

TOWN COUNCIL MEETING  
Coventry Town Hall Council Chambers  
January 22, 2007

Motion made by Bruce Thompson seconded by Kenneth Cloutier to come out of Executive Session. Mr. Cloutier – Aye; Mr. Colaluca – Aye; Mr. Thompson – Aye; Mr. Pomfret - Aye.

Motion made by Anthony Colaluca seconded by Kenneth Cloutier to seal minutes of Executive Session. All voted Aye. So voted.

- Work Session with School Committee

Superintendent Kenneth DiPietro reviewed Coventry School Committee's 3-year Budget Projection. (Handouts and information on file)

School Committee Chairman, Ray Spear, stated that these are projections; he is looking for actual numbers, not available yet. Would prefer to work with actual numbers.

Superintendent DiPietro – Of the FY08 projected budget revenue total of \$1,239,000, at this point, can only be sure of the \$189,000 State Aid figure for fiscal year 07. Biggest issue regarding revenue is the projection of State Aid in the amount of \$600,000.00. At this point, we are projecting this figure assuming that it will be the same as it was last year. Won't know for sure until June, then will have a more detailed and precise picture.

President Pomfret noted that we all have to watch our budgets and cut back where possible, urging a "no waste" policy.

- Town Council Meeting

Present: Kenneth Cloutier, Anthony Colaluca, Justin Pomfret, Bruce Thompson, Frank Hyde

Town Manager Richard Kerbel  
Town Solicitor Patrick Sullivan

Pledge of Allegiance led by Town Sergeant.  
Invocation by Councilman Cloutier  
Town Sergeant reviewed the Emergency Evacuation plan

Public Comment

President Pomfret thanked members of the School Building Committee for their hard work and efforts.

- Chris Poulos  
75 Reservoir Road

Complained of speeding on Reservoir Road and suggested stop sign or speed bumps.

- Vince Mitchell  
86 Reservoir Road

Agreed with Mr. Poulos, but wanted to add that he is concerned about kids waiting for the bus the morning. Also, it is a dangerous situation for the elderly who may be taking a nightly walk or someone walking their dog.

- Michael Furtado  
72 Reservoir Road

Mr. Furtado – Has had three episodes with speeding cars, it's like a drag strip.

- Peter Suorsa  
560 Town Farm Road

Questioned where the town stands on affordable housing initiative.

Paul Sprague: We are up 4.9% – 5.23%. One project has been approved (Riverwalk) and tonight there is another mill.

- Donald Masse  
74 Reservoir Road

Also concerned with traffic on Reservoir Road. Kids have to walk the road, no sidewalks, and wouldn't be able to get out of the way.

- Dan O'Connell  
6 Harris Street

Look forward to the mill renovation. Feels this will be a winning situation, just a little concerned about parking.

- Motion made by Kenneth Cloutier seconded by Anthony Colaluca to approve Town Council minutes of January 6 and January 8, 2007.

#### *CONSENT AGENDA*

1. Tax abatements for the month of December 2006 in the amount of \$12,062.42 with additions of \$15,215.68
2. Renewal of Private Detective license for Ernest Legault
3. Renewal of Private Detective license for Denise Leonard
4. Resolution #9-07-2716 reappointing Michael LeBlanc, William McLaughlin and Linda Lake to the Assessment Board of Review
5. Resolution #10-07-2717 reappointing Nancy Assumpico, Karen Raposa, William Morein, Maureen Keenan, Marilyn Nagy, and appointing Lisa Prickett to the Friends of Human Services Board
6. Resolution #11-07-2718 reappointing Ann Funicello, Helen Knudson, Catherine Silvia Pendola, Jim Kuipers and appointing Timothy Patterson, Clint Shurtleff, and Anthony Velicer to the Juvenile Hearing Board
7. Resolution #12-07-2719 appointing Walter McLaughlin, Anna Mae Lapinski, Joyce Peretta, and Charles Vacca to the Coventry Land Trust
8. Resolution #13-07-2720 appointing John Donovan and James McCaughey to the Pawtuxet River Authority
9. Resolution #14-07-2721 appointing Edward Iannotti to the Zoning Board of Review

10. Resolution #15-07-2722 appointing Senator Leo R. Blais, Jean A. Boulanger, Esq., Arthur G. Capaldi, Esq., Kenneth DaSilva, Thaddeus Jendzejec, Representative Victor Moffitt, James Spearman, Representative Raymond J. Sullivan, Jr., and Ronald S. Wood to the Charter Review Commission
11. Resolution #16-07-2723 appointing Michael Durand, Pasquale Sperlongano and Ronald Flynn to the Personnel Board
12. Resolution #17-07-2724 appointing Joshua Nunes to fill an unexpired term on the Planning Board
13. Resolution #18-07-2725 reappointing Robert DiPadua to the Sewer Subcommittee
14. Resolution #19-07-2725 authorizing the Council President to sign documents allowing the Nature Conservancy to borrow funds for acquired land
15. Resolution #20-07-2726 adopting National Incident Management System (NIMS) as the Basis for Incident Management in the Town of Coventry

Motion made by Anthony Colaluca seconded by Frank Hyde to dispense with reading the Consent Agenda. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Bruce Thompson to remove item numbers 4, 6, and 7 from Consent Agenda. All voted Aye. So voted.

Motion made by Bruce Thompson seconded by Kenneth Cloutier to approve items 1-3, 5, 8-15. All voted Aye. So voted.

Regarding No. 4, Councilman Hyde questioned Ms. Lake's address.

Manager Kerbel stated that she has a new address of 106 Lakeside Drive.

Motion made by Frank Hyde seconded by Bruce Thompson to adopt resolution. All voted Aye. So voted.

Regarding Item Nos. 6 and 7, President Pomfret noted that there would be a change regarding the Juvenile Hearing Board and the Land Trust. It has come to the attention of the Town Council that Jules Degraide of the Juvenile Hearing Board and David Lavigne of the Land Trust both requested reappointment. Therefore, I would like to reappoint those two individuals and at this time hold up the appointments for Mr. Patterson and Mr. Vacca until there is a vacancy.

Motion made by Frank Hyde seconded by Kenneth Cloutier to make requested changes and adopt resolutions for reappointments of Jules Degraide to the Juvenile Hearing Board and David Lavigne to the Coventry Land Trust. All voted Aye. So voted.

## **LICENSES**

Application for new Victualling license by David Thomas and David Simas for Café Gianna, 925 Tiogue Avenue

Present: David Thomas and David Simas

Mr. Simas - This will be an Italian restaurant located in the old Robin's Nest on Tiogue Avenue.

Mr. Thomas – We will be serving breakfast, lunch and dinner, Monday through Friday 6 a.m. – 9 p.m., Saturday 6 a.m. – 10 p.m., and Sunday 6 a.m. through 9 p.m.

Motion made by Frank Hyde, seconded by Kenneth Cloutier to grant victualling license subject to approval from Board of Health and Coventry Building Inspector. All voted Aye. So voted.

Application for new Victualling license by Marcus Vitali and Michael Pate for Perks, 1532 Main Street

Present – Marcus Vitali  
43 Langdon Ave.  
Pawtucket, RI

Michael Pate  
227 London Avenue  
Pawtucket, RI

Applicants stated that they will be serving breakfast, lunch and dinner. Hours of operation will be 6 a.m. through 9 p.m.

Mr. Hyde – Do you intend to apply for a liquor license?

Mr. Vitali – Yes, we are going to apply for one.

Motion made by Kenneth Cloutier seconded by Frank Hyde to grant victualling license conditionally, subject to Board of Health or any other necessary approvals. All voted Aye. So voted.

## **RESOLUTIONS**

Resolution #21-07-2727 reappointing Probate Judge Jean Boulanger

Motion made by Frank Hyde seconded by Kenneth Cloutier to reappoint Jean Boulanger, Esq. to the position of Probate Judge. All voted Aye. So voted. Municipal Court Judge Arthur Capaldi swore Judge Boulanger into office.

Resolution #22-07-2728 accepting conveyance of land donation from Betty Jane Owen

Manager Kerbel explained that Ms. Owen is 50% owner of property on Capwell Avenue. She wishes to donate her interest to the town. We will now be partners with her sister.

Motion made by Bruce Thompson seconded by Frank Hyde to approve resolution accepting land donation. All voted Aye. So voted.

Resolution #23-07-2729 authorizing the Town Manager to acquire real estate per recommendation of the Coventry Land Trust.

Manager Kerbel – This is the Ruzzo property, 70 acres of frontage on Stump Pond bordering Trestle Trail. Total cost would be \$700,000 +. This continues with the goals of preserving land.

Motion made by Anthony Colaluca seconded by Bruce Thompson to adopt resolution. All voted Aye. So voted.

## **PUBLIC HEARINGS**

Ordinance amending Coventry Zoning Ordinance, Assessor's Plat 96, Lot 25 currently zoned Industrial 2 to Industrial 2 with a Mill Conversion Overlay/Floating Designation (Harris Mill)

Motion made by Frank Hyde seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

Petitioner RI Construction Service, Inc. was represented by David Igliozzi, Esq., 926 Park Avenue, Cranston, RI

Attorney Igliozzi noted exhibits:

-Exhibit A -Binder (Development Plan Review Narrative and Supporting Material) containing 14 sections

-Exhibit B - Full set of site plans

-Exhibit C - Environmental site assessment plan

-Exhibit D - Architectural plans

-Exhibit E - Affidavit of notice

Attorney Igliozzi outlined Exhibit A by section and gave overview of each section. He stated that petitioners are asking that 618 Main Street, AP 96, Lot 25 be changed to mill conversion district with floating designation.

Eric Prive, Civil Engineer  
DiPrete Engineering

Mr. Prive - Gave brief overview. Parcel is 4.4 acres +/-, AP 96, Lot 95, located on Main Street, Harris section of town. Approximately 150 feet west of the West Warwick line and 1500 feet south of the Cranston city line. Surrounded by Broad Street to the east, Main Street to the south, Mill Street to the north and Harris Street to the west.

This is a three story masonry mill, an 81,000 square foot footprint, with 200,000 square feet of floor space. This site is within the Central Coventry Fire District (Harris Station).

The site is mixed use at this time. Our proposal is to maintain what is there and rehab it. There are more than adequate facilities in the area. We are asking for Industrial 2 with mill conversion overlay. We proposed a mixed use residential development. Asking for 140 studio and one bed units, and 13 two bed units, for a total of 153 residential units. There will be 5,000 square feet of retail which will be ancillary to the residential. Also will be office space of 4,300 square feet and a restaurant for 180 seats. If this zone change is approved, there are still several more review steps such as DEM, DOT, the Town Engineer, Kent County Water, Coventry Sewer Board and WW Sewer Treatment. Would also be going back to the Planning Commission for full developmental plan review. Just want to emphasize that there are several more agencies that have to look at this.

Mr. Prive quickly went through Section 1 in Exhibit A requesting residential multi family dwelling with possibly an internet coffee shop, florist, laundry, beautician or barber shop, bank, business that would be convenient for the people who occupy the dwellings in the mill.

Regarding the conditions requested in the ordinance, the first 9 are all existing conditions on site; the setbacks and frontages (lot coverages), building height. These are just for what is existing there now.

Mr. Pomfret - Asked for explanation of the "raceway".

Mr. Prive – Basically it is an underground branch off the Pawtuxet that goes directly to Main Street, then it goes under Main Street and Harris Street, after which there is an opening with basically two concrete retaining walls going into where the hydroelectric plant used to be. It's all underground except for a little section on-site, where the buffer zone is.

Solicitor Sullivan – Some of the conditions listed could be problematic as far as procedural, such as liquor licensing, obviously there are statutory requirements. Some of these things have to be dealt with one by one.

Mr. Iglizzi – Was just very important to us that we gave all the information up front. I agree with your legal counsel – some of these conditions you may wish to defer. You could theoretically deny them. We thought it was important though that you were aware of them. Wanted to be completely up front with what our goal is.

Greg Guglielmo  
Certified land planner  
DiPrete Engineering

Mr. Guglielmo: The restaurant will be closer to 90 seats. There is also potential for parking spaces on Mill and Harris Streets. This will attract a certain type of resident. We did some research on Smart Growth and the reuse of mill developments. Also looked at other studies from EPA and their solutions for Smart Growth. If you talk about the principals of Smart Growth, it is proposing mixed land use, taking advantage of existing building structure, making units that are more in line with what my parents/grandparents lived in, creating a walkable neighborhood, strengthening the development between the community, making this an integral part of the Harris area.

Discussed transportation choices, another principal of Smart Growth, and we are encouraging the collaboration of the stakeholders in this development and the community as to what would be best. There is a bus stop very close to the site, so there are some alternatives to vehicle transportation. We also looked at some additional shared parking areas, such as large vacant lots which may be used during the day for business.

Will have 140 studio and/or one bedroom, 13 two bedroom units. Calculate at this time 5,000 square feet of retail and 4,300 square feet of office, also a restaurant. The majority of office space will be used for property management of the Pawtuxet River Authority. We are proposing one assigned space for a one bedroom or studio unit, and two assigned spaces for a two bedroom unit. Applicant has proposed that this be deed restricted.

Mr. Guglielmo discussed thoroughly Section 7 of Exhibit A regarding parking methodology. All these parking scenarios show that we have a surplus of parking on-site. Restrictions will be one vehicle per unit per the studio/one bedroom, and two for the two bedroom units, will be in the deed for the units. As the project evolves, the interaction between the developer and the town will be what makes this work.

President Pomfret – Have you taken under consideration the parking of larger vehicles, such as trailers or landscape trailers hitched onto vehicles at the restaurant.

Mr. Guglielmo - Didn't take that into consideration in that we should reserve spaces for them, but feel that we have a surplus of spaces. Shouldn't be a problem.

Mr. Hyde – Give me an idea of what type of restaurant this will be.

Mr. Guglielmo – The client is talking about more of a high end restaurant.

Harold Tillinghast, Esq. represents applicants, RI Construction.

Mr. Tillinghast – Yes, more of a high end restaurant, not so much a quick stop for lunch.

Solicitor Sullivan – Reminded Council that parking issues will be undertaken by the Planning Department in the development review plan. Only the Town Council can grant relief for fair share development.

Mr. Cloutier – What about the issue of low and moderate income housing? Is that an issue here?

Solicitor Sullivan – Only the Town Council can grant relief as to the Fair Share Development and Sewer fees. The low/moderate component for this requires a municipal subsidy and that is probably what he is looking for. This is here for a zone change now, after the development plan review, they can come back for other relief.

Mr. Igliozzi – I think there was a recommendation by the Planning Department that any subsidy be economically related to affordable units. The applicant requested 65%, but I think that issue was put on the table for discussion. I don't think the project rises and falls on 65%, that was on the "wish list". That's a decision for the council. They would have to give relief.

Mr. Hyde – Would like to see this happen. You have done your homework, glad to see that the potential is there for modernization. In favor of this project.

Mr. Thompson – Once the change is made for the mixed use, down the road, if it doesn't work out, could they just say this isn't working out, and change the whole building to residential?

Mr. Sprague – If they change a substantial number of units, would have to go back to Planning.

Attorney Igliozzi – This project complies with the Comprehensive Plan. I have expert witnesses here if you want to hear from them. If the council were to approve this zone change, the developer has a tremendous amount of engineering work before we can go back to development plan review. There is a high level of engineering to go through, plus DEM, DOT, approvals from different areas. Have traffic engineer. Have renderings of what project will look like. This is turning basically a building that is no longer used into a positive for the town.

Solicitor Sullivan – They will have to come back to the Town Council at a later time for Fair Share Development Fees and Sewer Assessment waivers.

Mr. Tillinghast – We have commitment with the parking situation. This would be one bedroom one spot; two bedrooms two spots, with a condition that it would be deed restricted. Currently we are working with a gentlemen next door to acquire his lot. Would give us 15-20 additional spaces. Looking to put clubhouse for the tenants on that lot also.

Mr. Hyde – Feels that this property would be a monumental tax increase for the town.

Mr. Tillinghast – We are also looking to purchase land across the street, develop and give it back to the Town of Coventry, which would be at no expense to the town. The only condition would be a shared parking scenario. Regarding the restaurant, the reason we brought up the liquor license is because we are looking for 90-100 seat restaurant. It is part of the basement now; would give it the "Capital Grille" effect. Will

be spending about \$30 million dollars on this project. The retail space will be geared more towards the tenants, such as laundromat, beauty parlor, coffee café, things along that line.

Reduction of impact fees is on our wish list. This project is also geared toward young professionals, 22-24 years old, family is in Coventry. This would provide them the opportunity to stay here.

We mentioned a liquor license, tonight is not the venue for that. This would be our plan if everything works out.

On one entrance we have a little egress issue. Mill Street originally belonged to the mill. There is a very small portion of that street that we would like to have up to code. Perhaps make it a one-way and provide all necessary easements to the Town of Coventry, Kent County Water Authority, and we would maintain the street as far as plowing and paving.

Lastly, the affordable housing issue would be addressed at a later date. Currently we are in negotiations with a company that will provide an FHA HUD loan, which is guaranteed, that would make this project viable very quickly. We have looked to acquire the ten mill houses in the back, belonging to Mr. Bernard. We will keep negotiating. Would like to make the houses back there affordable housing. Understand that the town has a 10% goal.

Office space will be used for a property management team and for the Pawtuxet River Authority. On street parking would be on Main Street and Broad Street.

Peter Suorsa  
560 Town Farm Road

Confused around the affordable housing. Maybe town should consider a consultant to get the best possible deal for the town and the developer.

Mr. Iglizzi – Mr. Sprague has complete command of this whole affordable housing process. We have talked about it at length. The 65% was our request, but the Board has total discretion.

Solicitor Sullivan – This zone change has nothing to do with affordability, low or moderate income housing. This has to do with use of that building, that's it.

Ms. Barrett – As far as sewers, they are already tied in.

Robert DiPadua  
62 Laurel Avenue

Mr. DiPadua – Questioned the town allowing them to pay 65% of the fees per unit.

Mr. Kerbel – Would have to go to the Sewer Board. Recommendation tonight is that the council not consider any reduction in impact fees.

Dan O'Connell  
Harris Street

Really want this project to go forward, but concerned about enforcement of parking and security.

Mr. Tillinghast - There will be security on the premises.

Timothy Heigh  
Elm Street

Interested in where the restaurant would go and had questions regarding the proposed exits onto Harris Street.

Mr. Tillinghast – It is in our project to build sidewalks.

Mr. Heigh – Noise?

Mr. Tillinghast – Will have an on-premises security staff.

Mr. Heigh – Sewers?

Mr. Kerbel – Building is already tied in to the sewers

Chris Reynolds  
Howard Avenue

Mr. Reynolds – Believe this is a great project. I am part of the Riverwalk project and am here to show our support for this mill conversion.

Motion made by Frank Hyde seconded by Bruce Thompson to close public hearing. All voted Aye. So voted.

Solicitor Sullivan – Suggested numbering the conditions listed on the proposed ordinance and recommending removing numbers 9, 10, 11, 12, and 16-20 for later consideration. Conditions numbered 1-7 basically restate the status quo, the liquor license will come back later at another forum, and other conditions would be adopted based on Planning Commission findings. Planning has no jurisdiction over a liquor license, fair share or sewer impact fee reductions. You would have to come back here for that.

Motion made by Frank Hyde seconded by Bruce Thompson to remove numbers 9, 10, 11, 12 and 16, 17, 18, 19 and 20 for later consideration as proposed by Solicitor Sullivan. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Kenneth Cloutier to adopt ordinance and amend motion to include authorization of the Planning Commission to deal with the proposal of parking issue regarding a mixed use All voted Aye. So voted.

Mr. Tillinghast – It is my understanding that the council has the power to grant parking.

Solicitor Sullivan - Not for a mixed use. And that can be a significant issue for the Planning board.

Ordinance regarding Chapter 18, Article VI Sewer System, Special Sewer Assessment for Business Park

Motion made by Frank Hyde seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

Solicitor Sullivan warned that there is on-going litigation in numerous cases with the principal of that corporation and further cautioned discussion.

Manager Kerbel – We are talking about the off-site improvement agreement between the Town and entities that are part of Commerce Park with improvements that have to be made.

Solicitor Sullivan – You can have your public hearing now, it was advertised, hear testimony from developer and public.

Nicholas Cambio (Owner and President of Universal Properties)  
207 Quaker Lane  
West Warwick, RI 02893

Questioned the ad that was published in the newspaper. Appears to be an old plan. Believes there is a defect in the ad being that the town line was moved three or four years ago. Believe this is false advertising.

The purpose of this ordinance is to establish procedures and I haven't seen any, haven't discussed this assessment. Questioned why certain businesses were blocked out on the ad. Seems that some businesses are assessed and some are not. Requested that the Town Council table this ordinance tonight.

Brian LaPlante, Esq. – Believes there are procedural defects. My client is not refusing to pay because he doesn't like to pay, he has grounds upon which he doesn't have to pay because the Town has failed to comply with its obligations under this agreement. I suggest the members of the Council look at the underlying document calling for the enactment of this ordinance three years ago.

Solicitor Sullivan Are you indicating that you want to meet and try to come up with a resolution?

Mr. Laplante – We are always ready to listen. This project is very important to the town. There should be communication with this developer, and there isn't.

Motion made by Bruce Thompson seconded by Frank Hyde to continue public hearing to February 26, 2006. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Anthony Colaluca to adjourn meeting. All voted Aye. So voted.

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Town Clerk

