

Planning Board Minutes

May 5, 2021

Virtual

7:00 PM

Present: Nate Ginsburg, Chair; Ben Lupovitz, Vice Chair; Chris Pels; Greg deGroot; Marc Gertsacov; Matt Yoder; Matt Renninger
Absent: Eric Jautaikis
Staff: Lisa Bourbonnais, Planning Director; Andy Teitz, Town Solicitor

1. Call to Order

Mr. Ginsburg called the meeting to order at 7:02.

2. Roll Call

3. Consent Agenda

- a. **Extension: Required 5-Year Master Plan update for the New England Institute of Technology Campus located at 1 New England Tech Boulevard** - Assessor's Plat 80 Plat 12 Lot 76 and Assessor's Plat 70 Plat 12 Lots 16, 576, 577 & 578. The Campus received a Master Plan approval in June, 2015 and it was acknowledged that full campus build-out would be a very long-term endeavor. Approvals required that the Master Campus Plan be revisited with the Planning Board every five years. The Institute submitted a required plan update in April, 2020 but the global COVID-19 health emergency created some uncertainty in their plans. They appeared before the Planning Board in May, 2020 to request a one-year extension of the re-visit to allow time to adapt and reconsider. The extension was granted but the Institute finds itself still on tenuous ground in terms of long-range planning. They seek a second one-year extension. Section 263-16 (Master Plan General Provisions) Sub-Section G, "Vesting" of the Town's Land Development and Subdivision Review Regulations states, "Vesting may be extended for a longer period, for good cause, if requested by the applicant, in writing, and approved by the Permitting Authority. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials."

New England Tech requested a 1-year extension which is allowed by right and addressed in the subdivision regulations. When they come back to the Planning Board, they will present an updated Master Plan.

Mr. Lupovitz recused himself from the item as he is a contractor with the school. A motion was made by Mr. Gertsacov, seconded by Mr. Pels, and unanimously passed with Mr. Lupovitz recusing.

4. **Robert Plain** – Pre-application for a Comprehensive Permit Land Development. Applicant is only adding one dwelling unit at the property but the project is classified as a Major Land Development because of the zoning relief involved. Property is located at 50 Vine Street - Assessor's Map 75 A.P. 3

Lot 221 (Zoned R-6, Residential). The existing house at 50 Vine Street has a front setback encroachment and the house will be expanded. A second structure will be added which will also have setback encroachments. The lot is undersized for two units (6,686 square feet where 10,000 square feet are required). Property is located within the historic district and abuts the Amtrak rail right of way.

Mr. Plain represented the application. He explained that he wanted to remove an old barn on the property and replace it with a garage and with a dwelling unit above, as well as adding a third bedroom and a half bathroom to the existing unit. The thought is to have the two units feel like they are their own units. The existing house is currently a rental unit for the applicant and it is assumed that the second dwelling unit will be a rental as well.

Mr. Plain commented that he would like the new unit to have its own address. The tenant that is currently living in the existing unit has been there for a while and has an interest in buying the house.

Mr. Ginsburg asked about the setbacks in an R-6 zone. Ms. Bourbonnais replied that the setbacks are 10 feet for front and side and 20 feet for the rear setback. If the secondary structure was just a garage as an accessory structure, it could be 5 feet off the lot line but because it is also a dwelling unit, it is held at the 20 foot rear setback requirement.

Mr. Teitz asked the applicant to clarify which unit would be deemed affordable. Mr. Plain replied that the existing house is proposed to be the affordable unit. The new unit would be market rate.

Mr. Gertsacov asked about the surrounding lot sizes. Ms. Bourbonnais replied that the information was in the staff report. The surrounding neighborhood is comprised of properties that have condos and not single family homes. The lot across the street is about 15,000 square feet with 3 condo units.

Ms. Bourbonnais commented that the application is a unique request as an accessory apartment but there are a lot of duplex and multifamily units in the area. The front setback encroachment is really common on the east side of Main Street. It is a common characteristic in the historic district.

Mr. Lupovitz commented that the application is an unusual project and asked if there was any precedent of something similar in town. Mr. Plain replied that he didn't know if there was any precedent for this kind of project in East Greenwich but he noted that there was an article in the Providence Journal that referenced that the General Assembly of Rhode Island is considering making these types of projects, infill accessory dwellings, function as affordable housing. He opined that these types of projects are going to be a lot more common place in the future for land use development. Ms. Bourbonnais added there are proposals at the state level to pre-empt the town to allow this type of project and that these types of projects have been normalized in other communities.

When there are accessory dwelling units proposed on existing single family house lots, it is usually as an in-law apartment for an aging parent or a young offspring to live onsite in an accessory unit. Some of them are by-right and some of them require zoning relief. This just adds a non-family member rental unit.

Mr. Pels commented that the area is very mixed. The proposal abuts the railroad at the end of the street and it doesn't seem like it will have much of an impact to the area from a multi-unit perspective.

Mr. Lupovitz agreed with Mr. Pels but he is concerned by the precedent that would be set by permitting a project like this going forward. For some people, it is going to appear that this is a creative angle to take a really small lot and capitalize on the value of the property.

Mr. Teitz commented that the multi-family use is allowed in the R-6 zone. The dwellings could be physically attached and still need dimensional relief. The project fits into a lot of the goals that the community has in regards to affordable housing.

Mr. Ginsburg commented that the project is similar to a 12-unit project that the Board has approved. He opined that the Board would be setting some sort of precedent of allowing density that is greater than what is permissible by code. He added that this would allow the historic district to get overcrowded and over built. This sort of proposal is the reason why we have modern zoning codes. It is at the end of the road and it is not going to have a large impact but the project is taking a non-conforming dwelling and expanding it, which is getting further away from the goals in the zoning code. He would rather see one building on the lot.

Mr. Plain commented that he proposed the project as deed-restricted and agreed that the lot is not the best place to have deed-restricted affordable housing. It is already non-deed restrictive affordable housing currently. Most of the housing in the area are below the median income level. Regarding the modern land use zoning, he opined that it is moving away from larger setbacks and moving toward more infill, especially in areas that are close to urban centers like downtown East Greenwich. This and many lots downtown used to be two-family lots. The existing barn on the property has a bathroom in it and used to be a dwelling unit. Projects like this are getting the hill and harbor district back to what it historically used to be. This kind of land use is going to be used in the future and more people will do this type of project.

Mr. Renninger asked about the footprint and the square feet of the living quarters. Mr. Plain replied that the footprint is the same in both options of the project and the living quarters is estimated to be 500 square feet. Parking for both units will be on the east side of the lot. The parking was designed so that car traffic will be improved.

Mr. Yoder commented that he has experience with this type of project and believes it to be a trend going forward. He feels that the project is an improvement of the property but care must be taken because it does set precedent.

Board Comments:

Mr. Lupovitz commented that he is unfamiliar with this type of project and would like to know a little more about it. If it does not violate anything in the zoning code and it has the Town's support, he is inclined to give support. The only concern is of unanticipated consequences. The Board should proceed with caution and continue the dialogue.

Mr. Pels commented that good points were made for setting precedent. From a practical perspective, the project is a positive. A continued dialogue is important.

Mr. Renninger agree with previous board members about precedent. More living space would make the

project more palatable. The project fits the area and is something that the Board should move forward with.

Mr. Gertsacov commented that he feels fairly positive about the design and proposal overall and is not concerned about building in the area.

Mr. DeGroot shared the precedent concerns that were expressed. The project fits the character of the district in a larger sense and fits the character of the sub-neighborhood. It is a positive contribution to the neighborhood as a whole and agrees with the applicant that option A is better than option B.

Mr. Yoder commented that he feels that the most important part is that it makes the neighborhood better. He agreed with the previous comments from Board members.

Ms. Bourbonnais asked if it is worth exploring the units being connected. Mr. Plain explained that he thought the units being attached does not fit in with the historic nature of the neighborhood.

5. **John D. Holmander** for Pilot Properties, LLC – Pre-Application Review of a Comprehensive Permit Major Land Development. Location is 25 Franklin Road being Assessor's Map 45, Plat 11, Lots 10 and 22. Project involves construction of 12 new attached, 2-bedroom dwelling units, three of which will meet the State's definition of Affordable. Property is Zoned CH – Commercial Highway - and comprises 77,972 square feet of land area, although the two lots will be reconfigured as part of the project.

Attorney John Revens represented the application. With him was Mike McCormick, surveyor, Ed Wojcik, architect, and John Holmander, applicant.

Mr. Holmander was sworn in and explained the project. The property was purchased a few years ago with the intent of developing a brewery. It became apparent that there were obstacles that he did not wish to overcome. He paused development, read the town's Comprehensive Plan, and found that the lot had been designated for affordable housing. Apartment complex with 20 units was originally designed and through working with the town and the architect, a plan was redesigned for a 2 structure complex with 12 units total. The plan is respecting the R-30 zoning designation which is the zone for the abutting neighborhood. The drainage was modified to follow the town's regulations. The units are proposed to be 1386 square feet with two bedrooms. 3 of the 12 units will be deed restricted affordable.

Mr. Revens commented that there are a few small matters in the application. The project is providing more parking than is required by town regulations. The additional parking required a structure to be moved back slightly into the setback. The added parking of 6 additional spaces was provided for overflow to keep cars off of the street. The building was moved 5 feet to the west.

Ms. Bourbonnais commented that parking has been an impediment with previous projects and the town does not want overflow parking on Franklin Road. Staff favors the additional parking but it is not required by the applicant.

Regarding the buffer between the neighborhoods, there is a 30 foot wide drainage easement and a swale that collects runoff. The slopes to the swale is wooded. The applicant would maintain as much as the buffer as

possible with additional vegetation which would provide more than adequate screening. The project would not be discharging at all into the swale. The berm that is already in place would not be disturbed.

Board Comments:

Mr. Yoder asked about the environmental history and what impacts it might have on the area. Mr. McCormick commented that the lot is not in a flood zone and the site has never flooded. The impervious surfaces will be maintained. Mr. Holmander added that the reason the drainage swale floods is because the abutting neighborhood dumps leaves and yard debris into it which clogs the drainage pipes and results in flooding of the street. The berm that is along the back edge is well above where the water elevation usually is. When the engineering is done, the applicant will be sure the berm is high enough that the water will not flow into the lot.

Ms. Bourbonnais commented that the scenario that Mr. Holmander described is exactly what happens and has been confirmed by the DPW. The Town expects that this project will be able to handle all drainage on site.

Steve Cadorette, the project engineer, was sworn in. He echoed what Mr. Holmander said and added that the applicant will maintain the grade difference in the swale on Franklin Road so water will not flow into the site.

Mr. Lupovitz asked if there were any concerns about the waivers. Ms. Bourbonnais commented that she would like to hear from the Board regarding the parking and setbacks. The site is in a CH zone but as a Comp Permit they are allowed to treat the site as a R-30 zone. The variances are not egregious and there are no major concerns about the setback issues.

Mr. Ginsburg commented that the project is a Comprehensive Permit project. The site was identified to have affordable housing as a use. The additional 5 feet encroachment helps out the site a lot in regards to parking and he is in support of allowing the reasonable setback relief.

Mr. Gertsacov asked if the applicant had looked into coming in from Post Road rather than Franklin Road. Mr. Holmander commented that the front lot is occupied by Anderson Ski and Dive and he does not want to disturb an existing business. If the project were to incorporate the front lot, there would be a different dynamic. There was thought about incorporating the front lot but the applicant chose not to.

Mr. Pels commented that he liked the idea of overflow parking to reduce the chance of people parking on the street. It makes more sense for the entrance to be on Franklin Road.

Mr. DeGroot underscored what Mr. Pels expressed. The minimal setback relief is more than outweighed by the positive impact of the overflow parking. Franklin Road is more appropriate for residential access.

Mr. Lupovitz commented that Franklin Road access is probably safer than Post Road. Having more parking for the units is a plus. He had no objections at this stage.

Mr. Renninger stated that he did not have any major objections to the project. Franklin Road is the appropriate access for the project. He is looking forward to seeing what the residents have to say and to see

what happens going forward.

Mr. Ginsburg commented that a “hammer head” drive way in the back of the lot would make sense for emergency vehicle turnaround. He would like to see some outdoor recreational open space as well as plantings on the west side of the property. He is in support of the overflow parking in that access point. Overall, the project makes sense in the location.

Public Comment

Mr. Teitz commented that the meeting is not a public hearing. If the Board wants to hear people speak, it can be allowed but it should not be a dialogue. Do not respond to the public comment until after everyone has spoken.

David Gecawich, 80 River Farm Drive, sworn in.

Mr. Gecawich stated that he appreciated the need for affordable housing but had several concerns that the project is inconsistent with the Comprehensive Plan. The proposed zoning is going from a CH zone to an R-30 zone which have vastly different setbacks. He was concerned that the area was environmentally sensitive with the watershed and well heads being located close by. He is also concerned about the flooding that occurs in the area because of the culvert and drainage area overflowing during certain storm events. It is not known what is going to happen by altering the embankment. Mr. Gecawich added that he was concerned about the lighting situation on Franklin Road as well. He does not think the project has been planned out or thought through.

Ritesh Rathore, 20 River Farm Drive, sworn in.

Mr. Rathore reiterated the flooding issue. His main concern is the data and statistics for the numbers calculated for the parking and the number of units on the lot. He also agreed with the concerns about the lighting.

Public Comment closed.

Mr. Ginsburg asked for comment about what the Comp Plan says about culverts. Ms. Bourbonnais deferred to the DPW about culverts. They will have ample opportunity to comment on the issue in future meetings. She agreed that the wellheads make the area sensitive. The process is laid out in state law and local code that requires the Town to coordinate with adjacent towns and KCWA. They will also have an opportunity to comment at the preliminary plan stage about this project on their infrastructure and their ability to provide public services.

Regarding the flooding situation, that concern will also be deferred to the DPW who will weigh in and will abide by the stormwater regulations.

Regarding the lighting required for Franklin Road, it is not known why the road is lit the way that it is. The applicant is only concerned with the lighting on the site. Streetlights are a different conversation which concerns the Town.

Mr. Ginsburg commented that it would behoove the applicant to come back with information on the impacts

to the culvert, drainage, and wellheads.

Board Comments

Mr. Pels did not have much more to comment. Some of the comments raised will be addressed but he looks forward to seeing more detail in future meetings.

Mr. Yoder commented that the parking discussion is helpful. There are aspects of the project that the Board will look for more detail in.

Mr. Lupovitz is comforted that the proper authorities will weight in regarding the wellheads and he looks forward to the process.

Mr. DeGroot commented that he is most anxious to learn more about the drainage issues and the impact to the wellheads.

Mr. Renninger appreciated the public's comments. There might be some concerns that come up but at this stage there is nothing concrete of specific.

Mr. Gertsacov agreed with the previous board member's comments regarding the wellheads and drainage.

Mr. Ginsburg agreed with board members' comments. The applicant has homework to do. There are concerns about the Comp Plan but it doesn't seem like it is conflict with the affordable housing aspect. If the area floods now, this project will only be an improvement. The Board does need to be sensitive to the roadway aspect. Landscaping is going to be important and it will be interesting to see how the project will be developed.

6. Minutes – The Board is asked to review and approve minutes of the 3/17/21 and 4/7/21 and meetings.

A motion to approve the minutes was made by Mr. Gertsacov, seconded by Mr. Renninger, and unanimously approved with Mr. DeGroot abstaining.

A motion to adjourn was made by Mr. Ginsburg.

Meeting adjourned at 9:04 PM.