

Planning Commission
Minutes of December 16, 2015 Meeting

1670 Flat River Road
Coventry, RI 02816

Meeting Called to order at 7:10 pm by Chairman Russell Crossman.

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

Members Absent: Mr. Osenkowski

Also Present: Attorney Assalone, Mr. Sprague, Mr. Peabody

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

Approval of Minutes:
November 18, 2015

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

OLD BUSINESS

PUBLIC INFORMATIONAL MEETING

Master Plan/Recommendation for Zone Change from RR 2 to R 20: “White Tail Estates”; Douglas Enterprises, LTD

Proposed Master Plan Application for a 30-Lot Major Residential Subdivision and a Recommendation to the Town Council for a Change of Zone from Rural Residential-2 (RR-2) to R-20

AP 76 Lot 1; RR2
Leuba Road

Anthony DeSisto of DeSisto Law Associates, 450 Veterans Memorial Parkway, East Providence, representing the applicant. Attorney DeSisto stated that this was a new application. The previous application of affordable housing was denied by the Planning Commission earlier this year. This new application is a 30 lot subdivision consisting of all single family homes which would require a zone change. Chairman Crossman took a moment to explain to the audience why the applicant was back before the Board. He stated there had been 3 public hearings from 2014 extending into 2015. The petition that Mr. DeSimone previously had was a Comprehensive permit where he was going to build affordable housing with seven (7) duplexes for a total of 43 units. The Planning Commission denied the plan. When a plan is denied, the applicant has a right to file an appeal with the Town of Coventry Zoning Board of Appeals. However, the Coventry Zoning Board upheld the Planning Commission’s decision.

The next stage of appeals for the applicant was with the State Housing Appeal Board (SHAB). The quasi-public judicial agency handles comprehensive permit appeals on a State level. This project was submitted to SHAB to overturn the Planning Commission's decision. Chairman Crossman noted that he has personally been involved with many projects that have gone before SHAB and Ms. Fagan-Perry also previously sat on the State Housing Appeal Board. It has been SHAB's rule of thumb to approve low income housing. As Town of Coventry does not currently meet the affordable housing quota, this would give them the basis to overturn the Planning Commission's decision. Ms. Fagan-Perry concurred.

After numerous meetings with Mr. DeSimone, lawyers for the Town, Town staff, and members of the Planning Commission, a compromise was discussed. The Town felt the previously proposed 43 units would be approved by SHAB so an agreement was reached. Now there is a new plan at the Master Plan stage which has been developed to address past concerns.

Chris Duhamel, PE, DiPrete Engineering, representing the applicant. Mr. Duhamel explained this new plan incorporates aspects desired by the Planning Commission for road safety and improvements. This revised plan reduced the number of units from 43 to 30 with no duplexes. However, this new plan would require a zone change from the Coventry Town Council to go from RR2 to R20. This would allow for a maximum of 30 single family home sites. Also proposed is a parcel of land deeded to the estate. This is a 5-acre parcel (noted as Parcel A) located to the northwest section of the site. Another ½ acre parcel is annexed as part of the settlement of the estate. In addition, 36 acres would be transferred to Mr. DeSimone with a right-of-way leading from Leuba Road to Ironwood Drive that would have the design requirements of a conservation development. Lots would be sized at a minimum of 15000 square feet with 100 feet of frontage. Open space of 16 acres would be provided along the perimeter of the site which is over 50% of the property. The open space area against Chandler Drive is a 50 foot strip along with a 45 foot strip of open space against the lots on Teakwood Drive serving as a buffer. This open space will also accept the runoff into drainage retention system.

Mr. Duhamel further explained that a wetland edge has been flagged and verified by DEM. A storm water management system collects all the storm water from this development and routes it to the southern portion of the site. Two basins have been proposed to control storm water runoff that will improve the quality of storm water runoff. The development will have underground utilities, public water and with an onsite wastewater treatment system highly suitable for onsite septic systems. DEM permitting of soil evaluation of site suitability for every lot is still required as well as DEM wetlands permit for any site disturbance in the RIPDES program and improvement of storm water management systems. The road design being proposed is a 50 foot right-of-way requiring less tree clearing. A 24' wide road with concrete curbing and one sidewalk is being proposed. A temporary cul-de-sac would be abandoned and looped into Leuba Road after two-thirds of the homes are built.

The applicant feels the zone change could be supported by Town Comprehensive Plan as this is a medium density area within the future land use map. If the Council should approve this zone change and the Planning Commission approves the Master Plan, the developer could move forward with the engineering work to design the road to DEM standards. The applicant could then come back to the Planning Commission for public hearing and to show all lots conform to Town zoning.

Mr. Crossman asked if there would be a public hearing at Town Council meeting. Mr. Sprague answered in the affirmative. Mr. Duhamel stated it could be several months to a year of working with State agencies before it comes before the Town Council. The plan is to widen Leuba Road to 22 feet and repave it.

Mr. Crossman added there was to be a one foot clear zone on each side and Mr. DeSimone and the Coventry Public Works Director measured the entire road every 50 feet to ensure the road can be widened to 22 feet. The DPW Director was satisfied with the proposal to widen the road.

Mr. Kalunian asked for clarification of the road width that is noted in the Finding of Fact submitted by the Planning Director. Mr. Duhamel stated the Ironwood Drive measurement goes from 22 to 24 feet and then up to 30 feet. Mr. Crossman asked what the minimum roadway width is in the R20 zone. Mr. Peabody stated it is a minimum of 30 feet; 26 feet in the RR2 zone.

Douglas DeSimone addressed the Planning Commission with his concern to slow traffic because the road will become a cut through. As vehicles come from Ironwood to Leuba Road, it goes down to 22 feet which was the width agreed upon. However, Mr. DeSimone stated if the Planning Commission feels 26 is more appropriate, he certainly has no objection. He also pointed out this property in the future land use plan is depicted as medium density R20 and if the zone changes were granted without the limitations being discussed tonight this property could support 60 single family dwellings. The proposed project does not come anywhere close to the amount of homes that would be allowed in the future land use plan.

Mr. DeSimone further stated that something not mentioned is that during construction the temporary cul-de-sac would prevent traffic coming up Leuba Road until the improvements are made to the road. Mr. Kalunian stated he was appreciative of these traffic calming measures but he was still concerned with the width of the road way especially with the new trash removal trucks or school buses that sometimes pair up with each other in passing compounded with snow obstruction in the winter.

Mr. Flynn commented that he has never seen so many offsite improvements and he commended the developer although he further stated he would like to see 26 foot wide road similar to the roadway in the Oaks.

Mr. Bouchard made a motion to open the project up to Public Hearing. Mr. Mattson seconded the motion. All in favor. Motion passed.

Dick Phaneuf, 5 Daniel Drive, approached the podium. He stated he resided in the area and was concerned that some of the things said during tonight's meeting were not true. He moved in to his home 40 years ago when Leuba Road was a single roadway with no side roads. Chandler Estates, where his home is located, was well into construction at the time and Chandler Road dead ended. Later on, Chandler was opened up to Leuba Road, giving a second exit to Chandler Estates. Over the years, Chandler Estates has added 94 homes, most of which use Leuba Road. The Walker Farms development added another 83 homes also all using Leuba Road. Thompson Drive was built off of Leuba Road and added 9 more houses. Leuba Road went from 11 houses 40 years ago using Leuba Road to 220 homes today all capable of using Leuba Road. Now, a developer wants to add 30 more homes.

Mr. Phaneuf further stated he walks the road everyday and observes motorists driving at high speeds using Chandler Estates as a cut through. He said he witnesses morning commuters with a wheel in one hand and a cell phone in the other driving at dangerous speeds. He felt the idea of a 22' wide road would still not eliminate the problems of 2 major blind curves, one of which has already caused one fatality. He stated 22 feet is not wide enough for sidewalks and could endanger him if he is walking and there are two garbage trucks passing each other at the same time. He suggested either completely reconstructing Leuba with sidewalks eliminating the two curves or finding another exit other than Leuba Road as it would be a safer situation to have two exits in any development. He cited a similar situation at Hunters Crossing that has three stop signs meant to slow traffic. Another option would be to put in speed bumps. He stressed that simply widening the road would not slow traffic.

Ron Reibe, 82 Leuba Road, stated he lives in the existing cul-de-sac and building a high speed turn, sweeping down hill turn that has to be navigated by hundred of cars coming from the Oaks would be a nightmare. Mr. Crossman explained if the Planning Commission denied the previous plan submitted by the applicant and if it had gone before SHAB it would have approved with the same roadway issues.

Mary Harris, 21 Chandler Drive, noted her concern is environmental, mainly the water detention areas. Ms. Harris inquired what type bug control would be offered. She stated her neighbors never notified of this meeting. She explained that during heavy rainstorms, the water run-off comes into her yard and floods her property as well as her neighbor's property. She fears mosquitoes in the summertime would breed in the water. Mr. Crossman asked Mr. Duhamel how long the water would stand before being absorbed into the ground. Mr. Duhamel explained the retention ponds are designed to contain water from a storm event and mitigate it over a 12-24 hour period. The majority of the water flow is reduced and discharged by a low flow water orifice. The discharge of water goes downhill to an existing river. A freshwater 50' perimeter buffer filters to a receiving wetland. There will be no long standing pools of water as DEM storm water regulations have become stricter in last 5 years.

Mr. Sprague noted that last time Mr. Duhamel testified to a detention area in North Oaks, he indicated there was a plan to mitigate some of the runoff from north of the development. Mr. Duhamel noted new pavement, sidewalks, driveways, and new houses all discharge water into a collection drainage basin. Then there is an outlet in an open space causing the development of a swale with the contours. All that water is routed through the site into Chandler Drive and these homes. It is accelerated by these paths and water collects in this path. On the site walk with the Planning Commission it was noted that there was some scouring and runoff that was discharged. This proposed development will actually improve the drainage discharge and will intercept the water runoff with the swale and route it this site to treat it and discharge it to the receiving wetland where it belongs.

Sue Mahoney, 66 Leuba Road, stated her house is positioned on the second hard corner near the proposed development and cars drive quickly around the corner making it difficult to back out of her driveway. She questioned if the plan to widen the road would cut into her property. Mr. Sprague stated it cannot cut into personal property unless the Town pays owner for the land.

Mary Ladoucer, 31 Chandler Drive, commented the will clearly states that it should be a half acre. Clearly .42 is not a half acre. Mr. DeSimone said he would do whatever he could to satisfy; the half acre could be located in another place. Ms. Ladoucer stated she wanted the half acre to be located right behind her house. She asked the Board if it has to be in that space. Mr. Crossman said it had to be there to prevent access. Mr. DeSimone had no objection to 20,000 square feet if acceptable to the Board. Mr. Peabody had no objection. Ms. Ladoucer added that stop signs had been proposed to slow the cut through traffic to Route 117. She suggested a stop sign be placed at Daniel Drive and Chandler Drive. Mr. Crossman noted that all stop signs must go through the police department.

Deb Ready, 82 Leuba Road, questioned name of the road connecting to Leuba. Mr. DeSimone said 'Ironwood Road' would be the name of the connecting road; a street address would be required because Leuba Road could not be accessed until construction was completed. Ms. Ready was concerned with delivery trucks looking for addresses and hopefully there will be some consideration for this issue.

Mary Harris approached the podium for a second time and questioned if there should be more houses built with the current state of the Central Coventry Fire Department. The availability of safety services could be a serious issue.

Mr. Bouchard made a motion to close the Public Comment portion of the meeting. Mr. Nunes seconded the motion. All members in favor. Motion passed.

Mr. Flynn questioned Mr. Duhamel regarding the basins in the Oaks not retaining water properly. Mr. Duhamel stated he would look at the DEM approvals and consult with the Town Engineer.

Chairman Crossman then continued by reading the Planning Director's report:

"The Planning Department recommends that the Planning Commission grant conditional Master Plan approval of the proposed Major Residential Subdivision and makes a positive recommendation to the Town Council that it grant the developer's petition for a change of zone from RR-2 to R-20 subject to the following conditions set forth herein.

The proposed development is generally consistent with the goals and policies of the Town's Comprehensive Community Plan.

The future land Use Element of the Plan allows for higher density uses in lower density districts when the proposed higher density use is part of a residential cluster development.¹ The proposed White Tail Estates subdivision is a 'residential cluster' subdivision which provides for 9.73 acres of open space which offsets the constraints of lower density residential uses. The Zoning Ordinance provides for a minimum lot size of 15,000 SF in a residential subdivision serviced with public water or sewer.² Accordingly, the proposed development is consistent with the dimensional requirements of the Town's Zoning Ordinance.

In addition, the lots in the proposed subdivision range in area from 15,000 Sf to 19,453 SF which are generally consistent with other lots in the surrounding neighborhoods. It should be noted that insofar as the proposed change of zoning district from RR-2 to R-20, the developments to the immediate north, east and west of the subject parcel are zoned R-20. It is reasonable under the circumstances to rezone the subject parcel such that it is consistent with the surrounding districts.

Providing the developer installs drainage systems which will not result in increased post-development storm water runoff from its development, there should be no significant negative impact to the environment. In fact, the developer has indicated that its storm water drainage system will also control increased flows from the development directly to the north of the proposed White Tail Estates. As such, the surrounding properties should incur a reduced amount of storm water flow onto their properties. At the Preliminary Plan stage of proceedings the applicant will need to submit detailed engineered drainage plans and supporting calculations in order for the development to be approved.

Assuming the Town Council grants the proposed zone change, the development will meet the minimum dimensional requirements of the Town's Zoning Ordinance.

The applicant's removal of the earlier proposed cul-de-sac in the center of the complex is consistent with good planning practice. In addition, the provision of a large area of contiguous open space assists in the preservation of wildlife.

The proposed development is well-integrated into surrounding neighborhoods.

1 Comprehensive Community Plan, D.1-21

2 Zoning Ordinance, Article 6, § 603, Table 6-8

Prior to submission of Preliminary Plan, the applicant should secure a RIPDES permit from RIDEM; a In approval letter from the local Fire Marshal; a wetlands insignificant alteration permit from RIDEM; approval from KCWA; and a Site Suitability Determination from RIDEM respecting proposed OWTS for the site.

It is recommended that the interior road network have 26 feet width of pavement.

In addition, as previously advanced the following conditions must be met by the developer:

- The applicant shall be limited to a subdivision with no more than thirty (30) lots;
- All dwellings shall be single-home market rate units;
- There shall be no duplexes constructed on-site;
- The developer will install a temporary cul-de-sac at the south-easterly section of the development and maintain the same until such time as a through-road is opened as depicted in applicant's plans;
- The developer shall access the site for construction purposes at the north side of the parcel and will extend Ironwood Drive to the terminus of the existing Leuba Road as a through road to Route 117 upon completion of twenty-three (23) houses;
- The developer shall during construction of the development and until completion of twenty-three (23) houses block the new portion of Ironwood Road within the development with a crash gate such that only emergency vehicles will be allowed access to the development;
- Upon completion of twenty-three (23) houses, the developer shall improve the southerly portion of Leuba Road to Route 117 pursuant to the terms of the October 27, 2015 Agreement and will thereupon be opened to through traffic;
- The developer shall be responsible for the payment of fair share development fees ("impact fees" so-called) notwithstanding any law, rule, regulation or judgment to the contrary, including but not limited to that civil action entitled *Rhode Island Builders Association v. Town of Coventry, K.C. No. 2011-1134*.
- The Town of Coventry will appropriate fair share development fees a/k/a "impact fees" to the improvement of Leuba Road; and to the extent that costs of improvement exceed the amount of the impact fees, the developer shall be responsible for all of said excess costs;
- The Coventry Director of the Department of Public Works shall approve construction of the road pursuant to his/her determination as to Best management Practices;
- The developer shall improve all of Leuba Road (approximately 3400' linear feet) south of Ironwood Drive, and will reclaim existing asphalt, widen the road to twenty-two (22) feet with a one foot (1') clearance on each side of the roadway where feasible, fine grade the roadway, and pave three (3") inches in two (2) courses in accordance with current Coventry specifications for paving;
- The developer shall, in addition to the cash bond to be posted for improvements within the subdivision, post a cash bond for all improvements on Leuba Road as set forth prior to recording of the subdivision;
- The developer shall construct concrete sidewalks on one (1) side of the road within the development known as "White Tail Estates;"

- The developer shall construct concrete curbs within the development;
- The developer will be issued one (1) building permit prior to posting bond and recording the subdivision;
- The Agreement entered into between Douglas Enterprises (developer) and the Town of Coventry is binding upon the developer's successors, heirs, assigns and designees.

Chairman Crossman noted there would be two motions being put forth at tonight's Planning Commission meeting. The first motion would be to approve or not approve and a second motion that will be an advisory opinion to the Council on the zone change.

Mr. DeSimone questioned if the bond could be any type of bond accepted by the Town i.e. a letter of credit. Mr. Peabody said it must be a cash bond.

Mr. Kalunian asked if a stipulation should be inserted at this stage - the stipulation being the teeing up of the Leuba Road stop signs. Mr. Crossman stated that Mr. Duhamel knows the Planning Commission is looking to see the stop signs at Preliminary and he has agreed to do it.

Mr. Kalunian made a motion to grant conditional approval by reading the Finding of Fact:

The Planning Commission grant conditional Master Plan approval of the proposed Major Residential Subdivision and makes a positive recommendation to the Town Council that it grant the developer's petition for a change of zone from RR-2 to R-20 subject to the following conditions set forth herein.

Consistent with Comprehensive Community Plan:

- 1) The proposed development is generally consistent with the goals and policies of the Town's Comprehensive Community Plan.
- The future land Use Element of the Plan allows for higher density uses in lower density districts when the proposed higher density use is part of a residential cluster development.³ The proposed White Tail Estates subdivision is a 'residential cluster' subdivision which provides for 9.73 acres of open space which offsets the constraints of lower density residential uses. The Zoning Ordinance provides for a minimum lot size of 15,000 SF in a residential subdivision serviced with public water or sewer.⁴ Accordingly, the proposed development is consistent with the dimensional requirements of the Town's Zoning Ordinance.

³ Comprehensive Community Plan, D.1-21

⁴ Zoning Ordinance, Article 6, § 603, Table 6-8

- In addition, the lots in the proposed subdivision range in area from 15,000 Sf to 19,453 SF which are generally consistent with other lots in the surrounding neighborhoods. It should be noted that insofar as the proposed change of zoning district from RR-2 to R-20, the developments to the immediate north, east and west of the subject parcel are zoned R-20. It is reasonable under the circumstances to rezone the subject parcel such that it is consistent with the surrounding districts.

Drainage:

Providing the developer installs drainage systems which will not result in increased post-development storm water runoff from its development, there should be no significant negative impact to the environment. In fact, the developer has indicated that its storm water drainage system will also control increased flows from the development directly to the north of the proposed White Tail Estates. As such, the surrounding properties should incur a reduced amount of storm water flow onto their properties. At the Preliminary Plan stage of proceedings the applicant will need to submit detailed engineered drainage plans and supporting calculations in order for the development to be approved.

Zoning:

Assuming the Town Council grants the proposed zone change, the development will meet the minimum dimensional requirements of the Town's Zoning Ordinance.

The applicant's removal of the earlier proposed cul-de-sac in the center of the complex is consistent with good planning practice. In addition, the provision of a large area of contiguous open space assists in the preservation of wildlife.

The proposed development is well-integrated into surrounding neighborhoods.

Other Stipulations:

Prior to submission of Preliminary Plan, the applicant should secure a RIPDES permit from RIDEM; a In approval letter from the local Fire Marshal; a wetlands insignificant alteration permit from RIDEM; approval from KCWA; and a Site Suitability Determination from RIDEM respecting proposed OWTS for the site.

It is recommended that the interior road network have 26 feet width of pavement.

In addition, as previously advanced the following conditions must be met by the developer:

- The applicant shall be limited to a subdivision with no more than thirty (30) lots;
- All dwellings shall be single-home market rate units;
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- The developer will install a temporary cul-de-sac at the south-easterly section of the development and maintain the same until such time as a through-road is opened as depicted in applicant's plans;
- The developer shall access the site for construction purposes at the north side of the parcel and will extend Ironwood Drive to the terminus of the existing Leuba Road as a through road to Route 117 upon completion of twenty-three (23) houses;
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- The Coventry Director of the Department of Public Works shall approve construction of the road pursuant to his/her determination as to Best management Practices;
- The developer shall improve all of Leuba Road (approximately 3400' linear feet) south of Ironwood Drive, and will reclaim existing asphalt, widen the road to twenty-two (22) feet with a one foot (1') clearance on each side of the roadway where feasible, fine grade the roadway, and pave three (3") inches in two (2) courses in accordance with current Coventry specifications for paving;
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- The developer shall construct concrete sidewalks on one (1) side of the road within the development known as "White Tail Estates;"
- The developer shall construct concrete curbs within the development;
- The developer will be issued one (1) building permit prior to posting bond and recording the subdivision;
- The Agreement entered into between Douglas Enterprises (developer) and the Town of Coventry is binding upon the developer's successors, heirs, assigns and designees.

Ms. Fagan-Perry seconded the motion to grant conditional Master Plan approval. All members in favor. Motion passed.

Ms. Fagan-Perry made another motion to make a favorable recommendation to the Town Council for a zone change from RR2 to RR20. Mr. Nunes seconded the motion. All members in favor. Motion passed.

Public Works Director

None

Planning Director Report

None

Public Comment

A motion was then made by Mr. Crowe to adjourn the meeting. Mr. Flynn seconded. All members in favor. Motion passed.

Meeting adjourned at 8:22 pm.

Minutes prepared by Susan Volpe