbonnais for updated procedural information. It was noted that after the staff report was published, a Right of First Refusal (RoFR) was discovered to be recorded over some or all of the subject property. There is a concern that the lot where the affordable unit is to be developed could potentially be eliminated from project by the abutter who could buy that portion of the property and prevent its use for that purpose.

Mr. Brusini raised a concern about the affordable housing ordinance that has been drafted but not yet adopted, specifically as pertains to off-site exactions and he asked the solicitor if the Board had the authority to grant an off-site unit without the ordinance being passed. Mr. Clarkin affirmed that there should not be a problem so long as approval is conditioned upon eventual ordinance adoption.

Another concern raised was about the RoFR being recorded and whether or not any subsequent plan approval given by the Board is considered binding on persons exercising that right. Messrs. Brunero and Clarkin affirmed that the Planning Board’s decision would be binding.

A third concern was the possibility that the subject “off-site” affordable housing location would be considered unbuildable due to wetlands. Mr. Clarkin asked if there was a timeline for when the affordable unit would be constructed.

Mr. Gomez interjected and asked for clarification of the RoFR. Mr. Brusini explained that a RoFR is a contractual right that someone has to be able to buy a piece of property if it is ever sold. For example, if Person A owns a piece of property and may eventually decide to sell it, they can give Person B a contractual right to be able to purchase the subject property first, before soliciting other offers.

Mr. Brunero addressed the concerns in detail. First: The RoFR is subject to the Master Plan approval that was recorded prior thereto which becomes part of the land evidence records, showing the affordable unit as having to be built. Second: if the off-site lot is to be sold to a different buyer, the lot is conditionally subject to the Master Plan approval of this development, whether the buyer is the person currently holding the RoFR or not. Third: if the off-site lot ends

up being not buildable, the applicant assumes that risk and the affordable unit will have to be built on the project site in place of a market rate unit.

Mr. Brunero offered to limit construction to building out 5 of the 10 proposed dwellings first, and no more until the affordable unit is completed. He arguing that the developer must spend money on completing the entire road and other infrastructure for the project and would like that developer to get some money back for the infrastructure work before incurring costs (sometimes a loss on the project) for affordable unit development. In short, Mr. Brunero agreed to a condition that the affordable unit be the 6th unit built, if not constructed before that, and no building permits for additional market rate units would be issued until the affordable unit is complete.

A lengthy discussion was held regarding the procedural issues of the RoFR and the off-site lot. Following the discussion, it was determined that the RoFR is only enforceable between the two parties and is subject to the Master Plan approval recorded before the recording of the RoFR. It was also determined that additional conditions will be assigned to the Preliminary Plan approval to ensure the RoFR will not interfere with the affordable unit being built.

With the procedural issues addressed, Mr. Brunero explained the application. The Master Plan approval was given November 7, 2013 as a 10 lot cluster subdivision with 12 acres of open space (7 useful acres) that would be owned by the homeowners association. The value of the open space would split evenly amongst the lot owners and included with their taxes. He stated that the Preliminary Plan submission is almost exactly the same as the Master Plan approved plan. The only changes are the drainage issues that were not addressed at the Master Plan stage. Approval has been given by RI DEM and the town engineer.

Scott Moorehead, the engineer for the project, was introduced and sworn in. Mr. Moorehead explained more detail of the engineering. The drainage areas would be located in the open space and maintained by the homeowner's association, enforceable by the Town with access if it is not maintained. He went on to explain the other requirements that were set and met.

Regarding the off-site lot (lot 7), the wetlands were flagged and verified by DEM 7 to 8 years ago. Soil evaluations were performed 2 years ago and there is a buildable area of approximately 12,000 square feet which would comply with the zoning setbacks and the DEM wetland setbacks. No permits have been pulled as the applicant was waiting for the affordable housing ordinance to pass and also to see if an arrangement could be made with the Housing Authority for development. There are unit count limitations based on the zoning of the property that the Housing Authority would be exempt from. The DEM permit will be sought as part of the Final Plan approval.

Mr. Donegan asked what the developer's interest is in the Housing Authority building the affordable unit. Mr. Moorehead replied that not-for-profit agencies like the Housing Authority have access to funding sources that private developers do not have. Private developers always lose money making affordable units but the Housing Authority could make it more economically viable to develop.

Mr. Tagliatela asked what the anticipated price point would be for the 10 market rate units. Mr. Brunero replied that he does not know who the developer is going to be but he gave an estimate of more than \$600,000 or \$700,000. Since the affordable unit would be off-site, the standard of similarity to the market rate homes does not apply. If the affordable unit is on site, the exterior character of the unit would be similar but the interior of the unit would be different and more economical.

Mr. Brunero was asked if he perceived any adverse impact on property values resulting from the subdivision and he replied that he did not see anything adverse but would more likely expect an increase in surrounding property values.

After a brief break to let the public see the plans, the meeting resumed and public comment was opened.

Robert Clark of 902 Frenchtown Road was sworn in. He questioned the riprap inlets, swales and stormwater runoff in general. Mr. Moorhead explained grading and that the stormwater design is to keep water and runoff away from Mr. Clark's lot. Mr. Clark questioned the maintenance of the stormwater structures. Mr. Duarte explained that all catch basins get cleaned every year and swales as needed, but every 3 years at a minimum. The town will take care of what happens in its right of way. Frank Morosky, also an abutter, echoed similar concerns.

With no other members of the public commenting, public comment was closed.

Mr. Brunero had nothing further to say and the exhibits were marked. Mr. Brusini stated that there would be a ten minute recess to read the RoFR as none of the board members had seen it before the meeting and consider a motion.

After resuming, Mr. Donegan made a motion to approve with conditions, seconded by Mr. Russo. The motion was discussed and the board decided that the affordable unit must be built by the time half of the project (5 units) is complete. Mr. Brusini made a motion to amend the motion to approve and presented a comprehensive list of amendments. Mr. Russo seconded the motion to amend. Mr. Donegan commented on the impact of the RoFR and Mr. Brunero stated that the applicant assumed all of the risks involved. After a vote, the motion to amend the motion to approved passed unanimously as did the motion to approve the Preliminary Plan (see decision).

3. Minutes: Approval of the June 15, 2016 meeting minutes.

The minutes of 6/15/16 were continued as there were not enough members present to vote.

4. Planning Board Member Comments: For items not on the agenda and not relating to specific applications. None.

Mr. Gomez made a motion to adjourn, seconded by Mr. Donegan. Meeting adjourned at 10:06 PM

Minutes respectfully submitted by Aaron Lindo, Planning Assistant.

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