

STATE OF RHODE ISLAND

TOWN OF EAST GREENWICH - PLANNING BOARD

* * * * *

PROCEEDINGS AT HEARING IN RE:

**COMPREHENSIVE PERMIT - MASTER PLAN REVIEW
PUBLIC HEARING:**

Division Road Neighborhood, LLC

* * * * *

May 17, 2023 7:00 P.M.

Town Hall

125 Main Street

East Greenwich, RI 02818

BEFORE: BENJAMIN LUPOVITZ, CHAIRMAN

MATTHEW YODER

ANDREW SHARTENBERG

GREGORY de GROOT

APPEARANCES:

FOR THE
PLANNING BOARD

..... **ANDREW M. TEITZ, ESQUIRE**
TOWN SOLICITOR

FOR THE
APPLICANT

..... **WILLIAM R. LANDRY, ESQUIRE**

FOR NEIGHBORHOOD
RESIDENTS

..... **ANDREW G. BLAIS, ESQUIRE**

ALSO PRESENT:

ALBERT RANALDI, JR., PLANNING DIRECTOR

CHRISTINA MARSEGLIA, PLANNING TECHNICIAN

I N D E XSPEAKERS PAGE

JOHN SHEVLIN PRESENTS EXPERT TESTIMONY	11
DOUGLAS McLEAN PRESENTS EXPERT TESTIMONY	18
CROSS-EXAMINATION BY MR. LANDRY	48
REDIRECT EXAMINATION BY MR. BLAIS	60
ATTORNEY ANDREW BLAIS	67
ELIZABETH McNAMARA	76
RENU ENGLEHART	80, 111
JOHN HARRINGTON	83
ATTORNEY WILLIAM LANDRY	88, 122
LORRAINE MARTIN	92
TORI CRANKSON	96
ANNA NOVO	99, 114
WILLIAM WEEDON	118

STENOGRAPHER'S NOTE:

Application hearing continued to the
June 21, 2023, Planning Board meeting.

MOTION made by MR. de GROOT	130
(to adjourn)	
SECONDED by MR. YODER	130
VOTE	130
(show-of-hands vote)	
(approved)	

1 PROCEEDINGS AT HEARING IN RE:

2 **COMPREHENSIVE PERMIT - MASTER PLAN REVIEW**
3 **PUBLIC HEARING:**

4 **CHAIRMAN LUPOVITZ:** Good evening,
5 everyone. Welcome to the East Greenwich Planning
6 Board meeting of May 17, 2023.

7 Sitting as voting members this evening,
8 we have, from my left, Greg de Groot,
9 Andrew Shartenberg, and Matthew Yoder. Joining us
10 from staff this evening, we have Al Ranaldi,
11 Planning Director; Christina Marseglia, Planning
12 Analyst. We also have Carole Malaga, our
13 stenographer.

14 Is there anybody else here that I missed from
15 the Town?

16 **MR. RANALDI:** No.

17 **CHAIRMAN LUPOVITZ:** Okay. Great.
18 Also joining us this evening is our legal counsel,
19 Andy Teitz.

20 The first agenda item, and the only agenda
21 item of the meeting this evening is a continuation
22 of a comprehensive permit master plan review, public
23 hearing, Division Road Neighborhood, comprehensive
24 permit project for property located at Division

1 Road, across from Westfield Drive, Map 67, AP 13,
2 Lots 35 and 53, zoned farm, F-2. Applicant being
3 Division Road Neighborhood, LLC.

4 So before we get started this evening, our
5 counsel has a few comments he would like to make, so
6 I'm going to turn things over to him for the moment.

7 **MR. TEITZ:** Thank you. So I just
8 wanted to first deal with the quorum issue. We are
9 down to our minimum quorum of four people, which is
10 acceptable as a quorum. And I know that people are
11 aware that Mr. de Groot has been away and has missed
12 the last two meetings. However, he has indicated
13 that he has been following all the written materials
14 and whatnot that have been circulating; he has read
15 them. And since we don't have any vote tonight, I
16 don't think it matters; he will review the Zoom
17 meetings before our next meeting. So, consequently,
18 legally, he can participate in this meeting and be
19 part of the quorum for this meeting. So that's the
20 first thing.

21 If you could just say out loud, on the
22 record, that I am correct in what I've said.

23 **MR. de GROOT:** Yes, Mr. Teitz,
24 you're correct in everything you just said.

1 **MR. TEITZ:** Okay, thanks.

2 And the second thing is, I just want to note,
3 for the members of the public, I know we -- people
4 still probably are coming into this later and
5 whatnot. I know we talked about it at the very
6 beginning, but just to remind people, I know Al has
7 received an email, just this week, about, you know:
8 Why is this happening? Where was the zone change?
9 How did I miss the amendment to the zoning
10 ordinance.

11 And I just want to make it clear and just
12 remind people, or if you didn't know, make it clear
13 that there has not been any amendment to the zoning
14 ordinance. There is -- the comprehensive plan has
15 not been changed. It does call for the zoning to be
16 amended for this particular property, but the zoning
17 ordinance has not been amended.

18 The procedure by which this Applicant is
19 before you tonight is known as a comprehensive
20 permit, pursuant to the Low and Moderate Income
21 Housing Act, which is to provide a streamlined
22 process for providing affordable housing. And
23 because they are committing to providing 25 percent
24 affordable housing, they are eligible to proceed

1 under this process, which gives you, the Planning
2 Board, the power to vary, if you will, or waive any
3 and all of the particular zoning requirements.

4 That's something you have.

5 We've talked about the standards and whatnot.
6 I'm not going to go into all that again now; we'll
7 get to it at the end again. But pursuant to those
8 standards, you have the power, as a Planning Board,
9 to give relief on all those issues that they may be
10 seeking when they don't comply to zoning; obviously,
11 the biggest one being the density, the number of
12 units that can be there.

13 So I just wanted to let people know that
14 that's the process. And that's what they should be
15 looking to, the Low and Moderate Income Housing Act,
16 if they have questions about that.

17 **CHAIRMAN LUPOVITZ:** Can I ask you
18 a question?

19 **MR. TEITZ:** Please.

20 **CHAIRMAN LUPOVITZ:** So you've
21 reviewed all the materials, I assume, to date?

22 **MR. TEITZ:** Yes.

23 **CHAIRMAN LUPOVITZ:** Do you see any
24 technical basis for rejecting any part of the plan

1 so far or any of the discussion matters that have
2 been brought to our attention?

3 **MR. TEITZ:** Okay. So I said you
4 could ask a question; I didn't say I would answer
5 it. I don't think it's appropriate for me to answer
6 that now. We have not finished the hearing. We
7 still have people to hear from, so I don't think
8 that it's the appropriate time for me to answer
9 that.

10 **CHAIRMAN LUPOVITZ:** I wasn't going
11 to ask, but since you brought it up, I thought the
12 order might work a little better this way. So with
13 that in mind, I think we'll proceed with the meeting
14 then.

15 **MR. TEITZ:** Yes.

16 **CHAIRMAN LUPOVITZ:** Thank you,
17 Mr. Teitz.

18 **MR. TEITZ:** Thanks for giving me
19 that opportunity.

20 **CHAIRMAN LUPOVITZ:** My pleasure.

21 So to bring you up-to-date, we have closed
22 the public hearing on this matter at the last
23 meeting. We closed the meeting. At the time,
24 Mr. Landry, you were making a few comments at the

1 end, and we decided to --

2 **MR. TEITZ:** We didn't close the
3 public hearing.

4 **CHAIRMAN LUPOVITZ:** Oh, my
5 apologies.

6 **MR. TEITZ:** The public hearing is
7 still open. We closed that meeting. We continued
8 the public hearing.

9 **CHAIRMAN LUPOVITZ:** I thought we
10 were finished at the time. So we are going to
11 continue what hasn't been presented to us this
12 evening?

13 **MR. TEITZ:** That's correct, but
14 that's all still part of the public hearing.

15 Mr. Landry has rested his initial presentation,
16 absolutely; that was done before. And we heard from
17 a lot of the public. But we have not closed the
18 public hearing.

19 **CHAIRMAN LUPOVITZ:** Very good,
20 yes. I think I was confused by the number of folks
21 of the public that attended the meeting last time,
22 and we had a little time left over at the end.

23 **MR. TEITZ:** Right.

24 **CHAIRMAN LUPOVITZ:** But there's

1 more to be contributed to this evening's meeting
2 that wasn't ready to be presented at the time. So,
3 once again, my apologies.

4 So with that in mind, I would open the floor
5 to anyone else who has a comment or anything else
6 they would like to present to the board at this
7 time. Is there anybody here or virtually that has
8 any commentary or materials or other information?

9 Yes, sir.

10 **MR. BLAIS:** Andrew Blais. I'm here
11 on behalf of a group of neighbors. I had spoken last
12 week to --

13 **CHAIRMAN LUPOVITZ:** Pull the mic
14 up a little bit.

15 **MR. TEITZ:** We have people on Zoom
16 and they won't hear you if you're not speaking into
17 the mic.

18 **MR. BLAIS:** Very good.

19 Mr. Shevlin is going to speak. Mr. Shevlin
20 is a traffic expert. And I'm going to have him just
21 speak about his review of the traffic reports and
22 proposals made.

23

24

1 JOHN SHEVLIN

2 (HAVING BEEN DULY SWORN)

3 PRESENTS EXPERT TESTIMONY

4 **MR. SHEVLIN:** Good evening,

5 Mr. Chairman, members of the board. For the record,
6 my name is John Shevlin from Pare Corporation,
7 registered professional engineer, doing traffic
8 engineering work for over 33 years.

9 So we were asked to go ahead and review the
10 material related to traffic and also the concept
11 plans. So we did do a review for that, and we were
12 able to review documents that were provided to date
13 to review that. When we got to the traffic study,
14 we went through it pretty thoroughly, site visits,
15 taking a look at existing conditions. And we
16 provided a letter, based on our review, dated
17 March 16, 2023.

18 Overall, you know, I won't get into the
19 details, but just a summary of what we found through
20 the traffic study. The methodology that they had
21 performed for doing a traffic study, meets industry
22 standards. They looked at traffic capacities in
23 regards to the analysis and determined what the
24 impacts would be for three different conditions.

1 They looked at existing conditions and future
2 no-build conditions, which is what the volumes would
3 be at a future date without this development; and
4 they looked at the future build conditions, which is
5 what the volumes would be with this development
6 being built.

7 They also looked at different time periods,
8 looked at a typical weekday, during the morning and
9 afternoon peak hours; they looked at the Saturday
10 peak hours. So the methodology that they performed
11 was correct. As far as the data collection and
12 traffic counts, they did do traffic counts during
13 COVID, but they did take that into account when they
14 looked at volumes that they had pre-COVID, from
15 2019, and made adjustments. I think the Town's peer
16 reviewer asked to go ahead and do official counts
17 from 2022, so they also took those into account, as
18 far as what those volumes are. And they did take a
19 look at the most conservative conditions.

20 As far as the project limits, probably my
21 biggest comment, concern in regards to what they
22 looked at, is in regards to the intersection of
23 New London Turnpike. And they also looked at the
24 site entrance and looked the side streets to the

1 east of the property.

2 We feel that with the volumes that are
3 occurring from this development, the size of the
4 development, they should have extended those limits
5 down to South County Trail and Division Road. I
6 know that's about, you know, a little over two miles
7 away. It's a pretty decent distance --

8 **CHAIRMAN LUPOVITZ:** Can you just
9 talk a little slower, please.

10 **MR. SHEVLIN:** Absolutely.

11 **CHAIRMAN LUPOVITZ:** Thank you.

12 **STENOGRAPHER:** Thank you.

13 **MR. SHEVLIN:** Sorry.

14 So I'm just looking at that intersection. It
15 is a fair distance away from the site; but there is
16 only one, you know, means of access down that way.
17 So if you get a lot of traffic, if there is a
18 destination going in that direction, it will be
19 going through that intersection. I think, based on
20 my experience, there certainly is a good amount of
21 traffic that occurs under existing conditions. And
22 I think the volumes that are going to be generated
23 from this site, it will be interesting in regards to
24 how that intersection operates with the existing

1 conditions and also what the impact would be in the
2 future.

3 So we recommended that they go ahead and take
4 a look at that. As far as overall level of service,
5 as I mentioned, the level of service analysis that
6 they have performed at the intersections do show
7 acceptable levels of service. And I think, you
8 know, part of that is this roadway currently does
9 not have a lot of traffic on it. But certainly with
10 the 400 or so units, it certainly will increase the
11 traffic. But just because of low volume, it still
12 has an acceptable level of service, worst case,
13 Level of Service D, which is considered acceptable,
14 it is a decrease in level of service. Level of
15 Service D is considered a decrease overall in the
16 level of service.

17 They did do a safety analysis. They looked
18 at crash data to see if there is a pattern. Based
19 on the data that was provided, there doesn't seem to
20 appear to be any significant intersections that have
21 a pattern of crash history. You know, it's not to
22 say that the roadway with the alignments, you know,
23 the sight lines, the widening of the roadway, and
24 the width of roadway, I should say -- you know, it's

1 24 feet, it seems like, in most areas -- but it
2 seems like it hasn't created any existing safety
3 issues. Who knows what may happen with the increase
4 in traffic, as far as what the overall crashes may
5 be, but existing -- there doesn't seem like there's
6 any major areas as far as seeing a pattern of
7 crashes that have occurred.

8 I think, you know, a lot of the analysis, as
9 I mentioned, that they've done, a breakdown of the
10 hours, they worked with the hours to get the most
11 conservative numbers, it seemed like they took that
12 approach and did it the right way, as far as how
13 they would do the capacity analysis. Especially
14 with COVID that was in place, they did have good
15 backup information with regards to how it was going
16 to occur.

17 So that's the traffic capacity and safety.
18 Like I said, my main, main concern is with regards
19 to the limits, in regards to what would be occurring
20 down that South County Trail and Division Road, as
21 far as the existing and proposed conditions.

22 So with that, I think that's a quick summary
23 in regards to what we found. And, actually, let me
24 go back. As far as the safety analysis, they did

1 take a look in regards to the means of access in and
2 out of the site, the sight distance analysis. Now,
3 whether they were able to go ahead and take a look
4 down the line to see if there was, based on the
5 speeds, adequate distance or to be able to pull
6 safely in and out of the site, the limits that they
7 have indicated far exceed what's required from
8 engineering guideline directives.

9 We did recommend that, you know, to ensure
10 that those sight lines do remain, if this does get
11 constructed, to make sure that that safety access
12 does stay in place.

13 That's a summary. Like I said, I went
14 through what they had. We did take a look in regards
15 to the plans. The concept plans, right now, there's
16 a few items in there, but until we see exactly what
17 the design is -- I know they are anticipating some
18 steep grades that should be looked at.

19 When it goes to preliminary design, there's
20 more detail on there. They mentioned there could be
21 grades of up to 10 percent. The main concern there
22 would be at the intersections to ensure that, when
23 you're coming out onto the main road, you're able to
24 safely pull in and out of those within the site. So

1 that's something that should certainly be looked at
2 in more detail once we get to preliminary design,
3 and also with regards to some of the turning
4 radiuses, once there's also some more detail.

5 I think they're looking to have a waiver
6 for some radiuses that would be less than 150 feet.
7 You know, that should further be looked at when that
8 plan is done.

9 I think that's a summary of what we
10 reviewed and what we found. And I would be more
11 than happy to answer any questions.

12 **CHAIRMAN LUPOVITZ:** Anybody from
13 the board have a question for Mr. Shevlin?

14 **MR. SHARTENBERG:** Yes.

15 **CHAIRMAN LUPOVITZ:**
16 Mr. Shartenberg.

17 **MR. SHARTENBERG:** Mr. Shevlin, I
18 don't think you were here at the last meeting, and
19 we were really driving them about the traffic study
20 that had been done. What's your opinion of expanding
21 the scope of the study to include Westfield Drive
22 and Moosehorn Drive, which are two means of access
23 to Middle Road and Route 2? I know that,
24 essentially, what you're saying is to look at

1 Middle Road and Route 2, and would this include
2 that in your recommendation --

3 **MR. SHEVLIN:** Yeah, I mean, based
4 on our observations in the field, it didn't appear
5 that there was a lot of traffic going in and out of
6 those roadways. But, again, knowingly, in regards
7 to, they did take a look at it safety-wise.
8 Capacity-wise, we were just looking at some of the
9 volumes that you had for New London. Compared to
10 that, I think you'd find it passes, volumes or level
11 of service should be satisfactory. But it would be
12 good to see what the existing is versus proposed, to
13 see what happens to the overall operations.

14 **CHAIRMAN LUPOVITZ:** Anybody else?

15 **(NO RESPONSE HEARD/SEEN)**

16 **CHAIRMAN LUPOVITZ:** Thank you, sir.

17 **MR. SHEVLIN:** Thank you.

18 **MR. BLAIS:** You can go next.

19 **MR. McLEAN:** Douglas McLean.

20 **DOUGLAS McLEAN**

21 **(HAVING BEEN DULY SWORN)**

22 **PRESENTS EXPERT TESTIMONY**

23 **MR. McLEAN:** Good evening to the
24 members of the Planning Board. To begin with, I can

1 just give a very brief background on myself. I have
2 over 15 years of experience working as a
3 professional planner in the state of Rhode Island.
4 I received a Master's degree in planning from the
5 University of Massachusetts. I tested for and
6 successfully passed the American Institute of
7 Certified Planners' exam 13 years ago and have
8 maintained my certification to date.

9 I've got a background of consulting work,
10 as well as serving as a municipal planner for the
11 communities of North Kingstown, South Kingstown, and
12 Cranston. I currently work for Cranston as principal
13 planner, and I have been accepted as a planning
14 expert in front of multiple boards and commissions
15 within the state. And I have submitted a report that
16 was given to the office, about the time of your last
17 meeting, that has my resume enclosed, if there's any
18 further questions on my background.

19 And I just might ask, is it the practice of
20 this board to make any motions such as relates to
21 accepting witnesses, or do you just accept the
22 credentials on the record.

23 **CHAIRMAN LUPOVITZ:** Sometimes we
24 do. It depends.

1 **MR. McLEAN:** Would you like me to
2 continue with my presentation?

3 **CHAIRMAN LUPOVITZ:** Does the board
4 accept the witness as an expert?

5 **MR. YODER:** Yes.

6 **CHAIRMAN LUPOVITZ:** Proceed.

7 **MR. McLEAN:** Great. I'd like to
8 be brief in my presentation tonight, and I'm
9 certainly available for any follow-up questions.
10 And I've submitted a report on the record that's
11 dated April 20, after the meeting just two meetings
12 ago. And I'd like to just give a highlight summary
13 tonight.

14 The focus of my testimony tonight will be on
15 the topic of whether this project is consistent with
16 the Town's comprehensive plan. And that's a
17 critical topic, as it relates to the local approval
18 of a comprehensive permit. Based on state law
19 around comprehensive permits, projects such as this,
20 the question of consistency with the comprehensive
21 plan is one of the most critical findings that the
22 Planning Board can make as it relates to whether you
23 deny or approve this project. In fact, you know, I
24 think that's one of the most critical findings that

1 this board can make. You've certainly heard
2 testimony from the Applicant and their conclusions
3 that they feel it is consistent with the Town's
4 comprehensive plan.

5 I'll remove the suspense and just state very
6 plainly that it is my professional opinion that this
7 project is not consistent with the Town's
8 comprehensive plan, and I'll give you a summary of
9 why. So you're going to have conflicting expert
10 opinions on the record. The Applicant provided a
11 planning expert that did certify to their
12 professional experience that they felt it was
13 consistent. And whenever it happens that you have
14 conflicting expert opinions, I think the Planning
15 Board needs to rely on the evidence that's provided
16 on the record, as well as the board's own powers to
17 interpret the comprehensive plan. So I'm going to
18 try to be brief but also precise in terms of the
19 language that I think is most critical and being
20 relied upon.

21 The language that the Applicant has provided
22 that they feel most closely ties this project to
23 consistency with the plan is found on Page 69 of the
24 plan; and I'm going to read it. And I know that you

1 guys might be familiar with it, but I'd just like to
2 read it so we are all clear on the language. It's
3 within Goal H1 within the housing element. This is
4 to be noted that the comprehensive plan is also
5 serving, in this case, as the Town's affordable
6 housing plan. These are the critical plans as it
7 relates to the comprehensive permit plan.

8 (reading) Goal H1: Create a new zoning
9 district. The Town will amend the zoning ordinance
10 to create a new zoning district in the northwest
11 quadrant (Shippeetown area: West of Shippeetown
12 Road, south of Crompton Road, and north of Middle
13 Road) by changing the current zoning from commercial
14 highway and farming to residential mixed use zoning
15 district. The new district will allow mixed use
16 development, thereby helping arrest the strip-style,
17 suburban development that has begun to emerge near
18 that area. The dimensional requirements will allow
19 commercial structures and will also require
20 upper-story residential use, which will require at
21 least 20 percent low/moderate income units, and
22 commercial development at the street level.

23 The plan goes on to then state that within
24 part of this new zoning district, a rezone, there

1 would be a density bonus that would be permitted
2 ranging from 12, 16, and 20 units per acre, for
3 developments that provide at least 20 percent of the
4 units to be affordable to households at or below 80
5 percent area median income.

6 Now, there's a lot of content within that
7 little section, but I think I want to point out a
8 few nuances that I think are important to
9 understand. The Applicant has asserted that this
10 language provides evidence that their proposal is
11 consistent with the comprehensive plan, specifically
12 as it relates to their desired density. I think
13 you've heard the range of densities that the comp
14 plan gives, 12, 16, or 20 units per acre. You've
15 heard the Applicant stating that they're shooting
16 for the middle range, around 16 units per acre. And
17 they're relying on this language to give them some
18 justification of exceeding that type of density.

19 Well, you know, I'll give the Applicant two
20 things here. The plan does call attention to the
21 specific area in town. And the plan, in broad
22 terms, does address that there is a need for
23 affordable housing in the community at large.
24 However, the comprehensive plan language here is

1 explicit in that such density at this location
2 should be considered as part of a rezone process.
3 All of the plan's language for this area is
4 specifically tied to promoting a new zoning
5 district.

6 A rezone is an entirely different animal than
7 a comprehensive permit. And this point, I don't
8 think can be understated. With a rezone process,
9 not only would the Planning Board have much more
10 leverage and discretion as it relates to -- as it
11 relates to shaping any development in this area, but
12 there would be a full round of reviews in front of
13 the Town Council to consider these same issues.

14 Within a rezone, the Town would not be
15 dealing with the mystery of an extensive list of
16 waiver requests. And I would note that the
17 Applicant has provided a fairly extensive list
18 covering a number of different items. And the list
19 of waivers aren't being specific in terms of what
20 they seek to do. They're just asking for items
21 within the zoning code that they do not intend to
22 address or do not intend to provide any specific
23 direction at this stage of the application.

24 Now, if -- you know, in my opinion, what

1 they're seeking to do is they're seeking to identify
2 where they don't intend to meet the town code. And
3 that right is given to them through a comprehensive
4 permit. If this was done through a rezone, then
5 this process would be done in collaborative fashion
6 with town bodies, such as the Planning Board, to
7 shape the development, to clearly understand where
8 there should be a relaxation of standards, and to
9 mold that development with a specific and very firm
10 understanding of the standards that should be
11 applied to a new district.

12 Another point is that within a rezone, it
13 would be appropriate for the Town to expect the
14 developer to quantify fiscal impacts of the project
15 on the Town and the cost of public services provided
16 by the Town, including but not limited to schools.
17 The project that's in front of you today is a huge
18 divergence from the intent of the plan, and as it
19 relates to how much the town can shape this project,
20 how much that you can expect information from the
21 developer at this early stage.

22 So it is my opinion that the vision of the
23 comprehensive plan was to seek some type of density
24 here, but the vision of the plan was to seek that

1 in a process that would be hand-in-hand with the
2 applicant or developer. And in this case, you have
3 to question whether that's what you're getting
4 through this process. So making the claim that the
5 project is consistent with the comprehensive plan,
6 based on this language, in my opinion, is a false
7 equivalent.

8 The process that the plan calls for is a key
9 component. The process is a key component, not
10 necessarily just seeking the outcome but seeking the
11 process that the Town is at the table, hand-in-hand
12 working with the Applicant; that the Planning Board
13 is uncomfortable with the scale or different
14 elements of this project; and the Applicants --
15 and the Planning Board is uncomfortable with the
16 Applicant's reliance on waivers for different
17 informational pieces.

18 I would encourage the board to question why
19 the Applicant is not proposing this project through
20 a rezone, which is their right. This project, this
21 vision could be proposed through a rezone.

22 I have a few final points on this particular
23 comprehensive language. One, is that it states that
24 the affordable units in this area should be

1 dedicated to households at or below 80 percent area
2 median income. So the plan calls out 80 percent
3 area median income as the threshold that it seeks
4 for all of the affordable in this area. What's in
5 front of you, the proposal, is offering 35 rental
6 units that would be at or below 80 percent area
7 median income, but the remaining 68 homeowner units
8 are being offered at or below 120 percent AMI.

9 So, again, they're offering you about a third
10 of the units that are meeting what is the explicit
11 stated threshold for affordability as defined in the
12 plan. So only two-thirds of these units are being
13 offered at a higher threshold, essentially not
14 addressing the need of affordability to the degree
15 the plan is calling for in this area.

16 And the second point here, the comprehensive
17 plan is also explicit in its desire for a mixed use
18 zoning district as part of the rezone for this area,
19 inclusive of commercial uses. I saw the residential
20 as being more top-of-the-shop. And that the
21 immediate proposal is not consistent with this
22 aspect of the comprehensive plan for this area
23 because it's not intended -- it's not offered to be
24 the intended mix of uses, and instead it's seeking

1 one use, which is residential.

2 And I'll be brief in my follow-up comments
3 here. I would just note, as an aside -- as detailed
4 in my report that's been provided -- that the
5 comprehensive plan has multiple areas of content
6 that pertain to this proposal. It's not just a
7 specific area of content that I just reviewed. And
8 I found a number of elements in the plan that speak
9 to maintaining the existing character of the
10 community.

11 And there are a number of items that I also
12 found the proposal is not consistent with, and I'll
13 just cite a few here. Goal Land Use 2: Ensure that
14 development does not adversely affect natural and
15 ecological resources, the character of the town, or
16 the Town's ability to provide high-quality public
17 services and facilities.

18 Goal Natural Resources 4: To maintain and
19 re-enforce East Greenwich's small-town character,
20 emphasizing its unique waterfront, residential
21 areas, and open space. It is my finding that the
22 project does not seem to be consistent with those
23 two goals, which are speaking to an overriding,
24 broad vision for the community.

1 You certainly heard concerns regarding
2 traffic and transportation. Those concerns have
3 certainly been brought to light by the Town's own
4 staff, by, you know, Mr. Shevlin, who you just
5 heard. I would note there's comprehensive plan
6 policies that speak to transportation. So I have
7 made a finding that the concerns that are on the
8 record, calling into question whether this plan is
9 consistent with the vision of the comprehensive
10 plan. I'll cite policy from the
11 Circulation/Transportation Policy 2D: Traffic
12 solutions should benefit neighborhoods and local
13 businesses, as well as providing regional solutions.

14 And then the last as it relates to community
15 and transportation together: The Town's
16 comprehensive plan has identified this particular
17 section of Division Road as being eligible and
18 designated as a scenic roadway. And the plan has
19 extensive language on this. The plan language ties
20 the goal closely to community character.

21 So I would just note that the language around
22 identifying this area for a scenic roadway, and the
23 goal there, is to protect the scenic and aesthetic
24 quality of the town; and the Town shall identify

1 certain roads for potential designation for scenic
2 roads. And Division Road, between Moosehorn and
3 Route 2, is clearly identified as an eligible area
4 for scenic road designation. So I would call into
5 question whether this development is consistent with
6 the comprehensive plan's vision for future
7 development along this roadway, which is intended to
8 protect views of these routes and protect the scenic
9 and aesthetic quality of these roads.

10 And my report also details some concerns that
11 I have with the plan that is addressed in historic
12 resources. I would just note that the presence of
13 historic resources is an important consideration for
14 this proposal. That presence is not clear what the
15 outcome of a Phase I archeological study is or what
16 impact result it may have on the identified historic
17 resources. And I think that's an element that
18 further information would be warranted at this stage
19 regarding the comprehensive plan.

20 So, in conclusion, it is my finding that this
21 project, that is before you tonight, is not
22 consistent with the comprehensive plan; and that I
23 think that that raises some serious questions
24 regarding whether this proposal fits the vision that

1 the community has articulated.

2 That concludes my presentation, and I'm
3 certainly available for any questions.

4 **CHAIRMAN LUPOVITZ:** Yes, sir.

5 **MR. YODER:** I have a question of
6 Mr. Teitz. Just wondering what he brought up about
7 the affordable housing numbers, how will that be
8 interpreted, if this goes to, goes to SHAB and comes
9 back to us; will they interpret the affordable
10 housing numbers we put in there what he stated or is
11 it -- or will it be okay to look at it the way he's
12 looking at it?

13 **MR. TEITZ:** Yes and no. I mean,
14 you can look at it -- you know, what he's pointed
15 out is what the comprehensive plan discussed. The
16 Applicant has proposed something different from
17 that. What the Applicant has proposed will still
18 comply with the law, as far as affordable housing,
19 making them eligible for a comprehensive permit.
20 It's up to you to decide if the discrepancy between
21 what is being proposed and what is in the
22 comprehensive plan is significant enough that it's
23 inconsistent enough with the comprehensive plan and
24 deny it.

1 **CHAIRMAN LUPOVITZ:** Any other
2 questions or comments for Mr. McLean?

3 **MR. SHARTENBERG:** Yeah. First,
4 thanks for your testimony. Appreciate it. It
5 certainly brought some points to my mind that I
6 hadn't considered yet.

7 In regards to creating the new zoning
8 district, it's pretty clear, in the Town's
9 comprehensive plan, that the intent is to create
10 sort of a village center, if you will, where this
11 MUPD zone would provide retail; and, obviously,
12 that's not happened here. And if you look at the
13 town, this is about as far away as you can get from
14 any sort of retail or village center as we have it.

15 Certainly, Centre of New England is close by,
16 but that's Coventry and not East Greenwich; and what
17 our concern here is East Greenwich.

18 So it would seem that this is asking for us
19 to rezone it MUPD; yet, it is not in comportment
20 with what we wrote in our comprehensive plan ten
21 years ago. What's your opinion on that?

22 **MR. McLEAN:** I mean, I think
23 you're hitting it right on the head. I think that
24 the comprehensive plan laid out a few different

1 things with this language. I think the Applicant is
2 relying on a few of the things but not all of them.
3 They're relying on the fact that the comprehensive
4 plan did not identify this area of town; but the
5 comprehensive plan has articulated a vision for how
6 this area of town should be developed with
7 affordable housing included.

8 I think process is key. I think how you get
9 there is an important part of that, especially when
10 you talk about a zoning district that's seeking a
11 different vision than what's here. It was seeking a
12 little bit of a cohesive, self-sustaining village
13 unit. The kind of place where you would anticipate
14 that the people that live there might also be
15 shopping there; they may even be working there.
16 That would reduce the need for reliance on other
17 services and other commercial aspects that are found
18 in other areas of the town.

19 It's clear the comprehensive plan wanted that
20 as part of a rezone; and, again, I think it should
21 not be understated that a rezone allows the Town
22 much more control and discretion as it relates to
23 the shaping of this project. That would be done
24 through the Planning Board; it would also be done

1 through the Town Council. So this is a very
2 different process that's being given to you tonight.
3 So you really have to determine whether you think
4 that that difference in process is a strong enough
5 distinction to make a finding that what's in front
6 of you tonight is not consistent with the
7 comprehensive plan.

8 And I think it's based on a lot of factors,
9 when you look at that language. It's based on
10 process. It's also based on outcome. Did you want
11 a development here that was only residential, when
12 the language, the actual title of the zone they were
13 seeking, was mixed use.

14 **MR. SHARTENBERG:** That's a very
15 good point.

16 The other thing I would point out -- and this
17 might be, for the record, for everybody -- is that
18 it sort of contradicts the comprehensive plan, in
19 that one of the points that was made is we want to
20 preserve the existing character of the area that
21 we're intending for affordable housing, and this
22 drastically changes the character of the area.

23 You know, that whole section of town is
24 rural. And we're saying, with the comprehensive

1 plan, maybe we should put mixed use in there. It's
2 really going to change the complexion of everything.
3 And I'd be interested to hear from the Planner's
4 perspective, you know -- and maybe this is for Al
5 as well -- you know, what's your opinion of the
6 contradiction there, where we're going to
7 drastically change the area and also potentially
8 meet, you know, the goal of rezoning and providing
9 affordable housing.

10 **MR. RANALDI:** This question has
11 been asked to the Planning Director, my predecessor,
12 regarding the inclusion of commercial and
13 residential. At that particular point, she
14 recommended all residential. I don't feel that I
15 should go back on that. If I had to do it all over
16 again, I would consider some commercial.

17 However, I think the biggest thing is the
18 density of this project, whether it had commercial
19 or not. In my eyes, the density I would be more
20 concerned with, not really the mix of commercial
21 versus residential. But I also have to say, that a
22 lot of new points came out tonight for myself also.

23 **CHAIRMAN LUPOVITZ:** To make my
24 point, so it could very well be, in Lisa's mind,

1 dovetailing onto what Mr. Shartenberg pointed out,
2 the nature of the community, especially up in that
3 corner of town, that perhaps having all residential
4 fit in a little bit better than having a mixed use;
5 that's a possibility.

6 Also, we're recalling a lot of the comments
7 that have already been made by the public at the
8 hearing at the last meeting. There didn't seem to
9 be a lot of objection and focus on the commercial
10 aspect, or lack thereof, in this project, but more
11 on traffic and safety and numbers of people and cars
12 and kids and a number of things that focused on
13 other areas of concern, other than the commercial
14 aspect.

15 So while we understand the point and wouldn't
16 disagree with it, at the same time, I think there
17 are other aspects of this particular project that
18 are of greater concerns to this community, based on
19 what we've heard so far from the community. So that
20 would be my only comment.

21 Andy, any comments or questions that clarify
22 this part of the discussion from you?

23 **MR. TEITZ:** Yeah, I'd just like to
24 ask how you weigh the advantages of the Town control

1 of a rezoning process with the risk of State Housing
2 Appeals Board control if the board should deny it
3 and it goes on appeal and be overturned by the
4 State Housing Appeals Board.

5 **MR. McLEAN:** You're asking my
6 opinion on that?

7 **MR. TEITZ:** Yes. You talked about
8 the value of the process of rezoning, but you kind
9 of ignored the other part, the other half of the
10 equation.

11 **MR. McLEAN:** Yeah. I mean that's
12 fair. And I don't know if I'd be prepared to, you
13 know, provide a specific public opinion on what the
14 odds are that a denial of this project would be
15 overturned at the State Housing Appeals Board. I
16 don't know if that was kind of part of the nature of
17 the question.

18 But, I guess, the focus of my testimony was
19 on just being clear in the ways that this project is
20 not consistent with the comprehensive plan and just
21 understanding that that's, you know, one of the, or
22 if not the most, critical finding that the board
23 needs to make when, you know, voting on a
24 comprehensive permit.

1 I do think it's fair to state that state law
2 has established that, when a comprehensive permit is
3 in front of you, zoning compliance is not a critical
4 element but consistency with the comprehensive plan
5 in terms of whether it's addressing the need. And
6 I do agree there's a need for affordable housing.
7 I do agree that the project is providing 25 percent,
8 but also the vision that the plan has for
9 accomplishing that. This area of town is identified,
10 and the Applicant is relying on the fact that the
11 area of town is identified. In fact, they're
12 relying on the language for a rezone to justify
13 their density.

14 Now, let's be cautious. They're relying on
15 the language that is intended to be a process in
16 which the municipality and the Applicant would share
17 within the vision; and they're using that language,
18 of a mutual vision, to establish that the density
19 they seek should be allowed through a process, an
20 application type, a comprehensive permit, that
21 restricts your leverage and discretion of ability
22 at this stage in the game.

23 So I think you should be clear that the
24 density they're seeking, they're using, they're

1 justifying with the comprehensive plan, but they're
2 skipping past the part where that justification
3 relies on a cooperative process with the
4 municipality.

5 Now, if the municipality is comfortable with
6 the comprehensive permit as it stands, then you're
7 still in a place where you feel comfortable and the
8 process is still mutual. If you feel that the
9 process is becoming less mutually beneficial and you
10 don't have necessarily the leverage or you don't
11 think this is the vision that you share, then I
12 think you should realize that the comprehensive plan
13 did not foresee this scale of density through this
14 application mechanism.

15 And I hope that helps to answer the question
16 or at least shed some light on my opinion about it.

17 **CHAIRMAN LUPOVITZ:** Well, it
18 sounds like you're saying they're just trying to
19 bypass, re-step the rezoning by presenting it the
20 way that they're presenting it.

21 **MR. McLEAN:** I think that's a fair
22 characterization of my statement.

23 **CHAIRMAN LUPOVITZ:** But also, we
24 haven't seen anything, I don't think, yet that would

1 also suggest that there was intent, granting all the
2 permits, other than to streamline and take advantage
3 of this being an application this way, for the,
4 obviously, advantageous reasons.

5 **MR. McLEAN:** Yeah. I think that
6 that's fair. And I would encourage the board to,
7 you know, raise questions about why isn't there an
8 interest in the Applicant proposing this as a
9 rezone. If the proposal includes all of the
10 positive and favorable components that are being
11 touted, then, you know, clearly there would be an
12 opportunity to shape that in a mutually beneficial
13 way.

14 I don't think that -- I don't disagree that,
15 you know, affordable housing is important and that
16 future development in this area should include
17 affordable housing; I don't disagree with those
18 points. I just think there are some elements with
19 this that raise concerns. And certainly the
20 vehicle, the tool that is being used by the
21 Applicant, in my opinion, is designed to remove
22 leverage and the ability for the Town to potentially
23 drive some of that process and to seek a vision that
24 they agree with.

1 **CHAIRMAN LUPOVITZ:** Yes, but part
2 of my point, the system allows for that.

3 **MR. McLEAN:** The system does allow
4 for --

5 **CHAIRMAN LUPOVITZ:** I mean, I'm
6 sure the developer and the Applicant, they looked
7 at, how can we do this; they looked at their paths;
8 and they chose the one that they felt was most
9 advantageous to them. Not intentionally or
10 particularly, that we've seen so far, a violation of
11 anything other than the streamline process and the
12 benefits that it presents to a perspective
13 applicant.

14 **MR. McLEAN:** That's correct. In
15 fact, I would note, it's still within the
16 Applicant's right, at any given time, to propose
17 this project as a rezone. I would note the critical
18 finding, if they did want to propose this as a
19 rezone, the critical finding, on the record, is that
20 the rezone should be found to be consistent with the
21 comprehensive plan.

22 If they did do this through a rezone, my
23 professional opinion would be, yes, the
24 comprehensive plan specifically is asking for a

1 rezone here. And a rezone on this property, citing
2 the vision of the comprehensive plan, you know,
3 would be exactly consistent with the comprehensive
4 plan; and, therefore, a rezone should be moved
5 forward by the standards of review that the Town
6 has.

7 So, ironically, it's the same standard of
8 review for a comprehensive permit as it is for a
9 rezone. Is it consistent with the comprehensive
10 plan? So I think the question is: Is that
11 distinction, the comprehensive plan asking for a
12 rezone, and the Applicant not using that tool, is
13 that distinction strong enough, in your minds, to
14 make a finding that this project is not consistent
15 with the comprehensive plan?

16 **CHAIRMAN LUPOVITZ:** That's a good
17 point. You have been doing this for quite some time
18 and you come in here with some very professional
19 qualifications. I would ask you this question: In
20 your travels, have you seen other projects or
21 applications submitted where decisions have been
22 made, or projects have been approved, but they were
23 not entirely consistent with the comp plan in that
24 particular municipality?

1 **MR. McLEAN:** That's a good
2 question. With most municipalities, they don't
3 articulate a vision for an area as clearly as
4 East Greenwich articulates a vision for this area.
5 With most municipalities, the comprehensive permit
6 is brought in, and they rely on the fact that the
7 community has identified that it needs affordable
8 housing. In fact, all of the comprehensive plans
9 across the state, you know, the affordable housing
10 component is largely integrated into the
11 comprehensive plan as a housing element, and they
12 identify the needs for affordable housing.
13 Oftentimes, then, it's sort of broadly, you know,
14 asserted as to how that might be achieved, goals,
15 potential regulatory changes.

16 East Greenwich is different. You've
17 identified this area. The Applicant is relying on
18 the plan saying this area is specifically identified
19 by the plan. But what's missing in that conversation
20 is the comprehensive plan specifically ties
21 everything to a rezone. Its vision was that this
22 area should be rezoned; that this level of density,
23 that this complexity of development, should be done
24 through a rezone, because I think the comprehensive

1 plan anticipated that such a dense and complex
2 project should be done in a cooperative manner where
3 the Town would certainly have a lot of leverage in
4 order to weigh in on the vision for the property.

5 So I guess that's a little different. I don't
6 know if that addressed your question. East Greenwich
7 is unique.

8 **CHAIRMAN LUPOVITZ:** I would also
9 ask you this question: Do you assume that it would
10 be, the request to rezone for this purpose, would be
11 rejected, and if so why?

12 **MR. McLEAN:** I'm sorry, could you
13 ask that question again, please.

14 **CHAIRMAN LUPOVITZ:** Would you
15 assume that this project, the request to rezone for
16 the purposes of developing this project, would be
17 rejected and why?

18 **MR. McLEAN:** Oh, would it be
19 rejected by the Applicant?

20 **CHAIRMAN LUPOVITZ:** Yes. Let's
21 assume, for a moment, that they do ask for a rezone
22 so that they can fit the purpose of the project and
23 it doesn't come to us this way. Do you know of a
24 reason why it would be rejected?

1 **MR. McLEAN:** Rejected by the Town?

2 **CHAIRMAN LUPOVITZ:** Yes.

3 **MR. McLEAN:** No. I mean -- so
4 it's a fair question. I think that if the Applicant
5 proposes this as a rezone, and there was a process
6 to better define how a project, at this area of
7 land, could fit the intent of the comprehensive
8 plan, there would still be the question as to
9 whether you wanted some commercial element there or
10 not.

11 Again, I would say, you know, the plan in its
12 vision, as a document, stated that there was some
13 interest in that, and that this be a mixed use area.
14 I think you'd still want to contend with that, even
15 if it was a rezone. Even if the tool they were
16 using was the right tool, you would want to contend
17 with: Is this the right vision that the plan
18 articulated?

19 But I think you would be much, much closer to
20 consistency, when you're using the right tool and
21 the Town was at the other end of the table saying,
22 we have a vision, and our vision is maybe it is to
23 add some commercial, maybe it isn't, that there's a
24 great commercial footprint. But at least you would

1 be at the table to be able to craft that vision
2 together. You wouldn't be looking at a project in
3 front of you, in which the Applicant sought an
4 appeal, you would be nervous with the repercussions
5 of an appeal of the rezone. It would be a very
6 different process. The Town would have much
7 different leverage of the process.

8 Hopefully that helps to answer the question.

9 **CHAIRMAN LUPOVITZ:** Yes,
10 understood. Good points.

11 **MR. SHARTENBERG:** And, sir, if it
12 went through a rezoning process, would fiscal impact
13 come into play?

14 **MR. McLEAN:** That is typically
15 provided when any application is brought, and
16 especially when the Town Council weighs in on the
17 decision. It's been my experience that when I see
18 large-scale developments that propose a number of
19 residential units and that project has a rezone
20 component, generally, at that point, the Applicant
21 is very interested in showing the Town how the
22 project still pencils out from a fiscal impact
23 analysis.

24 That's something I've typically seen in my

1 work. It's not a required element, but it tends to
2 become an expectant piece because the Town Council
3 is interested in these broad issues as well.

4 **MR. SHARTENBERG:** And the Applicant
5 has owned this land since the '80s and has had time,
6 since the comprehensive plan was put in ten years
7 ago, to pursue this as a rezone, correct?

8 **MR. McLEAN:** Certainly. The plan
9 is very clear, and the plan language has been in
10 effect for quite a while.

11 **CHAIRMAN LUPOVITZ:** Anybody else
12 on the board?

13 **(NO RESPONSE HEARD/SEEN)**

14 **CHAIRMAN LUPOVITZ:** Mr. Teitz.

15 **MR. TEITZ:** Nothing, thanks.

16 **MR. McLEAN:** Thank you very much.

17 **MR. LANDRY:** Mr. Chairman, can I
18 ask the witness some questions?

19 **CHAIRMAN LUPOVITZ:** Yes, you may.

20 **MR. LANDRY:** Mr. McLean, I think
21 we're going to have to share this mic. We're going
22 to have to do the best we can.

23

24

1 **WITNESS: DOUGLAS McLEAN**

2 **CROSS-EXAMINATION BY MR. LANDRY**

3 **Q.** Mr. McLean, you've been a planner for a
4 number of --

5 **MR. TEITZ:** Let's use two mics,
6 please. I'm more concerned about the Zoom audience.

7 **(MICROPHONES BEING SET UP)**

8 **Q.** If I'm following your resume correctly, you
9 had a number of positions in planning that didn't
10 deal with land use issues, correct?

11 **A.** You're asking me if I had positions in
12 planning that didn't deal with land use?

13 **MR. LANDRY:** Yes.

14 **A.** No, I'd say the majority of positions I held
15 in my planning career have dealt with land use.

16 **Q.** Well, as I'm reading it, all the way up to
17 when you finished in South Kingstown in July of
18 2018, you were directing long-range projects,
19 special initiatives, and sustainability programs;
20 and you served as a staff liaison to the
21 Conservation Commission, the Sustainability
22 Committee, the Economic Development Committee, and
23 the Historic District Commission, correct?

24 **A.** Correct.

1 **Q.** You were that kind of planner, correct?

2 **A.** Yes, and I certainly did quite a bit of land
3 use planning as well.

4 **Q.** Well, you never, you never advised the
5 planning board -- you were not the staff liaison to
6 the planning board during that period, right?

7 **A.** No. I did advise the Planning Board on
8 multiple occasions through a variety of different
9 ways.

10 **Q.** But you were not the staff liaison to the
11 planning board, correct?

12 **A.** If you're asking if I was the singular staff
13 person that went every month, that is correct.

14 **Q.** Well, you didn't say in your resume that, at
15 any time before 2018, you were ever the staff
16 liaison for a planning board.

17 **MR. BLAIS:** I'm going to object.

18 **MR. TEITZ:** Can you come and speak
19 to the mic.

20 **MR. BLAIS:** Are you
21 cross-examining an expert witness?

22 **MR. LANDRY:** Yes.

23 **MR. BLAIS:** Mr. Teitz, is there
24 any provision for cross-examination during a

1 comprehensive permit?

2 **MR. TEITZ:** Yes, we generally do
3 allow cross-examination of experts, not lay
4 witnesses but, yes, expert witnesses.

5 **MR. BLAIS:** Okay.

6 **MR. TEITZ:** Now, we didn't have a
7 particular determination. Mr. Landry did not
8 question his credentials before, but we're not
9 usually that formal. So I think we're willing to
10 hear a little bit about this; and then, if he wants
11 to challenge it, he should do it now on the record
12 and let the board know.

13 **MR. BLAIS:** That's fine. But I
14 think it's getting a little bit more, a little bit
15 more than is necessary, I think, and I will ask a
16 couple questions afterwards.

17 **MR. TEITZ:** Sounds like your
18 objection is asked and answered -- that the question
19 has already been answered.

20 **MR. BLAIS:** My objection was a
21 clarification. And then I would ask that the board
22 reign it in a little bit.

23

24

1 **CONTINUING by Mr. Landry**

2 Q. Mr. McLean, have you ever provided a staff
3 report to any planning board on a comprehensive
4 permit application under the Low and Moderate Income
5 Housing Act?

6 A. Yes, I have provided planning reports on
7 comprehensive permits.

8 Q. How many times have you done that?

9 A. A handful. I'd have to think through how
10 many specifically.

11 Q. How many in the last two years?

12 A. How many planning reports have I provided on
13 comprehensive permits within the last two years?
14 Maybe three, four.

15 Q. Those are all in Cranston?

16 A. No, that's a mix of different -- Cranston,
17 actually, is not eligible for comprehensive permits.
18 I have certainly become aware of comprehensive
19 permit applications that are brought before the
20 community; we have helped review them. In Cranston,
21 we would accept a comprehensive permit only through
22 a friendly comprehensive permit, if you will. We
23 actually are not eligible or meet the eligibility
24 criteria for the state, but I certainly have been

1 involved in numerous comprehensive permit reviews
2 through my consulting practice.

3 Q. On behalf of applicants?

4 A. On behalf of both applicants in support of --

5 Q. But not as a planner, correct?

6 A. No, as a professional planner.

7 Q. Not as a municipal planner?

8 A. That's correct. I would note, if the
9 interest is in my background and expertise as it
10 relates to land use, in all of the positions I've
11 held, I've certainly had a role in guiding planning
12 boards on a variety of decisions, including whether
13 it's itemized specifically in the resume or not,
14 including affordable housing projects in a number of
15 different communities.

16 Q. Okay. Now, you are not an attorney, correct?

17 A. Yes, that's correct.

18 Q. Just so I understand your position, you feel
19 that this is a process issue that the Planning Board
20 should take control of to make sure they have more
21 leverage to get a better deal --

22 MR. TEITZ: Excuse me, Mr. Landry.
23 Before you go into the substantive questions, are
24 you -- it seems like you've been asking the

1 questions about his credentials. Are you objecting
2 to his being accepted as an expert?

3 **MR. LANDRY:** No, no, no, he is a
4 planner.

5 **MR. TEITZ:** Okay.

6 **MR. LANDRY:** But my
7 cross-examination went to the weight of his
8 testimony and the extent of his experience.

9 **MR. TEITZ:** All right. Fine. I
10 just wanted to make sure we're dealing with one
11 issue at a time.

12 **Q.** Now, you used the word "process" a number of
13 times, and you used the word "leverage" a number of
14 times. Is it your position that this Planning Board
15 should determine the process here, reject the
16 comprehensive permit process under the Low and
17 Moderate Income Housing Act, and require the
18 Applicant to go to the Town Council so the Town has
19 more leverage? Did I understand that correctly?

20 **CHAIRMAN LUPOVITZ:** I'm going to
21 answer that, Mr. Landry. I don't think that was the
22 case at all. Again, I'm speaking on behalf of the
23 board -- but you can speak for yourself if you
24 want -- but I don't think we received it that way.

1 **Q.** Well, it's your position that the board
2 somehow has the power to determine that process,
3 correct, and decide this isn't the correct process?

4 **A.** No. I describe my guidance in the testimony
5 tonight is largely focused on the question of
6 whether this project is consistent with the Town's
7 comprehensive plan.

8 **Q.** You said the reason that it's not consistent
9 is because the comprehensive plan contemplates a
10 change in zoning, correct?

11 **A.** That was one of the reasons.

12 **MR. LANDRY:** Let's do them one at
13 a time.

14 **Q.** It contemplates a change in zoning; and a
15 change in zoning is normally done by the
16 Town Council, correct?

17 **A.** Yeah, the change of zone is normally --

18 **Q.** That was your testimony, was it not?

19 **A.** Yeah, I did testify that, in my opinion, the
20 language that is being relied upon, specifically to
21 justify the density that's being provided, is
22 language that is tied in the comprehensive plan to a
23 rezone.

24 **Q.** Okay. And you're presumably, then, not aware

1 that, in the comprehensive permit under the Low and
2 Moderate Income Housing Act, the Planning Board has
3 the same power to effect a change in the zone and to
4 do a rezoning; and that's exactly what these
5 Applicants are asking for, correct?

6 **A.** I don't think that the process of what is
7 being proposed as the comprehensive permit, through
8 seeking the waivers with the appeal body that exists
9 for a comprehensive permit, is equivalent to a
10 rezone process.

11 **Q.** But that's what the Low and Moderate Income
12 Housing Act provides for, correct? I assume in all
13 of your engagements -- this handful that you
14 described -- at some point you read the Low and
15 Moderate Housing Act, correct?

16 **A.** That is correct.

17 **Q.** And you're aware that it provides for
18 one-stop shopping, correct?

19 **A.** I'm aware.

20 **Q.** It also defines the percentage of low and
21 moderate income units that are required under the
22 state regimen, right?

23 **A.** Correct.

24 **Q.** And it defines what low and moderate income

1 housing is within that regimen and the household
2 income that qualifies for low and moderate income
3 housing under state law, correct?

4 **A.** Correct.

5 **Q.** And you don't suggest the Planning Board,
6 somehow, has the authority to overstep that process,
7 under state law, and substitute different
8 definitions, correct?

9 **A.** No. What I think I'm trying to articulate
10 is, in this case, for a project of this scale and
11 magnitude, the Applicant certainly has different
12 application tools, application vehicles that they
13 can choose. A comprehensive permit is certainly one
14 of them, and a rezone is certainly another.

15 **Q.** Right. So if the Applicant somehow went to
16 the Town Council on this particular property, as
17 you're suggesting the Applicant should have done and
18 that the board should consider the Applicant should
19 have done, you'd be fine with the Town Council
20 awarding 14 to 16 to 20 units per acre of affordable
21 housing on this particular property along with a
22 shopping center, correct?

23 **A.** If you're asking for me to render a public
24 opinion about a project and the process that has not

1 been brought forward, I don't think I can quite do
2 that. I'm merely pointing to the fact that the
3 comprehensive plan does articulate a vision for what
4 should happen in this area, and all of that language
5 states that it should be done with a new zoning
6 district, a rezone.

7 **Q.** Well, but you would say that it would be
8 consistent with the comprehensive plan if the
9 Town Council, and not the Planning Board, approved
10 the project of 16 or 18 or 20 percent affordable and
11 only 20 percent of affordable units not 25 percent;
12 that would be consistent with the comprehensive
13 plan?

14 **A.** I don't know if I would agree with that. But
15 I would state that any rezone process would
16 certainly involve the Planning Board -- at least
17 that would be my understanding of how things work in
18 East Greenwich -- that a rezone, major rezone
19 process, would come in with a companion master plan
20 proposal; that the Planning Board would have quite a
21 bit of discussion with the applicant in terms of
22 shaping the vision there; and following any
23 consideration of the Planning Board, that the
24 process could move to the Town Council. That would

1 be a standard rezone process.

2 **Q.** And have you been at these meetings before
3 tonight in connection with this matter?

4 **A.** Yes, I have.

5 **Q.** How many have you been at?

6 **A.** I have been at one previous meeting.

7 **Q.** Which one was that?

8 **A.** It was the meeting about -- April 19, I
9 believe that was the date.

10 **Q.** That was the first time you were engaged in
11 the process?

12 **A.** No, I've been engaged and have been
13 monitoring the process in terms of all of the
14 meeting minutes that have occurred at the TRC. I
15 have been engaged in the path of travel of this
16 application. So I've been engaged in the process
17 since longer than April 19.

18 **Q.** And is it your impression that the Planning
19 Board has not had a sufficient involvement in the
20 process?

21 **A.** I don't know if I would weigh in on a
22 professional opinion on whether I think the
23 Planning Board has had sufficient involvement in the
24 process. I think the Planning Board can determine

1 that for itself.

2 **Q.** Is it your impression that the issues that
3 are important are not being properly vetted here,
4 and that the Applicant has somehow been remiss in
5 trying to work with the Town and address the issues
6 that are of concern?

7 **A.** No. I think my impression is that the
8 Planning Board seems very engaged in the process.
9 I'm just relaying to them my concern of consistency
10 with the comprehensive plan.

11 **Q.** With respect to the mixed use business, the
12 comprehensive plan doesn't say "mixed use." It says
13 "residential mixed use," correct?

14 **A.** It says "residential mixed use."

15 **Q.** You left out the "residential" in your
16 testimony. It does say "residential mixed use,"
17 correct?

18 **A.** Yeah, that's correct.

19 **MR. LANDRY:** That's all I have.
20 Thank you.

21 **MR. BLAIS:** May I ask a couple
22 questions?

23 **CHAIRMAN LUPOVITZ:** Yes, sir.

24 **STENOGRAPHER:** Sir, can you come

1 up to the mic, please.

2 **MR. TEITZ:** You need to come up
3 here. She needs to hear you.

4 **REDIRECT EXAMINATION BY MR. BLAIS**

5 **Q.** Doug, would you explain your educational
6 experience a little more thoroughly.

7 **A.** Sure. I received a Master's degree in
8 planning from the University of Massachusetts
9 Amherst in 2007. And, you know, I have been an
10 active professional planner in the state of
11 Rhode Island since graduating with that
12 Master's degree.

13 **Q.** And could you explain, briefly, what an
14 AICP certification is.

15 **A.** Sure. American Institute of Certified
16 Planners is the nationally recognized certification
17 for professional planning. I tested for that exam
18 in 2009, and I have maintained my certification to
19 date. So that certification is the certification in
20 my field of expertise.

21 **Q.** And you've been qualified as an expert before
22 various zoning boards?

23 **A.** Yes. I have been qualified as an expert in a
24 number of different venues within the state, zoning

1 boards of review, as well as planning boards; and
2 I have provided planning testimony in front of a
3 number of different bodies in the state of
4 Rhode Island.

5 **Q.** Okay. I'm going to ask you one other
6 question. This is in regard to the comprehensive
7 plan, Page 69, Policy H1. Would you just be willing
8 to read the first sentence of that? I will let you
9 look at your notes again.

10 **A.** Sure. This is the first sentence of Goal H1:
11 (reading) "Create a new zoning district.
12 The Town will amend the zoning ordinance to create
13 a new zoning district in the northwest quadrant
14 (Shippeetown area: West of Shippeetown Road, south
15 of Crompton Road, and north of Middle Road) by
16 changing the current zoning from commercial (CH) and
17 farming (F2) to residential mixed use (MUPD) zoning
18 district."

19 **Q.** So the last question, the comprehensive plan
20 does contemplate a rezone for this project?

21 **A.** Yes, the comprehensive plan does anticipate a
22 zoning -- a new zoning district for this particular
23 area of town.

24 **MR. BLAIS:** That's all I have.

1 Thank you.

2 **CHAIRMAN LUPOVITZ:** Any other
3 questions or comments?

4 **MR. YODER:** Yes. I guess if it
5 switches just from residential to residential mixed
6 use, is it your professional opinion that traffic
7 gets lighter or that the use of space becomes less?
8 It might be less dense, but it seems like it doesn't
9 address a lot of the -- if they add commercial,
10 which it seems to exacerbate a lot of the
11 community's issues with the project.

12 **MR. McLEAN:** That's a fair point.
13 I think that my overall point would be that the
14 vision that's articulated in the comprehensive plan
15 should be looked at very carefully as in regards to
16 consistency with any proposal that's brought in
17 front of you, particularly a comprehensive permit
18 proposal.

19 It is fair to question whether introducing a
20 heavy commercial component into this area would also
21 introduce additional concerns. I think that's a
22 fair point. I'm not a traffic engineer. I'm not a
23 traffic expert, so I will not weigh in on the topic
24 of traffic too heavily.

1 I do have in my report, just noting that, you
2 know, there are some concerns, as noted on the
3 record, as it relates to traffic; and I do look at
4 comprehensive plan language within the plan as it
5 relates to traffic. There certainly is language
6 that -- I didn't go into detail tonight -- that, you
7 know, certainly wants to see diversity of traffic
8 and transportation options throughout the community.
9 Certainly, you know, I found when reading the
10 comprehensive plan, it suggests there's a goal for
11 maintaining projects that benefit neighborhoods.

12 But as it relates to the rezone, certainly
13 residential mixed use -- and when it says "mixed
14 use," they mean nonresidential uses. So that is
15 part and parcel for the vision of this area as
16 articulated by the comprehensive plan. I don't wish
17 to make a value judgment on whether that's a
18 positive or negative vision, but that's the vision
19 as articulated by the comprehensive plan, that this
20 would have some element of commercial mixed into the
21 development.

22 **MR. YODER:** And just I would say
23 that it's unfair to question your credentials by
24 stating you were working in North Kingstown and

1 Cranston -- it's not like the development was in
2 New York -- as an example of where you worked
3 before.

4 **(AUDIENCE APPLAUSE)**

5 **MR. SHARTENBERG:** I had a
6 question. So part of changing it to mixed use, MUPD
7 as an abbreviation, is that 30 percent of the
8 development will be dedicated to common open space.

9 **MR. McLEAN:** Uh-huh.

10 **MR. SHARTENBERG:** And I'm reading
11 something here that's saying it's going to fall
12 short of that 30 percent requirement for open space,
13 and that the central wetland doesn't count towards
14 that total. Can you speak to that at all?

15 **MR. McLEAN:** Yes, I do think that
16 one element of this proposal is that it does not
17 seem to provide a high level of open space outside
18 of the wetland area. And I do think that that's
19 certainly being fueled by a desire to have a great
20 number -- you know, a great density there. I do
21 think that the language in the plan, as it relates
22 to the density bonus, as you read it, if this was
23 to be assumed as a rezone, which there would be
24 potentially public roadways, there would be space

1 allocated for other nondevelopable purposes.

2 The density that's being prescribed, it isn't
3 specifically clear, but I think it's fair to assume
4 that the density that's being prescribed would be to
5 the privately-owned parcels after we move some of
6 the public amenities. So I think there is a bit of
7 density being prescribed to the entire property,
8 when, through a rezone process, you may end up with
9 potentially looking at density on a case -- and I do
10 believe the plan is looking at the density on a
11 case-by-case basis.

12 So I think there was an anticipation that the
13 density of what was appropriate would be looked at
14 on a case-by-case basis, potentially
15 parcel-by-parcel, after this property had been
16 potentially subdivided through a major land
17 development process. Part of the public properties,
18 public streets, public amenities have been removed
19 from the table and you're left with just the private
20 developable parcels.

21 I don't want to speak to -- you know, that's
22 a process that I think could have been discussed in
23 greater length and navigated to what was -- there
24 was a comfort level if this was going through a

1 rezone.

2 **CHAIRMAN LUPOVITZ:** Mr. Blais.

3 **MR. BLAIS:** Yes, sir.

4 **CHAIRMAN LUPOVITZ:** Any other
5 comments? Sir, anything else you want to add to
6 this discussion? If not, I have a question for you.

7 **MR. BLAIS:** I'm sorry, for me?

8 **CHAIRMAN LUPOVITZ:** Yes, sir.

9 **MR. BLAIS:** Oh, please.

10 **CHAIRMAN LUPOVITZ:** How many
11 residents do you represent?

12 **MR. BLAIS:** I would have to check.
13 I can get an answer to you.

14 **CHAIRMAN LUPOVITZ:** Ballpark.

15 **MR. BLAIS:** I don't know.

16 **MR. SHARTENBERG:** What
17 neighborhood is it?

18 **MR. BLAIS:** I have -- I believe it
19 is to the south. I will answer the question. I'd
20 have to look at the engagement letter. I know I
21 spoke with several people. I don't know the full
22 amount.

23 **CHAIRMAN LUPOVITZ:** Do you intend
24 to provide that information to us?

1 **MR. BLAIS:** I would be able to
2 provide -- I would feel very comfortable providing
3 where the group is located, where they live, how
4 many people there are. I have no problem with that.

5 **CHAIRMAN LUPOVITZ:** So you've had
6 some conversation with these folks, I assume?

7 **MR. BLAIS:** Yes, I have.

8 **CHAIRMAN LUPOVITZ:** And have a
9 very good understanding and general awareness of
10 what their concerns are?

11 **MR. BLAIS:** Yes.

12 **CHAIRMAN LUPOVITZ:** Do you want to
13 present to the board now a summary of what your
14 feeling is as to why they have engaged your
15 services?

16 **MR. BLAIS:** I'm sorry, as to --

17 **CHAIRMAN LUPOVITZ:** Can you present
18 to the board just a general summary of why they've
19 engaged you to represent them. What is the message
20 they want you to convey to us, besides the obvious?

21 **MR. BLAIS:** Well, I think it
22 starts, first and foremost, with what the
23 neighborhood and the area that they live in is all
24 about. The group -- these people moved to

1 northwestern East Greenwich, which is rural; it's
2 really rural. Every one of their properties, I
3 would say, has at least two acres of land. They
4 have quite a bit of space in a rural environment
5 where they bought homes with that in mind, with that
6 whole rural atmosphere, beautiful community, but in
7 a place that they truly enjoy; and this would change
8 that character.

9 Instead of large spaces, we would have a huge
10 neighborhood which is -- which would be very
11 comparable to a suburban density neighborhood being
12 plopped in the middle of a rural area. It would not
13 only change the character of the surrounding area,
14 but it would almost be set apart from the
15 surrounding area.

16 So my clients are here to protect their
17 interests in regards to their properties, but also
18 because there's plenty of other concerns; and many
19 of those concerns I list in my letter to you all.
20 There are concerns about traffic. There are
21 concerns about stormwater coming onto Division Road.
22 I'm sure you've seen videos and pictures of that.
23 There's concerns about how this will affect their
24 quality of life in every aspect, and it very well

1 may -- it will, pardon me.

2 So my clients are here and hired my firm to
3 represent their interests. And I think it's
4 important to note that this application goes for it
5 all. It goes for it all. And what my clients are
6 asking is, hold on, take a step back, let's focus on
7 what would fit into this neighborhood. They are not
8 opposed to LMI; that is not what we're here for.
9 This is asking for a cooperative, conversational,
10 let's work together to see what is fair as opposed
11 to maximizing the units.

12 I would point out -- and I wrote this in my
13 letter yesterday that I sent -- one of the important
14 things is the reason we do get density bonuses in
15 the state is so that a developer can fund LMI
16 housing and create LMI housing. And we have asked
17 for this pro forma to understand if this density is
18 required to make this project work; and we don't
19 know that. We are missing information. I think
20 that makes my clients and, frankly, a lot of people
21 in the public wonder why are we here when there are
22 so many things the board should have -- that should
23 be a little bit more defined.

24 In this situation here tonight, we have seen

1 that there are a lot of questions. I note that
2 master plan is, theoretically, just a conceptual
3 plan. But if you look at the application and the
4 waivers that they're asking for, these are some
5 pretty serious waivers of some pretty big ordinances
6 that are meant for safety, that will impact not only
7 the people who I represent, not only the people in
8 the area, but also the people who will eventually
9 live in that development.

10 So that is why, I think, my client hired my
11 firm to represent them regarding this matter.

12 **CHAIRMAN LUPOVITZ:** So it sounds
13 to me like they're not entirely opposed to
14 something.

15 **MR. BLAIS:** I mean, I wouldn't
16 represent what every single person wants to have at
17 their property. But I would say, they don't own the
18 property, but they have the right to make sure that
19 it's something that fits into the character of their
20 neighborhood and to raise their objections however
21 they see fit.

22 **CHAIRMAN LUPOVITZ:** So, once
23 again, you're not opposed to some type of a
24 development in there.

1 **MR. BLAIS:** I don't think they're
2 opposed to something reasonable back there,
3 something that makes sense for the community. But I
4 would say that all of them do not believe that this
5 project would be reasonable in its density.

6 **CHAIRMAN LUPOVITZ:** So I guess I
7 would leave you with this thought -- and I am
8 probably going to present the same to Mr. Landry
9 as well -- which is, we've listened to a lot; we've
10 heard a lot. We understand what the concerns are
11 out there, and I think there's a lot of shared
12 concerns. So I think I'm hearing the possibility
13 of some compromise about something. I think it's
14 a good idea for people to have a dialogue about what
15 that something is.

16 And so the message, to both you and
17 Mr. Landry, is take into consideration everything
18 that we're hearing and try to determine on your
19 sides what, if anything, is willing to be discussed
20 and open in order to compromise and perhaps have a
21 possibility of something versus nothing.

22 **MR. BLAIS:** Absolutely. We think
23 that's fair. Thank you very much.

24 **MR. YODER:** Along those lines, I

1 get a little bit worried when we are allowing the
2 people inside to determine who's allowed to come in;
3 and that's kind of where we're going with talk
4 about the community character and fabric of
5 East Greenwich.

6 The way I've understood a lot of the planning
7 is that we're trying to put a lot of the density
8 inside of Route 2 on the eastern side of town to
9 keep the more rural areas rural. But that sort of
10 got us into a position where we are so far off on
11 the affordable housing numbers now and kind of
12 listening or not providing better guidelines to
13 people within the community as to what can or what
14 should be built in certain places. We're kind of
15 setting ourselves up to recreate what's been done.

16 So I'd just be weary of the open-endedness of
17 -- it doesn't sound like the number of clients
18 you're representing have a similar idea of how many
19 units should go into developments. I don't know if
20 you want to get into a back-and-forth between the
21 two sides, but worrying that -- I guess, trying to
22 fix East Greenwich, the town planning issues and the
23 way the history of the town, the way we got here, by
24 adjusting small places in rural areas and trying to

1 prevent these types of developments, I don't think
2 we'd ever get to the 10 percent.

3 So if the town planning did list something
4 like this as an option, we should probably either go
5 forward -- we should look to that as the template as
6 to what we're going to put in and not try and say,
7 well, if it's not going to fit here, it should go
8 somewhere else. And what I'm worried about, from
9 what I've heard up here, that there are neighbors
10 that sound as if no development should go there, and
11 there are a few that aren't as strict with it.

12 But there was no straight answer as to
13 whether or not a compromise was available or
14 anything like that.

15 **MR. BLAIS:** I think it's hard to
16 give a straight answer for several people. I think
17 everyone is going to have their own opinion, for
18 sure. I have not broached the subject of how would
19 they -- would my clients like to mediate some sort
20 of agreement, but I don't think that's the role here
21 at this point. If it does come and there is an
22 opportunity, I'm sure my clients would feel the same
23 way.

24 **MR. YODER:** That's the goal of the

1 comprehensive plan and sort of the zoning and
2 restrictions we put in are there to require. So if
3 there are neighbors that don't like the number of
4 units going in, they can say they don't like the
5 number of units going in. But it is not really on
6 the neighbors, or it's not up to the neighbors, to
7 decide how many go in. And whether or not it
8 affects the community, the culture, the fabric of
9 East Greenwich is solely separate from whether or
10 not it's safe on the roads or the water is being
11 drained in the right places or that it's not
12 infringing on natural area sites.

13 I mean, I just think leaning towards that end
14 is going to keep us in the problem that we have. I
15 mean, we certainly have various areas of woods
16 throughout East Greenwich and getting those
17 neighbors upset that more is going in. So I think
18 we just have to be careful with it.

19 **CHAIRMAN LUPOVITZ:** I think what
20 Mr. Yoder is saying, he understands, we all
21 understand, that we have a mandate on one hand. On
22 the other hand, there are some reasons why something
23 like this might not be desirable near where you
24 live. So we can all understand that. We should

1 keep that in mind as we continue to proceed in this
2 matter and process it and try to determine what the
3 best outcome is for the community.

4 That's really why we're here, to help steer
5 this thing, keep it in a lane, and prevent certain
6 things from not happening that shouldn't be
7 happening and a lot of things that should happen,
8 along with the consensus and the general opinion
9 that it's in the best interest of the town, for
10 whatever reasons, we determine it should go that
11 route. Is that fair.

12 **MR. YODER:** Fair.

13 **CHAIRMAN LUPOVITZ:** Does anybody
14 else have a question or a comment at this point?
15 Anything from Mr. Blais? Mr. Teitz, you'd like to
16 weigh in?

17 **(NO RESPONSE HEARD/SEEN)**

18 **CHAIRMAN LUPOVITZ:** Mr. Ranaldi,
19 any thoughts or comments?

20 **MR. RANALDI:** No.

21 **CHAIRMAN LUPOVITZ:** Okay. Thank
22 you, Mr. Blais.

23 **MR. BLAIS:** Thank you so much, I
24 appreciate it.

1 **CHAIRMAN LUPOVITZ:** If you have a
2 comment. I still have the public hearing open.
3 Anyone can say anything at this time.

4 **MS. McNAMARA:** Hi, I'm
5 Elizabeth McNamara.

6 **ELIZABETH McNAMARA**

7 **(HAVING BEEN DULY SWORN)**

8 **MS. McNAMARA:** Am I allowed to ask
9 a question?

10 **CHAIRMAN LUPOVITZ:** Of course,
11 proceed.

12 **MS. McNAMARA:** The question is: If
13 a project doesn't move the needle on the 10 percent
14 affordable, you know, the requirement, does that
15 matter? I mean, it may be legally possible --

16 **CHAIRMAN LUPOVITZ:** I am going to
17 ask Mr. Teitz to weigh in on it. The answer is no.

18 **MS. McNAMARA:** Thank you.

19 **MR. TEITZ:** The question is
20 defining how far you move the needle. If 25 percent
21 of the new housing is affordable, then it will move
22 the needle. If only 10 percent of the new housing
23 is affordable, it won't move the needle at all. But
24 if 25 percent is affordable, then it's going to mean

1 some net benefit to the town in its percentage of
2 affordable housing. And then it's basically, you
3 know, a judgment question. That's what this
4 Planning Board is doing throughout this process, is
5 balancing the needs for affordable housing versus
6 the other elements set forth in the comprehensive
7 plan and the ordinance.

8 **CHAIRMAN LUPOVITZ:** Yeah, I'm
9 sorry. When you said "needle," did you mean towards
10 the total goal --

11 **MS. McNAMARA:** Towards the total
12 goal.

13 **CHAIRMAN LUPOVITZ:** -- or as far as
14 the overall project?

15 **MS. McNAMARA:** Well, towards the
16 total goal.

17 **MR. SHARTENBERG:** Toward the
18 mandate.

19 **MS. McNAMARA:** Towards the
20 mandate, yes.

21 **MR. TEITZ:** Yes.

22 **MS. McNAMARA:** I guess more than
23 10 percent.

24 **MR. TEITZ:** That's right.

1 **MR. SHARTENBERG:** I have a
2 question for Mr. Landry, which he doesn't have to
3 answer right now.

4 **MS. McNAMARA:** Thank you.

5 **MR. SHARTENBERG:** Maybe some of us
6 can weigh in on this, but I would be interested to
7 know if the Applicant is willing to increase the
8 number of affordable units to move us closer
9 towards the number. This is a big ask. As you have
10 heard from everybody in town who seems to be against
11 this, it's a rather large ask. So I would imagine
12 it would go a little bit away if we could increase
13 the number of affordable units.

14 **MR. LANDRY:** We're not proposing
15 to increase the number beyond the 25 percent
16 requirement, which is 5 percent more than the
17 proposed zoning change that we've been talking
18 about, that would only result in 20 percent. So,
19 no, we're not proposing to go beyond the 25 percent.
20 I'm not aware of any precedent with Rhode Island
21 Housing or the State Housing Appeals Board where
22 they've ever required anyone to go beyond the 25
23 percent or entertain an argument that a project
24 wasn't appropriate because it didn't propose more

1 than
2 25 percent.

3 So that's, that's a big number. There are no
4 public subsidies for the affordable component in
5 this project. There's nobody giving private
6 developers money. But in this Act, the State wanted
7 private developers to build the kind of housing that
8 the government used to pay for. And the requirement
9 was that there'd be 25 percent affordable units,
10 because you're basically giving away those units,
11 or, at best, breaking even; and that's where
12 25 percent came from, and that's a key feature of
13 the law. The other 75 percent, the density bonus,
14 is the subsidy that permits these projects to come
15 into existence, and that's the way the law is
16 structured. We're not asking for it to be waived.
17 But we're not proposing that it be increased.

18 There's a lot of discussion tonight about
19 density. You know, we're proposing 5 units an acre,
20 not 12, not 14, not 18, and not 20, all of which are
21 in that proposed zone change that the comp plan
22 contemplates, and that the Town hasn't taken any
23 steps to implement in ten years. I'm not blaming
24 the Town. But to have my client criticized for, you

1 know, not having proposed a zoning change, it was
2 the comp plan that called for the Town itself to
3 put something in existence on this property. This
4 was the property on the map, this property, that
5 could be up to 20 units per acre, and that could
6 include -- but isn't required to include -- a
7 commercial element including potentially retail and
8 a shopping center.

9 That's not something we made up. That's
10 something the Town asked for. And the way the Town
11 drew it up, they wanted at least 20 percent
12 affordable, and we're providing 25; and we think
13 that's a good number.

14 **CHAIRMAN LUPOVITZ:** Yes.

15 **MS. ENGLEHART:** Renu Englehart,
16 2005 Division Road.

17 **RENU ENGLEHART**

18 **(HAVING BEEN DULY SWORN)**

19 **MS. ENGLEHART:** I would just like
20 to offer some context, and I would like to quote
21 from an article from 2013 -- sorry, 2012 when the
22 Town was going over its comprehensive plan. And at
23 that time -- hold on, sorry. The Planning Chairman
24 asked, Steve Brusini, said: We did not drill down

1 into these issues. We were careful to leave the
2 door open to aspirational goals. And they said:
3 Just because we put something into the comprehensive
4 plan, doesn't mean we have to approve it. This
5 starts out where we want to go. The Town Planning
6 Director, Lisa Bourbonnais, suggested that those
7 items caused -- should be worded broadly and
8 modified in its language. You can always amend the
9 plan.

10 So I just want to point out that the
11 comprehensive plan may have stated that that parcel
12 was slated for low income housing; but as I recall
13 at the time, the State had rejected the
14 comprehensive plan that East Greenwich had put
15 forward, and East Greenwich had to resubmit, and
16 they had to identify an area. And this area had
17 been up for contention and had been proposed for
18 many different things.

19 But they picked it because there was no
20 other -- there was no other area, and that's why
21 they picked it. It wasn't because they said this
22 was the specific area. They just needed an area at
23 the time. And I'm sure if you go back into the
24 documents. And if I could find other articles, I

1 will certainly forward them to Al.

2 And, then, finally, I'd like to leave you
3 with this quote: Getting to this 10 percent goal
4 is elusive for the affordable housing, said
5 William Landry of Blish & Cavanagh. If you're
6 adding 20 percent of the units as affordable but
7 you're bringing in 80 percent of it as market units,
8 it's hard to catch up to that 10 percent. It is a
9 slow creep.

10 So, yes, Mr. Landry knew this when he was
11 representing Brookside Terrace on Route 2, and
12 that's why it's a hundred percent affordable. He
13 could certainly do that. And if they wanted, they
14 could certainly add more affordable units. I'm not
15 opposed to affordable units. I am, I will tell you,
16 opposed to the fact that it's highly dense.

17 Most of us who live on the main roads -- I'm
18 not going to speak for the neighborhoods -- we
19 bought there because it was rural, and it has slowly
20 crept our way. And I'm not -- I mean, I am
21 totally for affordable units. If it was half
22 affordable but with less density, I think that would
23 be something I would be in favor of. But they're
24 developing every little square inch of that

1 property, and it does take away from the character.

2 And I would like to invite all of you to sit
3 in my driveway at 4:00 to 6:00 and try to get out
4 and take a left turn out of my driveway and tell me
5 that that traffic does not affect this town. All
6 that traffic is going east towards the center of
7 East Greenwich because that's where our services
8 are. They're not going to be there because -- I can
9 tell you, residents from West Greenwich, who live in
10 Cedar Grove, they use East Greenwich for their
11 services. East Greenwich, going east, if you're
12 going east on Division, you're going to get more
13 traffic. So I think the traffic should be expanded.

14 And the idea that 20 percent is unattainable
15 or is, you know, the least you could do is
16 completely at odds with what Mr. Landry had said
17 when he wanted to build Brookside Terrace. So thank
18 you.

19 **CHAIRMAN LUPOVITZ:** Thank you.

20 **JOHN HARRINGTON**

21 **(HAVING BEEN DULY SWORN)**

22 **MR. HARRINGTON:** Good evening,
23 Mr. Chairman, members of the board. My name is
24 John Harrington. I am an attorney with Haronian,

1 Bramely & Harrington. I am also the vice
2 president -- I'm representing Cedar Ridge
3 Association, and I'm the vice president of the
4 Cedar Ridge Association.

5 We had presented the board, almost a year ago
6 in June, a letter listing several items of concern
7 to that neighborhood. I'm not going to go through
8 them again. But something came up during the
9 presentation of the Applicant, specific to sewers,
10 that we wanted to provide some additional
11 information to the board.

12 The Applicant has presented a letter that
13 they have capacity, through the Town of Coventry,
14 for the West Warwick sewer system. I didn't see in
15 any of the presentations where they specifically
16 said how they were going to connect from this
17 property to the West Warwick sewer system. We --
18 there was an implication that I heard that there's a
19 way to do it by -- like Cedar Ridge is connected,
20 under Route 95; and that the developer from
21 Cedar Ridge had reserved some rights. The
22 implication being that there was a way to get access
23 that way.

24 What I wanted to explain and give information

1 to the board -- I have a letter that I'll present to
2 you -- basically, there was an easement given, years
3 ago, by the State of Rhode Island to the
4 Town of West Greenwich. It's only five feet wide;
5 it's a little wider than me. There's a four-inch
6 pipe in there under Route 95 and under the 95 south
7 off-ramp and the 95 north on-ramp, which comes off
8 the property of Cedar Ridge and runs underground
9 through that easement. That's how it's connected.

10 That easement was given by the State of
11 Rhode Island, Department of Transportation, to the
12 Town of West Greenwich. The Town of West
13 Greenwich -- there's a document recorded in the
14 Town of West Greenwich, that I've referenced in my
15 letter. The Town of West Greenwich transferred its
16 right in that to the developer of Cedar Ridge, in
17 that easement; and the developer of Cedar Ridge
18 installed the sewer line.

19 The developer of Cedar Ridge created another
20 entity that transferred or granted access to that
21 easement to a development just south or southwest of
22 Cedar Ridge that's called Greenwich Commons. All of
23 these places are located in West Greenwich. That
24 was to allow Greenwich Commons to tie into that

1 common sewer line.

2 Cedar Ridge has been sold out completely for
3 about five years. I'm not aware of any, any deeds
4 that were granted in which there was a reservation
5 by the developer for access to that sewer line. The
6 developer created -- the individual created a
7 separate entity to develop
8 Greenwich Commons. Greenwich Commons has been sold
9 out for several years, about three years. The
10 developer doesn't own any more property in either of
11 those developments.

12 Under Rhode Island law, case law, when an
13 easement appurtenant exists -- and this is an
14 easement appurtenant -- it benefits the property of
15 Cedar Ridge and Greenwich Commons but travels over
16 an adjoining piece of property. When an easement
17 appurtenant exists and deeds are granted, that
18 easement appurtenant goes with the deed, unless
19 there's a specific reservation made in the deed,
20 by the grantor in the deed, for access to that
21 easement. I'm not aware of any deeds or any other
22 documents in which that kind of a reservation was
23 made.

24 I come tonight to provide that information to

1 you because the implication that I got, from the
2 presentation by the Applicant the night I saw it on
3 Zoom, was that there was some magical way to get
4 from this property to access the West Warwick sewer
5 treatment plant.

6 Based on what I know of the situation, that
7 private line is owned by the residents of Cedar
8 Ridge and Greenwich Commons. We have three pump
9 stations that pump effluent through that line.
10 There's no -- and we're not about to give access to
11 a four-inch line for 400 units.

12 I understand that in this process that master
13 plan is a conceptual part of the process, and
14 technical engineering isn't required at this stage.
15 But I really think it behooves the board, quite
16 honestly, to get more information from the Applicant
17 that, if you're going to put 400 units creating
18 wastewater on this property, how are they going to
19 access the capacity that they've got from the Town
20 of Coventry? And I haven't seen this part of their
21 presentation, how they're going to do that.

22 So I wanted to provide this additional
23 information, which was not in the initial letter
24 that we presented almost a year ago in June. I did

1 list in that letter the item of sewers and our
2 concern about sewers, but I didn't go into the
3 detail that I've gone into tonight.

4 I would like to offer this letter as an
5 exhibit to the board. I have a copy for Mr. Landry.

6 **(DOCUMENT HANDED TO MR. LANDRY)**

7 **MR. HARRINGTON:** Should I just
8 give it to the stenographer or to --

9 **MR. RANALDI:** I'll take it.

10 **(DOCUMENT HANDED TO MR. RANALDI)**

11 **MR. HARRINGTON:** That concludes my
12 comments. Thank you very much.

13 **CHAIRMAN LUPOVITZ:** Thank you.

14 Mr. Landry, I will give you the opportunity
15 to respond to that if you have enough information to
16 take a stab at it.

17 **MR. LANDRY:** Sure. Now, this has
18 been a very public process here and over in
19 Coventry. We did have -- we do have a will-serve
20 letter from Coventry; that's what we're required to
21 have at this point. There were three different
22 potential routes that could be taken, the same way
23 Cedar Ridge did it, across 95, three different
24 locations at which the sewer pipe would intercept

1 the Coventry sewer system.

2 We don't currently have plans to duplicate
3 what Cedar Ridge did. I believe that all three of
4 those alternatives were further, further north than
5 that particular route. The engineering needs to be
6 worked out at the preliminary plan stage.

7 I disagree with Mr. Harrington's assessment.
8 I know Mr. Harrington. I've known him for a long
9 time. He didn't pretend to have done a thorough
10 analysis of the condo documents. That easement has
11 been previously transferred into private hands.
12 There are rights that were retained by the declarant
13 as part of the development rights or easement rights
14 that could create potential for that same route to
15 be utilized or for another pipe to be placed next to
16 the one that's already there.

17 So those are engineering issues that will be
18 worked out at the preliminary plan stage. At this
19 stage, we've got a sewer system that is open to
20 accepting our flow. The engineers testified at the
21 last hearing about how feasible that is, it is
22 likely to be, in terms of pipe sizes. Exactly how
23 that's designed is not an issue that's been fully
24 engineered right now. So that's what I can tell

1 you.

2 I don't envision any scenario under which
3 anything would be done that adversely impacts
4 Cedar Ridge in any way. You know, certainly we have
5 engineering studies to be done at the preliminary
6 plan level as to pipe sizing and so forth. And we
7 don't -- we're not going to put our flow into a pipe
8 that's not big enough or that needs to be replicated
9 within the same easement. The association doesn't
10 pretend to control that easement. All they're
11 saying is they have a pipe in that area.

12 So we have a lot of options, and the best
13 engineering option would be selected and developed
14 and presented at the preliminary plan level. And if
15 it's not going to work for us and it's not going to
16 work for someone else, it won't be presented and you
17 won't see it, because we're not going to propose
18 something where there's not the ability to go in
19 that direction. A separate pipe, perhaps next to
20 that one, perhaps 200 yards north, in one of the
21 other alternative locations that we presented to the
22 Town of Coventry.

23 **CHAIRMAN LUPOVITZ:** Thank you. So
24 I would say to Al and Andy, I mean, it's assumed

1 that this project would meet all approvals and
2 wouldn't proceed without the proper approvals to
3 solve this potential conflict that was presented to
4 the board this evening.

5 **MR. TEITZ:** Yes. I think that's
6 something for the preliminary plan stage. I think
7 they have, admittedly, met the minimal threshold for
8 master plan. It would have to be their decision to
9 raise; and if it can't be solved, it doesn't matter
10 what you do, it's not going to happen. But it's not
11 appropriate to require that solution at the master
12 plan stage.

13 **CHAIRMAN LUPOVITZ:** So our public
14 hearing remains open. Do we have any virtual
15 participants?

16 **MR. RANALDI:** Mr. Chairman, if I
17 can, about a week ago, I was presented a 2007
18 traffic study of Division Road intersection. I
19 forwarded it to all the parties involved. We have
20 our traffic consultant on Zoom. She would like to
21 have the opportunity to explain the differences and
22 her thoughts on the 2007 plan and the recent plan
23 submitted by the Applicant.

24 I don't know if the board wants to get into

1 the traffic again right now or if you want to defer
2 to it at another time, but she is available for the
3 board.

4 **CHAIRMAN LUPOVITZ:** Yeah, I would
5 say before we attempt to do that, just so I'm clear,
6 is there anyone attending virtually that has a
7 comment to make?

8 **MS. MARTIN:** I would like to make
9 a comment.

10 **MR. MARSEGLIA:** No.

11 **CHAIRMAN LUPOVITZ:** Is that a yes
12 or --

13 **MR. MARSEGLIA:** No.

14 **CHAIRMAN LUPOVITZ:** Fine. Yes,
15 we're still open for business here, if you would
16 like to come up and make a comment, feel free to do
17 so.

18 Welcome.

19 **LORRAINE MARTIN**

20 **(HAVING BEEN DULY SWORN)**

21 **MS. MARTIN:** My name is
22 Lorraine Martin. I live at 238 Verndale Drive.

23 So I'm here. I'm a registered nurse,
24 pediatric registered nurse. I don't live anywhere

1 near where this development will be built, but I am
2 concerned for the health and safety of fellow EG
3 residents, as well as the future residents that
4 would potentially be living in this community.

5 I read some of the law. I'm not a lawyer, by
6 any means. I don't have any law background. The
7 language in the affordable housing laws is confusing
8 to me. But it seems like the Planning Board, to my
9 understanding, is allowed to deny the approval of a
10 comprehensive permit if there is safety concerns to
11 the current or future residents of East Greenwich,
12 as well as if the proposal is not in line with the
13 comprehensive plan of the town.

14 I believe the person earlier commented how
15 he doesn't believe that it's aligned with the
16 comprehensive plan that was made ten years ago. And
17 from what I read of the comprehensive plan, I do
18 agree, but I'm here more to address my safety
19 concerns.

20 I know that -- I don't know what your role
21 is. I guess you're the lawyer for the town. You
22 said that impact on schools and a fiscal impact on
23 the community cannot be considered in the decision.
24 But I wanted to tie in just how an impact on schools

1 directly impacts the health and safety of our
2 residents, and our most important residents, which
3 are the students of East Greenwich and the children.

4 My concern is increasing our population so
5 significantly, without addressing the issues, is
6 going to overcrowd our schools even more; and
7 overcrowding in schools has a mental impact on
8 children, as well as a physical impact and a safety
9 impact and a health impact. I feel like we're
10 forgetting that we just came out of a pandemic where
11 social distancing was extremely important.

12 There was a time period our kids had to
13 alternate in schools on days that they had more
14 distance between them. And, you know, knock on
15 wood, we never experience that again and we never go
16 through something like that. But if we did have a
17 surge in COVID where we have to separate other
18 students and do alternate days so that there was
19 distance between them to decrease transmission of an
20 infectious disease, increasing, you know, having a
21 development that's significantly increasing our
22 population, would pose a health and safety risk to
23 our residents.

24 And, in particular, the residents in that

1 area, you know, worry about, you know, social,
2 physical, mental health impacts changing their
3 community that they love. This is what they bought
4 into. This is what their dream is. And you,
5 essentially, would be taking that away.

6 And just the environmental impact and the
7 noise; that's another concern. I, in particular,
8 I'm deaf in one ear and I have chronic tinnitus.
9 And I know that there's a lot of people that do
10 suffer from hearing loss and tinnitus, and
11 especially older residents in East Greenwich that
12 could be impacted by the increased noise in the
13 area, if a development of
14 400 units is to be put in that area.

15 So I just touched upon a couple of my, you
16 know, my concerns for safety. It seems to be one
17 of the areas where you have, you know, control to
18 consider as a reason to deny it. And I would hope
19 that you would consider some of those of what I said
20 in your decision. Thank you.

21 **CHAIRMAN LUPOVITZ:** Thank you.

22 Before we get to traffic, anybody else who is
23 here at the meeting in person who would like to make
24 any comments or have any questions? Any board

1 members?

2 **TORI CRANKSON**

3 **(HAVING BEEN DULY SWORN)**

4 **MS. CRANKSON:** Tori Crankson,
5 2 Miss Fry Drive. I just want to talk a little bit
6 about the environmental impact. I live around the
7 corner. So I won't be looking at it directly, but
8 we drive Division every day, three times a day. The
9 other day we were driving. My daughter saw six
10 deer. She was like, "Mommy, six deer." She's six;
11 she loves the number six. Six deer, I just
12 counted." And it just made me think, in that area,
13 where do all these animals go.

14 I know we talked about re-homing. We have a
15 fox that sleeps under a tree on our deck in winter.
16 I don't mind; he doesn't hurt anything. We have
17 deer; we have families of deer. We have so many
18 animals that reside in that forest. And I've heard,
19 you know, maybe there's some species that are way
20 more hidden that we don't know about.

21 But as we continue to hear more and more and
22 more about climate change, the more that we deforest
23 the land that we have, the more the animals go away,
24 the worse that we are doing and shortening our

1 earth's lifespan right now.

2 As a parent, that is severely disturbing to
3 me that we're looking to cutting down 80 acres of
4 habitat, natural space without leaving more green
5 space, more trees. It doesn't have to be high
6 density. If that's zoned for more housing, that's
7 great, give affordable housing more yard, give them
8 more land. You don't have to develop the whole lot.
9 This seems too dense.

10 Safety, we've done it, I'm not even going
11 to go there. Incredibly scary to think about an
12 additional 3,300 cars a day making those trips.
13 That is petrifying for somebody who drives regularly
14 on that road. I see kids waiting for the bus. I
15 see bikers. I see runners. I see walkers. There's
16 no sidewalks. That's okay. It's a two-lane road
17 with a shoulder. I move around the lawn guys. I
18 move around FedEx.

19 But it is a dangerous road when people drive
20 at very high speeds. And adding 3,300 cars -- I
21 believe that's the number that was put in at the
22 last meeting -- a day to that will severely also
23 impact the environment. That is more involved, more
24 noise pollution, just impact on impact on impact.

1 One question I have of the developer. As we
2 think about Governor McKee's declaration looking
3 down the road and limiting gas-guzzling cars -- I
4 have a gas-guzzling car, so I should say that. But
5 are there hybrid charging stations or electric
6 charging stations? Are we thinking solar panels?
7 This is a huge drain on resources for the Town of
8 East Greenwich; which, obviously, if the sewer line
9 isn't able to support the development itself, the
10 services are not there and supported by the Town.

11 So what are the proposals to make this more
12 self-sustaining, make it a little bit more
13 environmentally friendly and forward thinking so
14 that we're not really detrimentally impacting and
15 going too far down the road for this area. 80 acres
16 is a lot of land. 400 units, 410 is too much. It
17 has to be smaller. You have to build more parks.
18 If you want quality of life, that's parks, not all
19 sidewalks; that's greenery, that's green space. And
20 it's proven that it makes people more happy, and
21 that would be a much more environmentally sound and
22 friendly development there.

23 **CHAIRMAN LUPOVITZ:** Thank you.

24 Okay. Anybody else that is here?

1 (NO RESPONSE HEARD/SEEN)

2 CHAIRMAN LUPOVITZ: Last chance.

3 (NO RESPONSE HEARD/SEEN)

4 CHAIRMAN LUPOVITZ: Okay. We are
5 more than happy to hear the comments from the
6 traffic consultant.

7 MS. NOVO: Anna Novo, N-o-v-o.

8 ANNA NOVO

9 (HAVING BEEN DULY SWORN)

10 CHAIRMAN LUPOVITZ: Thank you.

11 MS. NOVO: Okay. Mr. Ranaldi
12 provided me with a copy of the access management
13 plan that was created back in 2007 by a company
14 called Maguire Group, consulting engineers. At the
15 time that this access plan was being worked on,
16 there were other projects in East Greenwich that
17 were coming in and that either were approved or that
18 were in the process of being approved. There was
19 about eleven projects at the time, not counting the
20 Rocky Hill/Brooks development project.

21 These eleven projects consisted of several
22 that were residential and some of them which were
23 office. The total amount of residential units that
24 were proposed under these eleven projects were about

1 723 units. And there were about 208,600 square feet
2 of office space.

3 When the Brooks and the New England -- I'm
4 sorry, Brooks and Rocky Hill development project
5 came, there was a lot of concern by the Town,
6 obviously; and they wanted to make sure that any
7 kind of improvement that happened on
8 Route 2 would take into account some kind of
9 mitigation that would protect and minimize the
10 amount of curb cuts onto Route 2.

11 There was so many issues regarding the
12 Rocky Hill project, because the amount of traffic
13 that that project was supposed to generate was about
14 7,300 vehicles per day, which would have been a
15 thousand during the morning peak and about 930
16 during the afternoon peak. When New England Tech
17 came in and bought the parcel, that whole estimate
18 of traffic was reduced substantially. This is part
19 of the reason why, when Joe Duarte, the previous
20 Director of Public Works, and myself looked at the
21 scope for this particular project, we didn't
22 consider the intersection of Route 2 and Division.

23 And the reason being, that many of these
24 projects that were assumed to be built and were

1 considered as the basis for the Rocky Hill, some of
2 them did not get constructed, and some of them that
3 were constructed were done by a smaller amount.
4 the traffic that was projected to have Level of
5 Service C or D around the intersection of Division
6 and Route 2, all of those projects were taken into
7 consideration. The base traffic was increased by a
8 very high rate of about 1 1/2 percent per year.

9 Now, the Rocky Hill project, on top of all
10 these projects that I just mentioned, was going to
11 add 265,000 square feet for the building, which is
12 today New England Tech, was also going to add
13 178,000 square feet of additional office space,
14 21,000 square feet of restaurant space, 44,000
15 square feet of hotel space, 80 condos, and about
16 150 age-restricted residential units.

17 When New England Tech bought that corner and
18 that parcel, they also purchased the land that was
19 going to be for the Wellington Woods residential
20 project, which consisted of 430 units of residential
21 buildings and the East Greenwich Country Club
22 residential project. All of that was eliminated by
23 New England Tech buying that land because these
24 developments, these projects didn't happen.

1 So when we looked at the traffic and we
2 looked at the amount of future projections that were
3 going to go in that intersection, we felt that there
4 had to be some mitigation done on that corridor. So
5 as part of the improvements that were proposed under
6 the Rocky Hill, we carried those forward to
7 New England Tech, because we felt that the first
8 part of New England Tech was going to impact the
9 intersection a little bit more than the long range
10 that was proposed, because it was going to be done
11 in phases, in the hopes that the missing movement of
12 the Route I95 and Route 4 would be constructed.

13 So as part of the mitigation, they built the
14 roundabout at Division Road from the entrance of
15 New England Tech to the intersection, they widened
16 the access ramp to Route 4. And when CVS came in,
17 as part of their development, we asked them to put a
18 signal at the entrance of Fairground Way; that they
19 re-stripe it; and we started to apply all of the
20 conception of this access management plan.

21 Now, the reason we also did not ask this
22 proponent to study that intersection was because we
23 felt that since a lot of this traffic did not occur,
24 did not happen, we feel that all the evaluations

1 that were done and all the values that we obtained
2 will be pretty much standard what you're going to
3 find there today after all these years that has
4 passed.

5 The other thing, too -- and I'm not sure
6 if the Town is aware -- is that the State of
7 Rhode Island, in partnership with the Quonset
8 Development Corporation, have put together a grant
9 asking the Federal Government for \$81 million of
10 grant money to complete the I95 missing movements on
11 that interchange. Which, once that happens, it will
12 relieve a lot of the traffic issues and congestion
13 at that intersection.

14 In addition to that, they were also going to
15 be building three interchanges to connect directly
16 to the Quonset Business Park to 403. So they are
17 expecting this project to take approximately ten
18 years, which would be about the time this project,
19 which is being built in phases, would take. So I,
20 personally, do not feel that it was necessary to
21 evaluate the intersection of Division and Route 2
22 at this time.

23 Additionally, this project would require two
24 curb cuts on Division Road, which is a State road.

1 And as part of that curb cut, they would have to
2 provide a physical alteration -- they would have to
3 obtain a physical alteration permit. And to do
4 that, the Department of Transportation will evaluate
5 everything that was provided in this report; and, if
6 they feel they want to go further, they will ask
7 that of the proponent. I don't believe that they
8 will because they know that the situation at the
9 Route 2 and Division Road intersection cannot be
10 fixed right now without those missing movements at
11 the intersection.

12 So everything that I see here on this -- what
13 do you call this -- the access management plan was a
14 picture of the projection of what they were hoping
15 to have on Route 2 and the things that they found to
16 try to help mitigate and control access on Route 2
17 from Division to Frenchtown, which was things like
18 combining driveways, which we did with CVS and the
19 bank that was in the corner, and in conjunction with
20 things that have been done. So these kinds of
21 things was the purpose of what this access
22 management plan was.

23 **CHAIRMAN LUPOVITZ:** Miss Novo,
24 it's Ben Lupovitz. I have a question for you. So

1 at the time of your peer review, you considered the
2 lower traffic volume at that intersection due to the
3 change in the use of the land that's now occupied by
4 New England Tech. Do I have that correct?

5 **MS. NOVO:** Yes. And many projects
6 that may not have been necessarily as exactly as was
7 estimated, because all these projects were coming
8 into East Greenwich between the year 2003 and 2005;
9 there was about eleven of them. And at the same
10 time, New England Tech was coming in -- not
11 New England Tech, excuse me, Rocky Hill and the
12 Brooks; and that development was going to be
13 enormous.

14 And when we looked at the impacts, we wanted
15 to make sure that we took all these projects, that
16 the Town was contemplating at the time, and consider
17 them a done deal; that they were already there; that
18 the traffic would be on the road. And then on top
19 of that, we added the traffic from Rocky Hill and
20 Brooks; and that's how we mitigated the project.
21 That's how, at the end of the Rocky Hill/Brooks
22 project meetings and hearings, it was determined
23 that they will have to build the first phase, which
24 was building the Brooks headquarters; but the

1 remaining development would have to be done in
2 phases, which would move in conjunction with the
3 State building the interchange.

4 They couldn't just build all of that, because
5 it would have been too much traffic, too much
6 congestion, as you can see by the numbers that I
7 reported before, 7,300 cars. I do not believe that
8 in the last 14 years you've added 7,300 cars a day
9 at that intersection.

10 **CHAIRMAN LUPOVITZ:** Well,
11 notwithstanding that, do we have a current traffic
12 count for that intersection?

13 **MS. NOVO:** There is no current
14 traffic count at that intersection that I'm aware of
15 that has been done in recent years. Based on what
16 has been compiled and the amount of traffic that was
17 projected, there was a lot of counts done in 2006 as
18 part of the Rocky Hill and Brooks project. And the
19 State, in the process, was doing a lot of studies
20 because that intersection was considered a hazardous
21 intersection.

22 And a lot of the problem was with the actual
23 section of Division Street that goes from Route 2 to
24 the ramps because, at that time, those two signals

1 were not coordinated, number one. Number two, the
2 lack of having that additional widening lane, that
3 they provided now for Route 4, made the traffic
4 queue all the way back to the intersection. So when
5 the light would turn, the traffic wasn't going
6 anywhere. So all these things were mitigated as
7 part of New England Tech coming in.

8 In conjunction with that is the fact that
9 some of the projects that were proposed at the time
10 did not get built because they were consumed by the
11 land, the land that New England Tech bought for
12 future development for, in the future, when they
13 build all their dorms. So they purchased that
14 Wellington Woods, which was for the 430 residential
15 units.

16 **CHAIRMAN LUPOVITZ:** So I don't
17 recall, Miss Novo, did you mention, in your report,
18 that you feel as though, based on the most recent
19 data, that it would suggest that this is
20 underutilize and that this should not be a factor
21 in this process?

22 **MS. NOVO:** I think I mentioned that
23 in the report because, as I said, when Joe Duarte
24 and I looked at what kind of scope we should tell

1 the consultant to look at, we limited the range of
2 the distance from New London Turnpike and the
3 entrances of the -- what's the name of that street?
4 Wellington -- where they are going to put the main
5 entrance. What's the name of that road?

6 **MR. RANALDI:** Westfield.

7 **MS. NOVO:** Sorry. Yes, Westfield.
8 We wanted to state that and also look at the
9 intersection of Shippeetown Road. We also knew that
10 was counted in 2017, because there's a project
11 that's going on that road, which is a Coventry
12 project, but they were going to exit on Division
13 Road. And at the time, they commenced the study for
14 that project, and we reviewed it for East Greenwich;
15 and we requested that they evaluate Shippeetown; and
16 they did that.

17 And we found that the majority of the traffic
18 that comes from that development and used the
19 intersection turned to go left onto Division Road
20 east or south on Shippeetown Road; less than
21 1 percent travels west on Division.

22 So do we feel that they needed to worry about
23 the projections from the Coventry project -- because
24 they were estimating 49 vehicles in the morning and

1 28 in the PM; and the majority of those trips,
2 80 percent would go east and 20 percent would go
3 south not towards the site -- we didn't think that
4 was important either.

5 So at this point, the value -- the limits of
6 the report, for this report, we established -- we,
7 basically, told them this is what you need to do,
8 because we knew that the intersection of Division
9 and Route 2 had been studied to death, basically.

10 **MS. ENGLEHART:** Can I say
11 something?

12 **MS. NOVO:** And it was not very
13 much that could be done there at this time, you
14 know, even if it was a little congested. Because,
15 to me, that intersection, to reach the levels of
16 service that we had in our report, or actually right
17 here in the Maguire Group report, you would have to
18 have built all of those developments and the Rocky
19 Hill development.

20 **CHAIRMAN LUPOVITZ:** So do you
21 feel, at this point, that it shouldn't be looked at
22 closer after all of the commentary and concerns that
23 have been presented during the public hearing?

24 **MS. NOVO:** It can be counted, if

1 the Town wishes to have that intersection counted,
2 we can count it, and we can compare those numbers to
3 what was being projected. But I don't believe that
4 there's going to be that much of a difference
5 between what was estimated would work with what this
6 project is going to generate.

7 This site is going to be built in phases. So
8 based on what we are hearing from the DOT and
9 Quonset, that is a great improvement, because that
10 would eliminate a lot of the traffic that is going
11 through that intersection.

12 **CHAIRMAN LUPOVITZ:** Okay.

13 **MS. NOVO:** All improvements. You
14 know, that's the other thing. Even if you were to
15 say, okay, well, it's a C and it's going to go to a
16 D, there is nothing you can do at that intersection
17 right now that is going to -- you know, that you can
18 mitigate, unless you take all the land and widen
19 that intersection more; and the State is not going
20 to do that if they're planning on doing the
21 improvements on the ramps.

22 **CHAIRMAN LUPOVITZ:** Before we get
23 further, are there any other questions of Miss Novo
24 from the board?

1 (NO RESPONSE HEARD/SEEN)

2 CHAIRMAN LUPOVITZ: Sure.

3 MS. ENGLEHART: Hi. Renu Englehart,
4 2005 Division Road.

5 RENU ENGLEHART

6 (HAVING PREVIOUSLY BEEN DULY SWORN)

7 MS. ENGLEHART: I sat on that
8 access management report. And part of that report,
9 if Miss Novo recalls, was that there was supposed to
10 be a back road built behind the medical buildings in
11 order to alleviate some of the traffic off of Route
12 2. She estimated, at that time, with -- and I
13 disagree with the fact that she's claiming that
14 those projects were not built. I think a lot of
15 those projects were built. And,
16 in fact, Division and Route 2 gets a ton of traffic
17 also from West Warwick and Warwick and that's
18 additional traffic. And we also get a lot of
19 traffic traveling east from Coventry and West
20 Greenwich; and they have had a massive building
21 increase as well.

22 But she had estimated that in 2020 the level
23 of service for all the intersections on Route 2
24 would be F, not D, F. They would all fail

1 individually. And I don't believe that taking a
2 traffic study from 2006 on Division and Route 2
3 is at all valuable. You have to do a new count.
4 Because even with the improvements that the DOT put
5 in currently, if you travel east, as I said, these
6 people are going to be East Greenwich residents.
7 They are going to need East Greenwich services.
8 They're going to be travelling east on Division, so
9 they're going to go through that intersection.

10 And if you're travelling east any time from
11 3:00 on, that left-turn lane, that's dedicated only
12 to 95, backs up; it backs up all the way up. And
13 now that Warwick has put a Neon there at the old
14 Jason's, I'm sure that's going to cause an issue,
15 and that's not even open.

16 And I have, I mean, a couple other projects.
17 You know, you're talking about the \$81 million for
18 the cloverleaf to be finished off of 95, all that
19 land is privately owned. I -- when we sat on that
20 board in '06, Edmund Parker, who was the head of DOT
21 at that time, promised that the cloverleaf would be
22 finished between 95 and 4; and now all that land is
23 privately owned. So I don't see all that happening
24 any time soon, certainly in ten years, even with the

1 phasing of this project is not going to help.

2 And I would like to also point out the reason
3 that there's a light at CVS is because I went to
4 those meetings and insisted that there be a light
5 there, because you cannot take a left coming out of
6 New England Tech onto Route 2 without -- you know,
7 they weren't going to put any light; they weren't
8 going to put anything there except for a stop sign
9 at Dave's and at the CVS access. They were going to
10 let all the traffic just go through. That is the
11 only reason that there is a light there currently.

12 And the Coventry -- the count that she's
13 talking about at Coventry and Division and the
14 Wellington Woods projects, Mr. Landry was the
15 attorney for both of those. And at those times,
16 both of those projects Mr. Landry claimed there was
17 not going to be a massive increase in traffic. And
18 I can guarantee you, if you look at what happened
19 between 2000 and 2023, there's a lot more traffic.

20 So I'm not really sure where she's getting
21 these numbers from. I appreciate Miss Novo's
22 thoroughness in this, but I don't believe it. And
23 I don't believe it because I live there and,
24 anecdotally, I can tell you that's not true. Thank

1 you.

2 **CHAIRMAN LUPOVITZ:** Thank you.

3 Any other questions or comments from folks who are
4 here of Miss Novo for traffic?

5 **(NO RESPONSE HEARD/SEEN)**

6 **CHAIRMAN LUPOVITZ:** Miss Novo, do
7 you want to respond to that?

8 **MS. NOVO:** Yes. The first thing I
9 want to say is that I did not create the access
10 management plan. I did not review it. This was
11 done by Maguire for the Town of East Greenwich. So
12 these levels of service that are listed here, I
13 didn't come up with. I just want to clarify that,
14 number one.

15 Number two, I have, in my office, all of
16 these studies, because I reviewed it for the Town,
17 and I have been reviewing traffic studies for the
18 Town of East Greenwich since 1995. And when all
19 these projects come into the town, especially those
20 that are going to generate a lot of traffic,
21 typically the Town asks me to look at them, because
22 I have just about a huge history of these projects.

23 So I didn't take these numbers out of my
24 head. These numbers are based on the studies that

1 were done by all these other consultants. This
2 traffic study was done. And in terms of putting a
3 signal at the intersection of the Fairgrounds Way,
4 that was all done as part of mitigation for the CVS
5 and in conjunction with a review of this access
6 management plan, which Mr. Whittaker, at the time,
7 the Town Planner, showed to me to make sure that we
8 approve the type of improvements on Route 2 that
9 would be similar to what was recommended by the
10 Maguire study.

11 Also, the medical facility, that road that
12 she's talking about, is a road that was supposed to
13 be built so that the medical -- the two additional
14 medical buildings that were built could connect to
15 that road. Something between New England Tech and
16 the medical facility did not work well, and that's
17 when that happened. That was the only mitigation
18 that they were not able to do.

19 And the fact that the ascending lane, at the
20 light, that lane that goes from Division to Route 4
21 was originally supposed to go all the way to the
22 intersection. But there's a vault in that corner
23 that contains I don't know how many fiberoptic lines
24 in there; and the utility company said it was cost

1 prohibitive for them to move it, which is why that
2 lane became a little shorter. But all these
3 improvements were done at a time when they took all
4 these numbers.

5 This is what I'm trying to say. If you take
6 the numbers that go back 14 years ago, okay, the
7 original basic data, that data was projected at
8 1 1/2 percent per year for 20 years. That's what
9 Maguire did. On top of that, they added all this
10 development. And when they evaluated this project,
11 they didn't do an analysis, they didn't do an
12 analysis of the intersections with all these
13 improvements in place. They mentioned the
14 improvements that were being done; and that by the
15 time all of it gets built, it would be a Level of
16 Service F. Which that is correct, it will be at
17 that intersection, because that accounted for
18 building Rocky Hill Commons and all of this
19 development; which is why the Town, at the time,
20 decided you can only build a certain phase of this.
21 The remaining three phases of Rocky Hill would have
22 to be split so that they could work in conjunction
23 with the improvement of the ramp.

24 Now, yes, it hasn't happened; but there is a

1 study that you guys can actually look at on the
2 Internet. That is a copy of the report that
3 the State put together in partnership with the
4 Quonset Development Corporation regarding the
5 \$81 million grant that they're asking of the
6 Federal Government.

7 **CHAIRMAN LUPOVITZ:** Thank you,
8 Miss Novo.

9 I think all of us who use Division Road,
10 myself included, on a regular basis, can attest to
11 the traffic and developments there and the problems
12 that currently exist and can easily imagine adding
13 more to that is only going to make it worse. I'm
14 not sure how it gets any better or how there's a lot
15 of excess capacity to amend it. I think that's
16 probably what some of the concern is regarding all
17 the commentators.

18 We all drive that and we all see what's going
19 on now. And adding all this extra traffic,
20 certainly it can't get better if it just goes in
21 one direction. That's what's at issue.

22 Any other questions, comments regarding
23 traffic?

24 **MS. MARSEGLIA:** I have someone

1 online.

2 **CHAIRMAN LUPOVITZ:** Yes.

3 **MR. RANALDI:** William Weedon.

4 **WILLIAM WEEDON**

5 **(HAVING BEEN DULY SWORN)**

6 **CHAIRMAN LUPOVITZ:** Please
7 proceed.

8 **MR. WEEDON:** Okay. Yes. I'm
9 sitting here at home. Red Sox are 4 to 1, by the
10 way.

11 **CHAIRMAN LUPOVITZ:** How about the
12 Celtics?

13 **MR. WEEDON:** Yeah.

14 So just a question for Miss Novo. Could you
15 please comment on, you know, what happens when 95
16 backs up. So about two weeks ago, we had some kind
17 of a backup on 95. I don't know whether it was
18 construction or an accident. But 95 was all backed
19 up. I live off Westfield, by the way, which is
20 right across from the proposed development. And for
21 some of the people that live on Westfield Drive,
22 they couldn't even get out of their driveway.

23 And it was mentioned at the previous meeting
24 that there's four, there's four entrances to 95 from

1 Division Road. And so what happens is, you know,
2 people use Division Road. They have their GPS,
3 their Waze going; and if there's some kind of a
4 backup on 95, they use Division Road as the bypass.
5 You know, how frequently does it happen, I'm not
6 really sure. Maybe that could be part of the
7 traffic study. But that's a serious concern.
8 And, you know, it makes it very difficult for people
9 that live on Division Road and also for people, like
10 myself, that live in some of these outlets.

11 So have you factored that into your study and
12 could you please comment on that.

13 **CHAIRMAN LUPOVITZ:** Miss Novo.

14 **MS. NOVO:** Sorry. I have not
15 factored any backup on 95 backing into Division.

16 **CHAIRMAN LUPOVITZ:** Thank you.

17 Any other questions from the virtual
18 attendance?

19 **MR. MARSEGLIA:** No.

20 **CHAIRMAN LUPOVITZ:** Okay.

21 **MR. SHARTENBERG:** I have a
22 question for Miss Novo.

23 **CHAIRMAN LUPOVITZ:** Yes, sure.

24 **MR. SHARTENBERG:** Miss Novo,

1 Andrew Shartenberg, member of the board.

2 At the last meeting, we talked about not
3 including Westfield Drive or Moosehorn Road or
4 Middle Road and Route 2 as part of the study scope;
5 and I'm assuming you heard the debate regarding
6 that. And I was wondering if you have any comments
7 as to whether or not those should be included as
8 part of the traffic study.

9 **MS. NOVO:** Well, the thing about
10 those roads is that when the proponent's consultant
11 reviewed the counts and the traffic, he looked at
12 the worst-case condition, and Division Road has a
13 lot more traffic than these streets. And in terms
14 of the amount of cut-through traffic, that's going
15 to be very difficult to project.

16 I don't believe that we're going to have such
17 a large number of vehicles going on those roads
18 that's going to be a detriment to the road, the
19 level of service on those roads; it seems they have
20 less traffic. They have a lot more capacity than
21 Division Road. And Division Road, right now, with
22 the counts that we obtained, and based on the
23 traffic that was counted in 2022, the highest number
24 of traffic per hour was 271, and that's combined in

1 both directions. That's about 13 percent of the
2 capacity of Division Road. So that section of
3 Division has the potential of so much more traffic.
4 Technically, numerically, it does.

5 In terms of these side-street issues, I mean,
6 we can have the proponent count, during the morning
7 peak, the intersection of Westfield Drive where it
8 comes out to Moosehorn to see if there is
9 cut-through traffic. But I don't see that as being
10 a major issue for this project in terms of traffic.
11 I don't believe that that should be your biggest
12 concern.

13 **CHAIRMAN LUPOVITZ:** Thank you,
14 Miss Novo.

15 Any other questions from the board?

16 **(NO RESPONSE HEARD/SEEN)**

17 **CHAIRMAN LUPOVITZ:** Mr. Landry,
18 any comments?

19 **MR. LANDRY:** No, not on anything
20 that's been presented tonight, I don't have any
21 comments.

22 **CHAIRMAN LUPOVITZ:** Okay. So what
23 I would suggest, Mr. Landry, last time we heard a
24 lot of commentary, a lot of feedback; this evening,

1 we have heard a lot more. I'm looking to you at the
2 next meeting, perhaps, being prepared to indicate if
3 the project has been reviewed, if there are any
4 updates, revisions, or other changes that you'd like
5 to present to us that are in response to any of the
6 comments or feedback we've heard so far.

7 **MR. LANDRY:** We started doing
8 that, Mr. Chair, the day after we met here last. We
9 had mentioned previously that we were doing a number
10 of things that aren't normally or not always done at
11 the master plan stage, including having a traffic
12 report, much less anything as fully developed as has
13 happened now.

14 But as a result of that meeting and
15 discussing you know, what we could do to make you,
16 hopefully, make us all, more educated and
17 comfortable, is to address three different things.
18 One, there is a process for accelerating DOT's
19 review of a PAP -- physical alteration permit --
20 to have them provide direction on what should be
21 studied, how it should be done.

22 There's been an enormous amount of information
23 that's come out tonight that corroborates our
24 expert's feeling that south -- that Route 2 doesn't

1 need to be evaluated, you know, that that -- the
2 State may see it differently than Miss Novo and our
3 expert. But we do have the ability to spend some
4 money and get before them without going through the
5 whole PAP process and getting their assessment on
6 that issue.

7 That's been placed in motion. There's
8 already been a meeting scheduled to that effect. I
9 don't know whether it's next week or the week after,
10 but it's within the very near future. How long it
11 will be before DOT can respond is not certain. It
12 may not be right at the meeting. They normally
13 would provide a letter, as opposed to a PAP, as to
14 what their preference would be, based on a variety
15 of factors.

16 We had indicated earlier that we were -- we
17 had engaged an archaeological expert. They had gone
18 through the whole first round of analysis, sought
19 input from the Tribe and other stakeholders; and
20 that that cycle has been completed, and they're at
21 the permit cycle now to allow actual excavation for
22 archaeological conditions. That was anticipated to
23 be a couple, a few-month process. We're a month
24 into it and we're getting close; but we've agreed to

1 do that at this stage rather than in preliminary,
2 where it's required.

3 Third thing is that natural heritage,
4 endangered species, wildlife, plant life, botany in
5 particular, because it turns out that the issues
6 that have been identified in this vicinity -- not
7 necessarily the property but the vicinity -- that
8 are pertinent to natural heritage considerations are
9 botanical issues.

10 So we've engaged an expert to look at that
11 now at the master plan stage without waiting for the
12 process we described that will take place at the
13 preliminary plan stage involving DEM and to provide
14 an assessment of what is on the property and what is
15 not on the property in terms of endangered species.

16 So that covers a lot of, a lot of what was
17 discussed, particularly the traffic piece. These
18 every two-week meetings seem like two days in the
19 big picture of engaging people and having them do
20 this kind of work. We were concerned tonight that
21 we don't have anything more to say, other than what
22 I just said, the things that are in motion; and that
23 it will there will be another meeting or two before
24 we will have all of the input from these external

1 sources.

2 So I'm not sure that the 7th, if that's your
3 next meeting, is soon enough -- is too soon and not
4 far out enough for us to really be able to
5 meaningfully respond. We're thinking the second
6 meeting in June would be better or safer for us to
7 be able to really provide meaningful input. Again,
8 we're halfway into the preliminary plan stage here
9 at master, you know, and we would have had two years
10 and two one-year extensions to get all that done,
11 four years; and we're trying to do it in a matter of
12 weeks, and we will do it in a matter of weeks, at
13 substantial expense. But I'm not sure we'd have a
14 productive meeting on the 7th, other than to tell
15 you, you know, where we are in that process.

16 I explained this all with Mr. Ranaldi. We
17 had a good, healthy discussion about it; and both
18 came to the conclusion that we didn't want to
19 scratch tonight's meeting because there was work
20 that could be done. The abutters' experts could be
21 presented; Miss Novo could respond to the additional
22 information that Mr. Ranaldi provided to all of us
23 about these other studies. And that's been done,
24 and it's been a productive evening.

1 But I think it would make more sense to go to
2 the second meeting in June, instead of the first.
3 We will do whatever you want us to do, but that's
4 our perspective at this moment.

5 **CHAIRMAN LUPOVITZ:** Well, you know,
6 in consideration of the fact that you have extended
7 some time, on this end, as well to accommodate the
8 process, we are happy to push it a couple meetings.
9 We have a few other matters that we can address. So
10 why don't we assume that we will continue this to
11 the second meeting in June, Al? Does that work?

12 **MR. RANALDI:** Yes, the 21st.

13 **CHAIRMAN LUPOVITZ:** Andy, are you
14 okay with that?

15 **MR. TEITZ:** Yes, I think so. And,
16 Bill, you're going to extend -- right now, our
17 deadline to act is the end of June.

18 **MR. LANDRY:** Yes.

19 **MR. TEITZ:** So, obviously, we'd
20 need to extend that because we would not be in a
21 position to make a decision at that June 21 meeting.

22 **MR. LANDRY:** No, we can push it to
23 the end of July, at this point. I'll confirm that
24 in writing. I'm hoping we don't have to go to the

1 end of July.

2 **MR. TEITZ:** Okay. But you are
3 confirming on record --

4 **MR. LANDRY:** Yes.

5 **MR. TEITZ:** -- that you agree to
6 extend the deadline at the end of July?

7 **MR. LANDRY:** Yes, because it's
8 going to take at least two meetings. Even if the
9 one on the 21st of June is a very good meeting and
10 the record is closed, somebody's got to draft --

11 **MR. TEITZ:** We thought we would be
12 doing that, perhaps, in two weeks, and then we would
13 be doing that, technically, in June. So I just
14 wanted to make sure we are extending the deadline.

15 **MR. LANDRY:** I think that would be
16 a sensible thing to do.

17 **MR. TEITZ:** And we would continue
18 the -- we're going to continue the public hearing to
19 that June 21 date. And I just think, we're noting,
20 that we've basically given pretty much everyone a
21 chance to speak. We're going to hear from the
22 Applicant as to their answers and any changes that
23 they're proposing and try to wrap up with some final
24 argument with the Applicant's counsel, opposition

1 counsel, and then any feedback. That's our goal to
2 do all that on the 21st. We may not succeed, but I
3 think that would be our goal so staff could do a
4 decision for you and come back at a July meeting
5 with a draft decision.

6 **CHAIRMAN LUPOVITZ:** Very good.

7 **MR. TEITZ:** Does that sound --

8 **CHAIRMAN LUPOVITZ:** It sounds
9 reasonable, practical. Any other comments from the
10 board or concerns?

11 **(NO RESPONSE HEARD/SEEN)**

12 **MR. TEITZ:** Everybody planning to
13 be around here for June 21 and the two meetings in
14 July on --

15 **MR. de GROOT:** That's July 5.

16 **MR. TEITZ:** It would be July 5 and
17 the 19th.

18 **CHAIRMAN LUPOVITZ:** I'm not sure,
19 off the top of my head, the 5th could be a problem
20 that week. It's that time of year.

21 **MR. TEITZ:** Okay. So we might
22 have to schedule that at a different time. The 12th
23 is not going to work well.

24 Mr. Landry, since you've already said that

1 you would give us until the end of July, which is
2 the 31st, can I ask if you would extend it two more
3 days, out to August 2, which would take us to
4 another meeting date?

5 **MR. LANDRY:** Sure.

6 **MR. TEITZ:** So in case we get
7 caught with that July meeting date, we still have
8 another meeting to get to.

9 **MR. LANDRY:** Yes.

10 **MR. TEITZ:** Okay. So extend it to
11 August 2, 2023. And why don't we just continue this
12 to the 21st of June and, at this point, have
13 everybody with their calendars, and we will look and
14 see if we need to change the July 5 date.

15 **CHAIRMAN LUPOVITZ:** Good
16 suggestion. Accepted. All right. I want to thank
17 everybody for their participation, once again, this
18 evening. You know, it's very valuable for the board
19 to understand the sentiments of the public, and we
20 appreciate your time. And we know a lot of you
21 folks have spent a lot of time here, and you have a
22 lot better things to do than listening to us go on
23 and on about this matter, all of us at the Town and
24 the Applicant as well.

1 So I'd like to thank you all for your
2 patience, once again, because this is definitely a
3 difficult process for all of us on a lot of levels,
4 but we appreciate your participation and
5 cooperation. Thank you.

6 On that note --

7 **MR. De GROOT:** Motion to adjourn.

8 **MR. YODER:** Second.

9 **CHAIRMAN LUPOVITZ:** All in favor.

10 **(SHOW-OF-HANDS VOTE)**

11 **CHAIRMAN LUPOVITZ:** Meeting is
12 adjourned.

13
14
15 **(APPLICATION HEARING ADJOURNED)**
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

1
2
3 I, **CAROLE A. MALAGA**, hereby certify
4 that the foregoing is a true, accurate, and
5 complete transcript of my notes taken at the
6 above-entitled East Greenwich Zoning Board of
7 Review meeting Division Road application.

8 IN WITNESS WHEREOF, I have hereunto set
9 my hand this 18th day of June 2023.
10

11
12
13
14 /s/ Carole A. Malaga
CAROLE A. MALAGA, NOTARY PUBLIC

15
16 DATE: **MAY 17, 2023**

17
18 IN RE:

19 **COMPREHENSIVE PERMIT - MASTER PLAN REVIEW**
20 **PUBLIC HEARING:**

21 **Division Road Neighborhood, LLC**
22
23
24