

**MINUTES**  
**Town Council**  
**Town of East Greenwich**  
**Regular Session**  
**August 22, 2016 @ 7:00pm**  
**Town Hall, 125 Main Street, East Greenwich, RI 02818**

7:00pm ~ Call to Order & Pledge of Allegiance to the American Flag

Town Council: M. Isaacs, S. Cienki, M. Schwager, W. Stone, S. Todd

Town Staff: T. Coyle, L. Botello, L. Bourbonnais, J. Duarte, P. Clarkin, S. Brown, S. Cirella, R. McGillivray, M. Sullivan

Others: C. Malaga

President Isaacs called the meeting to order at 7:07pm and led the assembly in the Pledge of Allegiance to the American Flag.

Acknowledgments

- Pat Lenihan for being named The Kent Washington Association of Realtors 2016 Realtor of the Year
- James Guliano for completing an internship program and volunteering in the Town Clerk's office
- David Eaton for serving on the Planning Board
- John Ayotte for serving over three years on the Planning Board
- Larry Tocci for serving over ten years on the Juvenile Hearing Board
- Brian Gemma for being nominated for the 2016 Wendy's/Peter Bennett Scholar-Athlete Scholarship
- Maria Nunez for being nominated for the 2016 Wendy's/Peter Bennett Scholar-Athlete Scholarship

Pat Lenihan was continued to September 19, 2016.

VP Cienki moved to approve all the acknowledgements except Pat Lenihan, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

James Guliano was congratulated by Council. Ms. Botello thanked him for his service to the Town and James' mother, Jean Ann Guliano, voiced her appreciation for the opportunity the Town gave her son.

1) Town Council Minutes

- a) May 2, 2016 (Special and Executive Sessions)
- b) May 3, 2016 (Special Session)
- c) May 11, 2016 (Special Session)
- d) May 23, 2016 (Regular and Executive Sessions)

Councilor Stone moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

## 2) Reports and Communications

- a) Public Comment (15-minute time limit for items NOT on the agenda)

None

Moved to Item 4

## 3) Public Hearing

- a) Ordinance in amendment of the Zoning Ordinance Chapter 260 and Comprehensive Plan to re-zone property on the south side of Middle Road (near pole #104) known as Map 52, Plat 11, Lot 499 and a portion of Lot 500 (SECOND READING).

Attorney William Landry, representing the applicant Philip Ryan Homes, provided extensive details on the scope of the project which included a petition for a zone change from Light Industry/Office (LIO) to R4 (Residential). The site had received previous approval for an office complex. He stated that the site is identified in the Comp Plan for housing initiatives including affordable housing and that public water and sewer are available. He expressed the view that the request for R4 is based on a conservative density number. He added that the fiscal impact on the Town would be positive and the project would offer a diversified housing option for the 55 and over demographic. He referred to other parcels zoned LIO. The density for this project versus Pine Glen was noted. An agreement was reached with On Semiconductor to obtain 78 feet for a buffer zone.

Leonard Bradley with DiPrete Engineering distributed maps of the site's aerial view, existing conditions and future site plans (Applicant's Exhibit 1) along with his resume (Applicant's Exhibit 2). He explained what has been done at the site over the last 10 years and spoke about wetlands and setbacks. Further details were given on roadways, driveways/parking, sewers, water system, fire safety and storm water. The next steps are to follow up with DEM, KCWA, Town engineers and then go for preliminary plan approval by the Planning Board. Final plan approval, if granted, would allow construction to begin. Additional land acquired by On Semiconductor was identified which provided for more spacing between units. A map entitled Density Comparison to Pine Glen (Applicant's Exhibit 3) was distributed. Density calculations they used were explained and debated for accuracy. Councilors questioned Mr. Bradley's calculations since he excluded the affordable housing units from the calculation, resulting in calculations of density that were not accurate and which did not present a true and meaningful comparison of the density with Pine Glen. Other errors used in his data were also discovered and pointed out. A map entitled LIO Zoning Exhibit (Applicant's Exhibit 4) was reviewed to identify existing LIO parcels and future land use LIO parcels. The map was disputed as it does not show vacant or occupied lots. He explained that the entrance and exit was designed to keep the residential traffic flow out of an industrially zoned area. Traffic congestion on Middle Road and fire safety and access were concerns of Council.

Diane Soule, a landscape architect, provided an explanation on an illustration (Applicant's Exhibit 5) which depicted elevation and proposed buffers looking west along entrance and south from Middle Road.

Paul Bannon, Senior Project Manager with Beta Group, referred to the Traffic Impact Study (Applicant's Exhibit 6). He explained the process of preparing for the study. It was reviewed by the Planning Department staff, Technical Review Committee, Planning Board and an independent traffic engineering firm. It was concluded that the proposed community has adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the area. Ms. Bourbonnais added that although the peer review by Ms. Novo was favorable, there are issues on Middle Road that exist. She speculated that timing of the traffic signals could help and applicants have agreed to approach DOT. Mr. Duarte had concerns related to the turning radius of fire trucks and snow removal and asked to have the islands in the cul-de-sacs removed. Discussion followed on options for final design elements. Designated areas for snow and mitigating traffic issues on Middle Road were also briefly discussed.

Joseph Lombardo, Planning Consultant, provided his analysis of the Town's Comp Plan, specifically the goals related to housing and how it ties in with economic development in the community. A profile of East Greenwich home prices was distributed based off of the website Housing Works (Applicant's Exhibit 7). He noted that the Town has not met its mandated 10% for affordable housing and that the site is capable of having higher density because services are already in place. He added the project coincides with the Comp Plan's target for elderly and family units. Addition points made were related to converting parcels from one zone to another, density numbers and the need to have all types of housing to allow for down-sizing. A summary of the Fiscal Impact Study (Applicant's Exhibit 8) was provided. The study compared the proposed project to other potential uses such as an office project and a light industry project. Anticipated selling prices were debated as they were referred to as assessed values in the report and appeared to be high. Discussion continued on the possibility of legally guaranteeing age-restrictions and the improbability of housing school-aged children. Anticipated revenues and expenses for all three examples were highlighted. The revenue projections for commercial properties do not include tangible taxes. Conservative estimates were requested by the Tax Assessor. The analysis was criticized by Councilors as overstating potential tax revenue from residential development and understating the potential tax revenue from potential commercial development.

Thomas Primeau, the developer of the project, 30 Trappers Lane, commented that there is no age restriction at Vistas on the Trail. He explained that the values of the units at Fry Brook are more comparable to the proposed project than the values at Pine Glen. Reasons that age-restrictions are enforceable were given.

A lengthy discussion followed on the issues of private versus public roads and what type of mechanism can be developed to provide a greater security for performance for Town. There was a discussion of the numerous other projects by Mr. Primeau in which there has been non-performance and for which performance bonds were called. It was noted that the project is private and the Town is not obligated to provide any services and the developer will not need to make any public improvements. A condition presented by VP Cienki to include monitoring by RI Housing et al to verify age-restricted compliance was discussed.

Allen Gammons, 80 Pheasant Drive, realtor, resident and part owner of the land for the proposed site explained that marketing and selling the parcel over the past 10 years has been difficult. He stated that the Town needs more options like this project for families that are down-sizing, are accustomed to luxurious living and like to be close to the amenities.

The applicant was amenable to discussing making the roads public versus private.

Robert Vespia, 155 Shippeetown Road, was concerned with statements made related to school-age children and emergency access with cul-de-sacs. He asked if the traffic study was done when school was in session and if it took into account school start time changes. It was confirmed that the study was done when school was in session and during peak commuter time.

Richard Portno, 177 Pine Glen Drive, commented on statistics of Pine Glen versus the proposed project, results of previous Zoning and Planning Board meetings, traffic study, a single point of entry and exit, hazardous waste on the site and the proximity of the access road to Pine Glen.

Allen Gammons advised that although there was a spill in the 1980's, there was no evidence of contamination when he purchased the property.

Chief McGillivray was in favor of the removal of the cul-de-sac islands and a second exit/entrance.

Susan Baxter, an EG resident, spoke in support of the project because it is an option for municipal workforce professionals.

Ken Fish, 171 Pine Glen Drive, spoke in opposition of the project because it lacks a second exit and it creates a four-way intersection across from Pine Glen which is a private road. He was concerned about the integrity of the density figures and the assumptions used on income.

Irving Waldman, 150 Pine Glen, was concerned with snow stacking, minimal parking and a single entrance/exit. He felt the testimony of the realtor should not be considered.

Ray Gilmore, Princess Pine Drive, reiterated that there are not many options for down-sizing and the Town is behind in meeting age-restricted housing percentages. He suggested Town Council review Section H of the Comp Plan and Section 6 related to scenic routes, one being Middle Road.

Councilor Stone moved to continue the Public Hearing to September 19<sup>th</sup>, seconded by VP Cienki. Voted 5-0 all in favor, motion carried.

#### 4) Consent Calendar

- a) Ratification of Outdoor Sidewalk Liquor Service, Session 2 August 1 – October 31:
  - i) Dante's Kitchen, 315 Main Street
  - ii) Fat Belly's, 241 Main Street

- iii) Rasa, 149 Main Street
- iv) Red Stripe, 455 Main Street

b) Ratification of TRANSFER of Victualing License for “Raw Bob’s Organic Juicery”

FROM: Raw Bob’s LLC, 249 Main Street  
TO: PB & J, LLC, 333 Main Street

VP Cienki moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

Returned to Item 3

5) Unfinished Business

a) Approval of Sewer Budget FY 2017

VP Cienki moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

6) New Business

a) Amendment to the Future Use Land Map of the Comprehensive Plan for consideration of the project known as “Steeple View Place” (FIRST READING AND INTRODUCTION).

VP Cienki moved to introduce on first reading and set for Public Hearing on September 19<sup>th</sup>, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

b) Recommendation from the Tax Assessor to rename four (4) properties on London Street:

- i) Map 75 Plat 1 Lot 339 formerly 74 London Street change to 65 Water Street (Dellagrotta, Michael)
- ii) Map 75 Plat 1 Lot 392 formerly 70 London Street change to 69 Water Street (Director, Marla)
- iii) Map 75 Plat 1 Lot 131 formerly 66 London Street change to 75 Water Street (Kasyan, Mary)
- iv) Map 75 Plat 1 Lot 185 formerly 52 London Street change to 85 Water Street (Omera, Lisa)

Councilor Todd moved to approve, seconded by VP Cienki. Voted 5-0 all in favor, motion carried.

c) Recommendation from the Tax Assessor for Abatements to the 2012, 2013, 2016 Motor

Vehicles and 2016 Real Estate tax rolls in the amount of \$863.11 and Additions to the 2016 Real Estate and Personal Property tax rolls in the amount of \$44,038.02.

VP Cienki moved to approve, seconded by Councilor Stone. Ms. Peixinho explained the open space penalty. Voted 5-0 all in favor, motion carried.

- d) Recommendation from the Tax Assessor for Abatements to the 2011, 2012, 2013 Real Estate Tax rolls in the amount of \$21,631.22.

VP Cienki moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- e) Recommendation from the Tax Assessor for Abatements to the 2015 Personal Property tax roll in the amount of \$3,923.66.

VP Cienki moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- f) Award of bid to Flood Ford of East Greenwich for the purchase of a 4 X 4 Utility Truck in the amount of \$53,850.00.

Councilor Stone moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- g) Appointment of a regular member to the Juvenile Hearing Board to fill a vacancy for a 3-year term to expire December 1, 2016.

Councilor Stone moved to appoint Heather Larkin, seconded by VP Cienki. She is currently an alternate member and has been recommended by the Chair. Voted 5-0 all in favor, motion carried.

- h) Approval of Agreement between Town of East Greenwich and East Greenwich Municipal Employees Association (NEARI) for the term July 1, 2016 through June 30, 2019.

A summary of changes was provided by the Solicitor.

Councilor Stone moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

#### 7) Town Manager's Report

Mr. Coyle attended the ribbon cutting ceremony at Twig's. Next Friday is the Summer's End concert and plans are in place for Fire and Police services as needed. The ribbon cutting at the McHale property is pending and the Main Street Stroll was very successful.

#### 8) Council Comments

None

9) Public Comment (15-minute time limit)

None

10) Executive Session per RIGL 42-46-5 (a) (2) Collective Bargaining/Litigation and (5) related to the acquisition or lease of real property for public purposes.

VP Cienki moved to go into Executive Session per RIGL 42-46-5 (a) (2) Collective Bargaining/Litigation and (5) related to the acquisition or lease of real property for public purposes, seconded by Councilor Stone. Roll call vote 5-0 all in favor, motion carried.

- a) Union negotiations
- b) Update on any pending or previously settled litigation cases
- c) 333 Main Street

Following the Executive Session, VP Cienki moved to return to Open Session, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

VP Cienki moved to seal the Executive Session minutes, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Councilor Stone moved to adjourn at 10:45pm, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Leigh A. Carney, CMC  
Town Clerk

**APPROVED BY TOWN COUNCIL OCTOBER 13, 2016**