# Planning Commission
# Minutes of June 22, 2016 Meeting

1670 Flat River Road
Coventry, RI 02816

Meeting Called to order at 7:00 pm by Chairman Russell Crossman.

Members Present: Chairman Crossman, Vice-Chairman Nunes, Secretary Flynn, Mr. Crowe, Mr. Kalunian, Mr. Mattson and Ms. Fagan-Perry

Members Absent: Mr. Bouchard, Mr. Osenkowski

Also Present: Planning Director Paul Sprague; Attorney Veronica Assalone and Attorney Dianne Izzo

*Mr. Crossman reviewed the exits in the room in case of an emergency.*

Approval of Minutes:
May 25, 2016

*Ms. Fagan-Perry made a motion to approve the meeting minutes. Mr. Flynn seconded. All members were in favor. Motion passed.*

**NEW BUSINESS**

The first item of new business was:

Pre-Application: **"Summit 55 Housing Project"**; Summit General Store LTD
*10 Proposed Age Restricted Units (+55) Consisting of 5 Buildings, Each with Two, 2-Bedroom Units*
AP 316, Lot 27; Zone VRC
28 Old Summit Road

Mr. Crossman asked if anyone would be representing the applicant. At this time Mr. Thomas Cronin from the Law Offices of Nolan, Brunero, Cronin & Ferrara LTD., of 1070 Main Street, Coventry, RI 02816 answered that he is representing on behalf of the applicant. The location is in the Village of Summit and for people age 55 and over. It is just West of Route 102 on 117 and consists of just under 7 acres. There is a stream that runs through the property. It is a nice flat and grassy piece of property. They would like to build 5 two family dwellings, one story each with 2 beds, primarily for one or two people with a single car garage. The development is focused in one section of the parcel. The parcel is in a ***Village Rural Commercial Zone*** which has specific setbacks delineated at 20 feet off the road, 55 to the rear, and 15 feet between buildings. There is some inconsistency in the Town of Coventry's Zoning Regulations in that multifamilies are

allowed in the ***Village Rural Commercial Zone***, **Article 14 Land Development** calls for 40 foot setbacks, 40 to the road, 50 and between the buildings. The applicant is seeking a variance from the **Land Development** setoffs and request to use ***Village Rural Commercial Zone (VRC)*** specific setbacks. Mr. Cronin introduced the project's engineer Pat Walker.

Now comes Patricia Walker from Walker Engineering, 31 Dale Court, West Greenwich, Rhode Island. Back about ten years ago the original project had proposed to relocate the Summit General Store to this location and at time they went through numerous exercises with the PC and various state agencies. They had received a physical alteration permit for access to both Old Summit Road and Rt. 117. They had received Department of Health (DOHA) approval for the well location and approval for an insignificant alteration from RIDEM Wetlands. When they called Chuck Horbert to see if the permits still applied under the Tolling Act they were told because of the change in use they have to start over again. The limit of disturbance for the housing project has less of an impact on the area than the proposed general store. The Commission could see at the sitewalk that there is a riverbank wetland; it is not a pristine wetland, but more of a field.

Engineer Walker went on to say when starting the project they consulted with Mr. Sprague and Mr. Peabody who indicated stated that the project was following the specifications of setbacks. Engineer Walker clarified for all that a VRC Zone is for commercial, residential, and industrial uses. The intersection of 117 and 102 exemplifies the combination of that minus the residential. The over 55 community generally carries no impact to the school system. The units will be fairly small with just one car garages. At this time landscaping is not included as it was not required. The main concern here from the applicant is that any residential in the VRC Zone requires a special use permit.

Mr. Crossman then asked the PC about the site walk. Mr. Flynn said that nothing major stood out on the site walk. It was flat land with a small stream in the back. Mr. Flynn did have a question about when building residential having one acre per unit. Mr. Sprague's Planning Director's report states on page two that the minimal dimensional requirements of a VRC has an area of 40,000 square ft.

Mr. Crossman asked Mr. Cronin to clarify that they were asking for relief from Article 14 setbacks and were they also going to need to ask for relief of the VRC Zone 40,000 sq. ft. requirement? Mr. Cronin agreed that that was probably where they were going. He and the PC had a vibrant discussion interpreting the definition of the VRC Zone 40,000 sq. ft. area requirement. Ms. Fagan stated her concerns of the development's wells close proximity to RI DOT's salt dome.

Engineer Walker answered Ms. Fagan stating that North East Water Solutions (Bob Ferrari) had been involved with the project when they looked at this location. They build wells throughout the country. Mr. Ferrari had investigated the salt dome and identified that whether there were one or 5 wells on the property, they would all draw from the same aquifer. With it being a public well, it would be monitored more frequently and stringently than a private well. Ms. Fagan pointed out that because it was in fact going to be a public well, it would be classified as a well head and going to need clearance.

Mr. Crossman stated that when the wetlands and setbacks are taken out the density of the project is too intense and therein lies the difficulty. Discussion followed as to the interpretation of density and the variety of the uses and density. The PC feels that the project is too dense. Mr. Cronin disputed that he simply needs an acre lot to begin building in a VRC Zone. The Comprehensive Plan is silent on density in the zone.

Mr. Cronin said that counsel pointed out that the *Comp Plan says baseline density may be altered at the discretion of the PC if it is determined that the land development project is capable supporting a more intensive use by reason of natural characteristics of the land or existing or planned infrastructure or if it is appropriately designed and reflects the natural characteristics of the land, including sustainability based on soil characteristics, topography and susceptibility to groundwater pollution.*

Mr. Sprague offered that higher density is allowable when part of the project is close to a major arterial roadway and retail stores. Here there is just the Summit General Store. The project has no commercial.

Mr. Crossman requested the opinions of the attorneys present. Attorney Izzo conveyed that the ordinance gives the PC the discretion to grant the variance because the site has limitations for other uses.

Mr. Cronin expressed that because of the shape and the stream, the project is the best use of the property and the characteristics of the area.

Mr. Sprague indicated that the Statewide Plan and Comp Plan both had senior housing elements that the project meets.

Mr. Crossman articulated that he did not think that the Statewide Plan proposing 6,000 square foot lots was not good for Coventry.

Mr. Cronin declared that initial market research indicates that there is demand for this type of housing. Mr. Nunes inquired if the applicant would be willing to cut back on the number of units. It might be considered. Mr. Nunes encouraged the applicant to give up a unit or two.

Mr. Cronin did not feel that would be necessary but understands they do need a recommendation from the Planning Board to the Zoning.

Mr. Kalunian suggested that they have to start with what is allowable and work from there weighing the pro and cons of what they can build. THE VRC Zone leaves ambiguity. Mr. Kalunian inquired about a Planned Unit Development (PUD) coming into play. Mr. Cronin stated that they have done the research and found that the market supports the development. Mr. Crossman offered that the residential abutters are all on 5 acres.

Engineer Walker made clear that any supplemental or commercial use would create greater traffic and a higher demand on the infrastructure and school system. The proposed project creates minimal impact to town services, though dense, it would be a low impact *snow bird* community. And down 117 there are various businesses and uses.

Mr. Kalunian asked if there was going to be a public hearing to which Mr. Crossman answered "absolutely". He envisions the elderly who still have family in town but want/need to downsize does fill a need. Mr. Crossman agreed but is still overwhelmed by the number of units.

Discussion about the pros and cons of the public well followed.

Mr. Cronin inquired that the issue here is the 40,000 sq. ft. or some ratio with which the PC would be comfortable. Ms. Walker asked if they showed a commercial building on the first floor with apartments overhead and ample parking, it would be preferred.

Mr. Cronin said that they'll be back in July.

The next item on the agenda:

Pre-Application: **"Barber Street";** S & S, LLC.
*2 Lot Proposed Minor Residential Subdivision*
AP 37, Lot 20; Zone R20
Barber Street, Carr Street & Lambert Street

Mr. Crossman asked if anyone present would be representing the applicant. Mike Saccoccia of 405 Tiogue Ave of Coventry and John Studley 47 Indian Trail came forward. Mr. Sprague presented the site plan. The applicant reported that KCWA got back to them and said the applicant would have to install an 8 inch pipe to bring water to this project. The cost of $35,000.00 to install an 8 inch pipe is cost prohibitive. There are already 5 houses on a 2 inch line from South Main. KCWA offered the option of bringing the 8 inch line up Lambert or South Main St. with a fire hydrant. If they were to abandon sections of Carr and Lambert on the L shaped lot then they would actually meet an R 20 zone on both lots. By DEM regs they would have proper setbacks for septics and wells. Ms. Fagan pointed out that they need a full acre for a well and septic. The applicant hopes to receive relief from the PC for this. Discussion followed over whether that relief would have to come from Zoning and had such relief been given to the wells in the Highlands in the past.

Mr. Sacoccia reiterated that they have spoken to the abutters regarding the town abandoning the roads upon which the abutters are already encroaching. The applicant hopes the Town Council (TC) will grant road abandonments. Discussion followed as to why Kent County wouldn't install the line and the inequity of KCWA forcing contractors to install costly lines in order to complete projects. Throughout the area there are a number of one inch lines. By the time water service is in and road paved the cost to the applicant exceeds $50,000.00.

Mr. Kalunian inquired as to which portions of the streets would be abandoned and who gets what. They would go from the corner of Lambert down to Carr St., then all of Carr St. down to [a house lot was pointed].

Mr. Kalunian continued to inquire that if they do abandon and divide remainders between themselves and homeowners what would the final lot configurations be? They would have about 41,000 square feet which would make the 2 lots meet the R-20 zoning.

KCWA said if they have frontage on Lambert or Barber St. then they would allow the applicant to run water service with an 8 inch line. The applicant does not want to install the waterline. Mr. Nunes interjected that the whole thing works with the exception of the setbacks for having a well. They meet DEM well to septic setbacks but need a waiver from the town for the well.

Mr. Sprague offered that the only reason the 1 acre requirement is in an R-20 zone is because there is no public water. If they meet all setbacks they just need a blessing from the PC to put in a well as one well is already there. They have 20 gallons per minute on that well.

Mr. Kalunian inquired has the jurisdiction for providing the relief for the well and if there are any issues that would require relief, waivers or variances. Mr. Crossman and Mr. Sprague agreed that the PC would be the party to grant the waiver.

Mr. Flynn asked that it be clarified as whether this project needs to go to zoning. Is it he 5 ft. short and administrative waiver? The board discussed that the best option for the applicant is to go before the TC first and seek road abandonments. If they get that, then come back before PC. Mr. Nunes supported the project in that if DEM gave approvals for the wells then he is fine with it. Ms. Fagan expressed that towns can always go stronger than DEM.

Mr. Kalunian inquired about the existing soil conditions for the well and to consider if there could be future issues with the water because they did not tie into town water. It's all sandy soil with functioning septics. The applicant suggested that there is plenty of water pressure and it would perform better than KCWA and it's the best use for an oddball lot. They would also have frontage on lots so that if homeowners ever wanted they chose to tie in to town line. The existing lots will be smaller than the proposed two lots. Mr. Kalunian stressed that the PC needs to consider just how stringent it should be with the well requirements.

Mr. Crossman informed the applicant that there would be no vote, but an informal poll for the board opinion about supporting 2 wells on the property should they get what they need from the TC. Mr. Flynn would much rather see city water with this project but does not understand or agree with the KCWA penalizing the builder with having to install an 8 inch line. Mr. Mattson indicated that he is still thinking over the project. Mr. Kalunian has no issues with 2 wells. Mr. Nunes is OK with it. Mr. Crowe said that provided wells have enough pressure. Mr. Flynn would be fine because he feels strongly that they should not be forced to put in an 8 inch line. Ms. Fagan is not in favor as she does not wish to set a precedent. Mr. Crossman is in favor of the project but warned that there are no guarantees.

Mr. Sprague cautioned the applicant that although it appears the PC gave the project some support, there are two PC members absent.

The next item on the agenda:

<u>Pre-Application/Site Walk</u>: **"Coventry Solar"**; Deepwater Wind, LLC
*Development Plan Review of Proposed Solar Array*
AP 308, Lot 28; Zone RR5
323 Hopkins Hollow Road

Mr. Crossman asked if anyone would be representing the applicant. Christian Capiezza an environmental attorney with the law firm of Shechtman Halperin Savage of 1080 Main Street, Pawtucket, RI was present on behalf of Deepwater Wind for the pre-application review of the solar project. Vice President of Permitting and Environmental Affairs Aileen Kenney for Deepwater also accompanied Mr. Cappiezza. Ms. Kenney gave a brief background on the company and the project Deepwater wind is a providence based developer of renewable energy projects, primarily known for America's first offshore windfarm off the coast of Block Island. They have just finished permitting for a solar farm parcel in Foster, RI. The Coventry project is a 3.75 megawatt high level project on a 40 acre parcel. They propose to develop 20.5 acres which is currently a dilapidated church camp which pays no taxes to the town. The development would result in no children entering the school system, yet pay taxes. They meet all of the zoning setbacks and would set the solar field back from the road. Under the Solar Ordinance they would trigger major land development. She submitted the same plan that was in the application requested a site walk and also that master and preliminary plans be combined.

Ms. Kenney then introduced Ed Avizinis, a Wetlands Biologist and Soil Scientist from Natural Resources Services (NRS) in Burrilville. Mr. Avizinis went on to describe the 40 acre site as a very quiet, rural area. They are only planning to use 20 acres for the solar field. The zoning Ordinance requires a 25 foot buffers but there is actually going to be a buffer greater than that such that residential abutters should not even notice that it is there. There won't be much traffic but general maintenance. There will be ground mounted panels on pedestals ranging from 2-3 feet at the low end, 8 -10 ft. off the ground at the high end. There will be about 12,000 photovoltaic modules which are about 3 ft. by 6.5 ft.

The wetlands are less than 3 acres in size so there is no need for a buffer zone. They will maintain at the very least a 25 buffer around the wetlands and will moreover go to DEM for approval that they technically don't need. The parcel sits on the top of Box Hill. It is a low impact use.

Ms. Fagan questioned if the soil had been tested for any contaminants if it is contaminated will the development disrupt the contaminants? Mr. Avizinis has no reason to believe the soil is contaminated because the land has been vacant since 1939 and before that was probably pastureland. Ms. Kenney added that with standard due diligence Deepwater Wind would conduct base one environmental impact studies Ms. Fagan stated that her concern was dumping that had been reported on the site, particularly asphalt. Mr. Avizinis said he had not seen that but the old camp structures were definitely dilapidated. Ms. Kenney added that it is not uncommon for them to find areas of dumping in parcels and do ultimately clean it.

Mr. Sprague offered that if the structures were found to have asbestos, the demolition would have to be done properly. Ms. Kenny felt that any demolition team would properly assess any structures before removal. Mr. Nunes inquired about the 25 ft. buffer and what sort of buffer would residential abutters have and what sort of road. Would the neighbors be able to see the solar panels? The PC concluded that the buffer would be sufficient. The roads are typically hard packed gravel and Deepwater Wind would also come up with an appropriate landscape plan. The area would be fenced.

Mr. Kalunian asked if the PC could visit an existing solar field so that they could gauge the magnitude of what this will look like. There are other fields throughout the state and New England that they could view. Mr. Nunes asked if they could bring photos to the next hearing it would be helpful. The electrical output from this project would support 75-100 homes. They will have a packet for the next meeting.

Mr. Flynn suggested Wednesday June 29, 2016 at 6:30 p.m. for the site walk and a rain date for the 30th at 6:30 p.m.

The applicant then planned to come back in July for pre-app to ask for Master plan and Preliminary which is at the risk of the applicant. There will be one public hearing. Everything has to be engineered and it is a tight time frame.

**DISCUSSION**

## OTHER BUSINESS

Planning Commission Issues of Interest

Mr. Flynn offered his concerns about the CVS on Wood St. There are issues with the turn right only. There needs to be signage on the street and pavement.

Ms. Fagan questioned whether she has the latest subdivision regulations. The most recent were amended September 13, 2000. She also has the Blue Zoning Book from April 2003 and referred to pg. 18 -3 section 1824 A & B. She needed clarification which regulations applied to solar and wind farm and cell towers.

Public Works Director N/A

Planning Director Report N/A

Public Comment

Ms. Fagan made a motion to adjourn the meeting. Mr. Nunes seconded. The meeting adjourned at 8:50 p.m.

Minutes prepared by Kathy Gray