

Planning Board Minutes

April 7, 2021

Virtual

7:00 PM

Present: Ben Lupovitz, Vice Chair; Chris Pels; Eric Jautaikis; Marc Gertsacov; Matt Yoder; Matt Renninger

Absent: Nate Ginsburg

Staff: Lisa Bourbonnais, Planning Director; Mike Ursillo, Town Solicitor; Andy Teitz, Solicitor; Mark Conboy, Town Engineer

1. Call to Order

2. Roll Call

3. Consent Agenda - Administrative Approvals

- A) An Administrative Subdivision involving the Kentish Guards Armory was recorded on 8/20/20 as Plan #981. This plan redrew the lot line separating the parcel associated with the Armory from the adjacent property at 100 Peirce Street (aka "Knowles House," Assessors Map 85, Plat 1, Lot 214). A subsequent error was found on that plan which has now been corrected with the recording of Plan #990 – recorded 3/10/21.

A motion to adopt to the consent agenda was made by Mr. Pels, seconded by Mr. Renninger, and passed unanimously.

- 4. Review of a major revision to the approved Final Plan of a solar project** that appears to meet the definition of a Major Land Development. Applicant is NuGen Capital Management, LLC and the owner is Briggs Drive Associates. Location is **10 Briggs Drive**, (formerly known as Bostitch) being Assessor's Map 36, Plat 16E, Lot 36. Project involves expansion of the solar energy project currently under construction there to include ground-mounted panel installation (thereby augmenting the major roof-top system already approved). The current application requires a special use permit from the Zoning Board of Review (granted February 23, 2021) before the final plan can go back to the Planning Board.

Laura Frazier from NuGen Capital represented the application.

Ms. Frazier explained the application. The ground mount solar totals 180 KW AC and has approximately 3 inverters and 630 panels. The project is going to be a part of the Rhode Island Growth program. The fire chief and fire marshal asked for a vegetation plan which was sent to them. The contract is for about 20 years and the end of the contract the landlord can buy the solar project or it can be dismantled.

Ms. Bourbonnais commented that there were questions about the vegetation that came up in the TRC meeting. The Zoning Board felt strongly about keeping certain buffering vegetation. The fire department has a little bit of a concern about brush fires and wanted to make sure the vegetation is going to be well managed.

Most of the solar projects around the state are situated on grass. The Planning Department does not have any other outstanding concerns about the project.

Ms. Bourbonnais pulled up the plan to show where the solar array was situated. The location was selected because it is out of the way and mostly hidden from view from the street. There are existing evergreens in the front of the site that the ZBR wanted assurance would remain intact. There haven't been any concerns about the project from an abutter stand point.

As a major plan revision, the plan is reverted back to a preliminary approval. The applicant can proceed to administrative final approval assuming the preliminary plan is passed.

Mr. Jautais asked if there would be any significant sun glare at any time of day from the solar panels. Ms. Frazier commented that there is an anti-glare film on the panels that will not produce a glare. Studies were provided at previous Planning Board meetings demonstrating the anti-glare properties.

Public comment was opened and closed as there were no one to speak for or against the project.

Mr. Renninger asked if there was any plan to add to existing vegetation along the street. Ms. Frazier commented that the plan is to keep the vegetation where it is and maintain it at the fence line height.

A motion to was made by Mr. Gertsacov to approve the project which was seconded by Mr. Yoder. Motion passed unanimously 6-0-0.

5. Final Plan Review: GSA Properties, LLC for the Highland Woods Major Subdivision – Phase 1.

Property is located at the end of Princess Pine Drive and Tipping Rock Drive in the vicinity of Taggart Court; Assessor's Map 7 A.P. 19 Lots 12 and 156 (Zoned F-2, Farm). The Applicants have proposed a 25-lot subdivision on the roughly 79 acre site but the Phase 1 Final Approval would consist of 10 lots on about 34 acres. Ten new 4-bedroom homes would be built at the northern and westernmost edges of the site. Tipping Rock Drive would be extended southward to meet an extension of Princess Pine Drive.

The project's "Inclusionary Zoning" affordability component would be met off-site, consistent with the Preliminary Plan approval.

Audie Osgood from DiPrete engineering represented the application and sworn in. He gave a background on the project. The plans have been unchanged since preliminary plan aside from some minor technical items that were addressed as a result of the TRC meeting with town staff. Mr. Osgood shared his screen and walked through the project, describing the existing conditions and the proposed plan. He also discussed where the offsite affordable housing would be located.

Ms. Bourbonnais gave a background on how offsite exaction affordable housing works with this project. The developer has purchased offsite homes and rehabbed them. In this phase of the project the developer is slated to deed-restrict 2 affordable units. For phase 2, the developer will owe the town 3 more deed-restricted units. The locations of the remaining 3 units is yet to be determined.

Mr. Yoder asked if the applicant could be held accountable for adhering to standards of the type of housing

that could be used as the deed-restricted affordable housing units. Mr. Teitz opined that if the Planning Board wants to stay involved with the affordable housing aspect, they could request that the final approval of the phase 2 comes back to the Planning Board and not be approved administratively.

A discussion was held regarding the affordability component. The way the ordinance is currently written, the affordable units shall come online proportionate with the market rate units. For the first 5 lots, the applicant owes 1 unit. 4 market rate houses can be built but the 5th cannot obtain a certificate of occupancy without bringing the 1 affordable unit online.

Regarding the timing of the buildout, Mr. Osgood commented that the developer would like to start building as soon as possible after the final decision is rendered and the outstanding engineering comments are addressed. The time frame for the full build out of phase 1 is slated to be 3-4 months.

Mr. Osgood walked through the memorandum from the DWP comments and explained how they would be addressed. The applicant had no objections to meeting any of the conditions proposed.

Mr. Lupovitz asked Mr. Conboy to weigh in on the discussion. Mr. Conboy has had detailed discussions with Mr. Osgood for the past week and he commented that the applicant has met most of the conditions. There are a few items that are forthcoming that will need to be reviewed but it will be able to work out fairly easily since there seems to be enough area to make the revisions on the plan. Mr. Osgood replied that the revisions have been made but they have not been submitted yet.

Mr. Lupovitz asked if there is anything in the draft motion that needs to be adjusted. Ms. Bourbonnais replied that there was apprehension regarding the affordable units and asked if the Board wanted to change anything in the language. Mr. Gertsacov commented that the second phase is an administrative review and would like to see the plan come back before the Board to make sure the affordable units are at a comparable standard. Ms. Bourbonnais commented that condition 7 in the draft motion will be struck.

Public comment was opened.

Patrick Bauer, an abutting neighbor on Tipping Rock Road, asked questions regarding what is to be expected, the timing of construction is, and the construction disruption anticipated. Mr. Osgood replied that the construction for the road will begin in a few weeks. Once the roads are complete, the developer intends to post a bond for the remainder of the work which would allow him to record the plan and begin selling lots. Construction beyond that would be entirely up to individual lot buyers. The developer intends to live in the development but not on the first 10 lots.

Public comment closed.

Mr. Osgood stated for the record that the project is consistent with the comprehensive community plan and the general laws of the state of Rhode Island. It is in compliance with the provisions of the provisions of the East Greenwich zoning ordinance. There are no negative environmental impacts that would be caused as a result of the project. There are no individual lots being created with physical constraints and that all lots will have permanent access to a public street.

There was further discussion regarding the affordable units and the phasing of the project. Mr. Teitz advised

that the two units that have been identified shall have the deed restriction recorded before any construction from phase 1 commences. All three of the remaining offsite affordable units will have the deed restrictions recorded before phase 2 is presented to the Planning Board. The Board was collectively agreed with the suggestion.

Ms. Bourbonnais commented that condition 4 in the draft motion regarding of the timing of the affordable units will be revised to indicate that per East Greenwich zoning code, two affordable units shall be provided in association with phase one of the development. Two such units have already been identified off site, acquired by the developer and accepted by the Planning Board. Deed restrictions must be recorded and a monitoring agent named for those units prior to any permits for new market rate units in the development. Condition 7 will also be revised to indicate that final review for the remaining phase shall be conducted by the full Planning Board. The developer shall specify the locations of the proportionate share of affordable units to be brought online concurrently with the market rate units in the project.

Ms. Bourbonnais read a review of the conditions for the record. Mr. Gertsacov made a motion to approve the draft motion as revised, Mr. Renninger seconded the motion. Motion passed 6-0-0.

6. Minutes – The Board is asked to review and approve minutes of the 3/3/21 and 3/17/21 meetings.

A motion was made Mr. Yoder to accept the minutes with Mr. Pels as a second. Motion passed unanimously.

Mr. Gertsacov made a motion to adjourn. Meeting adjourned.

Minutes respectfully submitted by Aaron Lindo, Planning Technician.