



Town of North Kingstown, Rhode Island

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NORTH KINGSTOWN PLANNING COMMISSION

January 16, 2018

The North Kingstown Planning Commission convened at Municipal Offices Court Room, 100 Fairway Dr., North Kingstown, RI

The following members were present:

Gardner Palmer, Jr. – Chairman
Paul Dion
Tracey McCue
Patrick Roach
James Grundy
Patricia Nickles

Also in attendance were Supervising Planner Maura Harrington, Principal Planner Shaun Lacey, Town Engineer Kim Wiegand and Town Solicitor James Callaghan.

Mr. Palmer welcomed all to the meeting and informed those in attendance that the agenda items order was being changed. The Construction Cost Estimate (item 3.a.) would remain the first item but the Master Plan for Camp Ave. (item 3.d) would be heard second followed by the Pre-Application (item 3.c) and then the CDBG discussion (item 3.b).

Construction Cost Estimate Approval: Harbor View Conservation Development

Mr. Lacey told the Commission that the final plan approval for the Harbor View Subdivision was done administratively in 2014.

The project has not moved forward but the approval is still vested due to the State's tolling laws. The applicant now wants to start construction but due to the time lapse,

Town staff requested an update for inspection fees and sureties. The Town Engineer's updated summary is included for Commission approval.

Mr. Grundy asked for clarification on a line item regarding rock excavation. Ms. Wiegand answered that the item is based on a percentage – the percentage for this item is fairly large (similar to the Reynolds Farm numbers).

With no further discussion, Mr. Palmer called for a motion to set the construction cost estimate for the Harbor View subdivision to \$1,440,778.73.

Mr. Grundy moved. Ms. McCue seconded. All voted aye. The estimate was set.

Master Plan Public Informational Meeting: Application of Camp Avenue Properties, LLC, 1130 Ten Rod Rd., Suite E-207, North Kingstown, RI 02852 for a proposed 18-unit conservation development located at 85, 105 & 117 Camp Avenue, AP 138 Lots 88, 95, 96, 97 & 99, zoned Village Residential (VR).

Mr. Lacey gave a summary of this proposed project. He said the proposed project is located at 85, 105 & 117 Camp Ave. – Assessor's Plat 138 Lots 88, 95, 96, 97 and 99. The proposal is to merge the five lots into three lots – Site plan Lots 1 and 2 would maintain the two existing single-family dwellings (rehabilitated). Lot 3 would be merged into 6.8 acres to provide eight duplexes (16 dwelling units). Two of the units will be designated as affordable. The proposed 30 foot private drive would end at a cul-de-sac. Public sewers will be utilized. The Commission granted the applicant a waiver at Pre-Application to postpone water modeling until after the Town Council considers a water main extension for the site.

This proposal is utilizing the conservation review process; as such an advisory opinion is needed from the Conservation Commission at the Master Plan hearing. Planning staff is asking the Planning Commission to waive this requirement until the Preliminary Review hearing (further landscaping and open space details are required at that time).

Mr. Lacey finished up saying this proposal is consistent with the Comprehensive Plan and meets zoning and subdivision requirements.

Attorney Peter Ruggiero came forward; he is representing the applicant of Camp Ave. Properties, LLC. He introduced Mr. Steve Moran a principal of Camp Ave. Properties and Mr. Jeff Hanson of Millstone Engineering, the project engineer.

Mr. Ruggiero then turned the floor over to Mr. Hanson to present the project.

Mr. Hanson was sworn in. He told the Commission the proposed name of the subdivision is: Tidal Mill Landings. He reiterated that the proposal is to merge and subdivide 5 lots into 3; the two existing homes will remain; a drive 500' in length will culminate in a cul-de-sac. The total end number of units will be 18. The project plan shows surrounding open space. Adequate parking is planned. The master plan shows some stormwater facilities; Mr. Hanson said the preliminary plan will include more

details on how the facilities will be maintained and operated, as required. Mr. Hanson said that the two remaining houses will serve as the required affordable units.

At this time, Mr. Moran came forward and was sworn in. He wanted the Commission to know that the plan to segregate the two existing homes onto their own individual lots was to separate them from the rest of the condominiums to avoid the requirement of homeowner association fees. This is the reasoning for planning the two homes as affordable, to relieve them from this burden.

Mr. Ruggiero added that a yield plan was presented which determined the possibility of 19 homes on this merged property; the subdivision and use of the two existing homes along with the conservation development tool means the applicant is actually lessening the density while still proposing two affordable units.

Mr. Hanson said that no zoning setback relief is needed with the plan.

Mr. Dion asked the applicant to explain the required affordable unit component to those in attendance.

Mr. Moran said he had looked at preliminary figures. He is allowed to market these homes based on the average town resident income – this means approximately \$59,000.00 in North Kingstown. Preliminary figures point to an approximate \$190,000.00 price point for the two units. These units also must be deeded as affordable for 99 years.

With the end of the applicant's presentation, Mr. Palmer opened the meeting to public questions and comments.

Ms. Catherine Jamieson came forward and was sworn in. She owns a lot to the west of these proposed project lots. She said she will be the most impacted visually. She bought the property as a horse farm – all surrounding lots at the time were horse farms. Her world is going to completely change because she will be facing the back of a number of condominiums. She bought the property because of the surrounding area. She appreciates the wildlife which will be displaced with this construction. The proposed lots are across the street from a home which houses a number of sex offenders; she asks the developer if he is aware of this. The project will bring unwelcome traffic, noise, and negative visual impact. Too many units are planned.

Mr. Moran responded that he is aware of the house across the street; he has purchased that property and the occupants will be evicted.

Mr. Dion asked the development team if they could address any buffering plan between properties.

Mr. Hanson said that the property does offer quite a bit of open space surrounding the property. He said that the applicant could talk about more screening along Ms. Jamieson's property line to hide some of the units from her view.

Mr. Keith Boyd, of Shore Acres Ave. came forward and was sworn in. Mr. Boyd said he heard that this developer is also purchasing a property across the street, which he can only assume will be developed similarly to this one. That means more traffic added to all the traffic that has and will come with the Reynolds Farm project. The traffic along Post Rd. at the Camp Ave. intersection is appalling – he has witnessed many occurrences of road rage at this spot. School children walk along Camp Ave. now; there are no sidewalks.

Mr. Boyd talked about the property's proximity to a tributary which leads to the sea. He suggests an official environmental impact study.

Mr. Boyd talked about the unfairness of allowing this development to utilize public sewers when the Shore Acres neighborhood was denied that advantage.

He added that in all likelihood, the developer will build this project; take the money and carry on, leaving the taxpayers will upkeep of roads, schools, etc.

Mr. Moran asked to respond to Mr. Boyd's comments. He said his family has lived in this town for over fifty years. He is a bit offended by comments that he will take the money and run. He has no intention of going anywhere. Mr. Moran said that the proposed road is private – it will not be maintained with taxpayer money. The development he is proposing utilizes the Town Ordinance's "Conservation" development standards, which is defined to conserve open land and create scenic views that preserve the rural character of town. He did not have to utilize this type of development – he could have come in with a proposal for a greater number of single family homes which would have meant clearing and developing of much more acreage. He said that his properties as well as Ms. Jamieson's property have also always been zoned for development. He spoke to Mr. Boyd's comment about utilizing public sewers; he said he is obligated to use sewers; he does not have a choice.

He said that he will have a traffic study done by a traffic engineer; the engineer will determine the amount of traffic that will be generated by this project. He understands the frustration about the traffic along Post Rd., but traffic along that corridor is not his responsibility.

The town has done an economic study on what is needed to bring Post Rd. back economically – the development of more residential units is strongly suggested in this study.

Mr. John Nosach of Robin Dr. came forward and was sworn in. He asked about the proposed stormwater facilities.

Mr. Palmer explained that this review is called "Master" stage; the proposal is still considered conceptual; any engineering has to be presented at the following "Preliminary" stage. Mr. Nosach's question may be premature.

Mr. Nosach then asked if town permission or approval has to be granted to call this a “Conservation” development.

Mr. Palmer answered that there is clear definition and standards within the Town Ordinance under “Conservation Developments” which must be met in order for the Commission to consider the proposal as such. He also gave a recap of how this and any following stage reviews work.

Mr. Nosach said that there is a hill or ridge at the back of the property which acts as a natural buffer to the wetlands on the property. How will buffering be achieved if that hill no longer exists?

Mr. Hanson answered that stormwater areas on the plan at this point are just to demonstrate areas that have been considered to handle storm water; he said that as Mr. Palmer stated, when the project is presented at Preliminary review more topographical information will have been considered in any stormwater plan.

Mr. Nosach reiterated the overabundance of foot and vehicle traffic. This project is too dense. The intersection at this proposed road at Camp Ave. will be a nightmare. He talked about the sidewalk proposed on the plan; it will be a sidewalk to nowhere.

Mr. Dion said that this Commission strongly believes that any development must include sidewalks. He understands the “sidewalk to nowhere” statement but they (sidewalks) are needed and must start somewhere.

Mr. Nosach said that if sidewalks are that much of a concern – they should run the length of Camp Ave. to Post Rd.

Mr. Dion explained that this developer does not own the length of property to Post Rd. He is asked to install sidewalks to the property he owns. The Commission has no right to dictate to owners to install sidewalks but when an owner comes in looking for development possibility that is when the Commission has the opportunity to insist on sidewalks.

Mr. Nosach compared this proposal to the development of his cluster development on Robin Dr. The houses sit on substantial lots, single family homes which can be sold for a profit. This plan has condominiums which are too close to one another – he feels to cram in the most units possible.

Mr. Palmer said that this plan is in keeping with the surrounding area; there are many multi-unit properties on Camp Ave. The developer is proposing a development which meets the law; it must be kept in mind that an owner has the right to develop their property.

Mr. Nosach responded that he was under the belief that the Planning Commission was hearing this review to decide whether to allow this developer the use of “Conservation” development.

Mr. Palmer said that the “Conservation” development ordinance was not something the developer had to ask of the Planning Commission; it is a type or sort of development that a developer can utilize that condenses the development area of a property but in return leaves much of the property undeveloped and deeded as open space.

Ms. Gail Haslam-Loose of Camp Ave. was sworn in. She wanted to ask the developer to bear in mind the opinions of the people in the room - to consider the added traffic the neighborhood will have to take on and to add or keep the character of the existing area.

Mr. James Crisicone of Verdant Circle came forward and was sworn in. His property abuts the applicant’s property at the rear. He asked the Planning Commission to consider a buffer between the properties; to respect the impact to Mill Creek; and, to limit street lighting.

Ms. Jamieson asked to speak again. She said after listening to all the comments, she can’t help but think of all the empty lots along Post Rd. She spoke of all the wildlife being pushed further and further out. She said all she is hearing is about making as much money as possible with no consideration to the people that already reside there. She said the project is “garbage”.

Mr. Boyd asked for one more question. Why does the inclusion of affordable units allow the privilege of more units? They still add traffic, school use, etc.

Mr. Grundy answered this question. He said the Town must follow the State Affordable Housing Plan. Every city or town must come to the availability of 10% affordable units – the allowance of taking affordable units out of density calculations was used as a tool to drive this town toward our required numbers.

Mr. Boyd also mentioned sea level rise. The waterway on this property is tidal; the sea will rise; the Town needs to include the environment in any decision they make.

Mr. Moran explained to Mr. Boyd that he using the “Conservation” ordinance because it leaves less impact on the environment.

Mr. Nosach commented that it is not in the best interest of the State’s affordable availability law if developers such as Mr. Moran are allowed density bonuses if they use this type of development.

Mr. Moran said he is getting no bonus. He is proposing 18 units – the law states 10% must fall under the affordable definition – he has planned 2 units.

Mr. Boyd asked how far the closest building will be from the water feature.

Mr. Hanson responded approximately 500’.

Mr. Boyd said the Planning Commission should be addressing the future – planning the future. The Commission is not taking future sea level rise in planning this area’s future.

With no further public comment, Mr. Palmer called for a motion to close the meeting to public comment.

Mr. Grundy moved. Mr. Roach seconded. All voted aye.

Mr. Palmer asked Commission members if they had questions or comments.

Ms. Nickles asked about proposed elevation drawings included in the submittal.

Mr. Ruggiero said that the drawings are preliminary and may well be changed by the Preliminary hearing; these drawings are just a basic representation of what they may look like. The next elevations will be more detailed.

Mr. Dion said he would look to the applicant to install appropriate buffering and lighting that is dark sky compliant. He would like this as a condition on Master Plan approval.

With no further comment, Mr. Palmer entertained a motion.

Mr. Grundy moved to approve the Master Plan application of Camp Ave. Properties, LLC for a proposed 18 unit development located at 85, 105 and 117 Camp Ave., Assessor’s Plat 138 Lots 88, 95, 96, 97 and 99, zoned Village Residential (VR); with findings:

- The subdivision is consistent with the requirements of the North Kingstown Comprehensive Plan and/or shall satisfactorily address the issues where there may be inconsistencies.
- Each lot in the subdivision conforms to the standards and provisions of the North Kingstown Zoning Ordinance.
- To the amount applicable at the Master Plan stage, there will be no significant environmental impacts from the proposed development as shown on the plans.
- The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical.
- Proposed subdivision lots have adequate and permanent physical access to a public street.
- The subdivision provides for safe circulation of [pedestrian and vehicular traffic; for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

With the conditions:

- Prior to Preliminary Plan submission, the applicant shall provide a preliminary archeological survey of the project area.
- At the time of Preliminary Plan review, the applicant shall submit a detailed management plan specifying the use and management of the open space. The management plan may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.
- The income restricted units be set at 80% of median income with a 99 year deed restriction.
- During Preliminary Plan application, consideration be given to provide adequate levels of buffering to Assessor's Plat 138 Lot 109 (Jamieson lot)
- Dark sky compliant lighting be a part of any homeowner's association agreement that is brought forward.

Mr. Dion seconded. All voted aye. Master Plan approval was granted.

CDBG Program Affordable Housing Set Aside Application: Certification that the application is not in conflict with North Kingstown Comprehensive Plan or Local Development Ordinances/Regulations

Mr. Palmer gave a quick summation of the CDBG fund and the Commission's role in the process. The Commission is charged only with deciding that the application is not in conflict with the general policies set forth in the Comprehensive Plan, weighing the significance of application(s) is not in the Commission's purview.

Ms. Harrington gave a summary of the Set Aside Fund. She said she attended a public hearing on the fund on November 1, 2017.

The State sets aside 25% of its available resources specifically for affordable housing purposes. The applications are considered on a rolling basis – this fund is not a part of the original annual CDBG application that was made by the Town to the Office of Housing and Community Development.

The applications are required to be submitted through municipalities.

These funds are monies lent to low and moderate income families for rehabilitation of housing in North Kingstown; this is done through the Consortium of East Greenwich.

Ms. Harrington finished reminding the Commission their only responsibility tonight is to determine whether or not it conflicts with the Comprehensive Plan and Zoning Ordinance.

Mr. Palmer entertained a motion.

Mr. Roach moved that the Commission find that the \$75,000.00 rolling application for RI CDBG housing rehabilitation is not in conflict with the North Kingstown Comprehensive Plan.

Mr. Grundy seconded. All voted aye. The motion carried.

Pre-Application: BKS, LLC, 22 Morgan Dr., Narragansett, RI 02882 for a proposed 33-unit major land development plan located at 7293 Post Road, AP 136 Lot 9, zoned Post Road (PR)

Mr. Grundy recused himself; he has worked with the applicant (Mr. Kirk Pickell) on other projects.

Mr. Lacey told the Commission this is a pre-application for a major land development for 33 units. The proposed project is located on Post Road and zoned Post Road (PR) as well. The 33 units are proposed as one and two-family condominiums. A shared driveway is proposed between the subject property and the abutting lot to the east. Each unit would have a two car garage and driveway; 25 guest parking spots are planned. The project will be connected to sewers and is located within the water service area. Sidewalks are not a part of this proposal.

Mr. Lacey said the Commission would have to agree to waive the requirement that ground floor residential units be located 400' away from Post Rd. There is a provision within the Ordinance to reduce the 400' to 250' with a waiver from this Commission. He said that the Town Engineer has commented that the private road exceeds the length of dead-end roads for the number of proposed units; a P-loop or secondary access must be configured to conform to town standards. A sidewalk along at least one side of the street is strongly recommended.

A Physical Alteration Permit would be needed from RI DOT; wetlands permit from RI DEM; and, the plan must meet RI Storm Water Design and Installation Standards.

Mr. Lacey added that he had heard concern from a business owner who runs an asphalt processing facility in the Quonset Park, which is located about 2000' behind this applicant's property. The nature of the business is considered a nuisance (noise and odor). The business owner would like the Commission to consider this in relation to any future abutters.

Ms. McCue weighed in that BB&S Lumber is also located back there; they deal with chemicals, dust and such. The Commission should keep in mind that these businesses were here first.

Mr. Dion commented on what recourse the future owners might have when it comes to complaints.

Mr. Palmer is not sure how they would incorporate any means of pre-notification of the uses to the back. He asked the applicant(s) if they were ready with a presentation.

Mr. Dennis DiPrete, the project engineer introduced himself and the applicant, Mr. Pickell. He told the Commission he wanted to address the asphalt facility issue first. The

project itself was primarily introduced in 2006; it has been through revisions, zoning changes, establishment of groundwater protections, commercial/residential use proposals. Mr. DiPrete said that this actually all started prior to Rte. 403 being constructed; the Commission should keep this in mind when it considers the property project and the uses that surround it.

Mr. DiPrete then presented the proposed project. The property is a 7.8 acre vacant site that fronts on Post Road. They would like to construct 33 units, some single family and duplex condominiums; 10% will be affordable.

The proposal calls for public sewer and water. The plan is to preserve frontage along Post Rd.; offer diverse open space; construct tree-lined drives; generous perimeter buffers; integrated affordable homes; neighborhood park area; and, homes targeting “empty nester” residents.

Mr. DiPrete said water modelling and a traffic study will be done as the project moves forward. With that, he asked if Commission members had questions or comments.

Mr. Dion asked about the possibility of using the Pogoda Inn’s existing curb cut – he thinks there are already quite a number of curb cuts in this area.

Mr. DiPrete is not sure the owners of the Pagoda Inn would allow that; there is already an easement through their lot to another parcel.

Mr. Dion asked if there is an existing sidewalk where egress for this project runs along Post Rd.

Mr. Pickell said there is existing sidewalk which ends at the Pogoda Inn.

Mr. Dion asked for clarification on installation of sidewalks within the project’s road.

Mr. DiPrete answered that the “roads” are actually drives, not necessarily streets; sidewalks are not required along driveways.

Mr. Dion commented that it seems to him the applicant is taking advantage of the Post Road Guidelines, yet is not adhering to the requirements (sidewalks).

Mr. Palmer added that the whole idea behind Post Road zoning is connectivity. This project has none of that. He suggested the applicant seriously consider sidewalks.

Mr. Roach added that sidewalks generally push people to think about walking over driving.

Mr. Dion then talked about the proposed layout of the development. He said it looks like “stop here...stop there...then stop over there”. He asks if consideration could be taken to somehow connect the two roads together to get some sort of circular scheme.

Mr. DiPrete said there are site issues there that prevent that suggestion. There is a sloped ridgeway between the upper and lower roads or “drives”.

Ms. Nickles commented that the applicant knew of this slope when he purchased the land; perhaps the problem lies in the number of proposed units.

Mr. DiPrete again said these are not proposed roads – they will not be right-of-ways; they will be drives.

Ms. Nickles asked why the applicant wasn’t using the northern Post Rd. part of the property to access the development.

Mr. DiPrete said DOT is concerned with the number of curb cuts along that stretch of Post Rd. already; to put an entrance/exit at the northern side would mean a new curb cut; the southern entrance/exit is already there. The topography is very steep at this end of this property also.

Ms. Nickles said more dialog is needed on whether this is a private road or driveways. This is not the Town’s idea of quality development.

Mr. Palmer asked Commission members their opinion on whether a waiver be granted to with regard to allowing ground floor residential uses within 400’ of Post Rd.

Ms. Nickles said she an issue with this; she cannot see the justification for it.

Mr. DiPrete responded that this same waiver was granted to the Reynolds Farm development. He added that in order to meet Post Rd. requirements which would allow ground floor residential units the plan would have to include a commercial component. This property is quite buffered from Post Rd.; there would be no market for retail.

Mr. Palmer told Ms. Nickles he was inclined to agree with Mr. DiPrete. This particular area does not seem to be visible from Post Rd.

Mr. Lacey also mentioned that there is lesser amount of proposed buildings that would impinge on the 400’ requirement. The majority of the proposed buildings will actually be more than 400’ from the road.

Mr. Roach said he agrees with difficulty including commercial use to this particular property.

Mr. Pickell asked to speak. He said he has tried to market this and his other lots for retail; at this point, there is no retail market. The area needs more residential use which in turn would draw in retail and commercial uses.

Mr. Dion said he goes along with this thinking; however, he hates the plan layout. It is choppy. It does not flow. It looks like the units were placed only in accordance with getting the maximum number possibly allowed. He suggested the applicant consider some “creative” connectivity. He said this plan does not meet the Post Road zoning ordinance purpose.

Mr. Pickell answered that there are people who like a layout like this – it provides privacy and less traffic. He said again the land topography set the plan.

Mr. Roach suggested the possibility of steps connecting the two proposed roads; it might promote the idea of walking as well as some flow to the development.

Ms. Nickles said she could not find one positive thing with whole plan.

At this point, Mr. Palmer said it sounds like the applicant has some work to do. The Commission has given mixed comments and feedback; plenty for the applicant to work with.

Mr. Jeffrey Techentin, attorney for Mr. Miozzi – the owner of the asphalt processing plant mentioned during the meeting, asked to speak to Commission members. The nature of his client’s business produces noise and odor. Mr. Miozzi was made to move his business from Coventry for this very reason-complaints from homeowners of a development built after his business was established. Mr. Miozzi wants the Commission to be aware and cognizant of this issue. Mr. Techentin asked if the Commission is capable of including a disclosure of this issue in sales agreements. He emphasized noise and odor which will in more likelihood affect these future homeowners.

Mr. Pickell asked why Mr. Miozzi’s business was allowed to open so close to Reynolds Farm; this issue was not mentioned then. Why now?

Mr. Techentin responded he understands the Commission may be limited in what it can legally do in this circumstance-he just wanted to bring it to their attention.

Mr. Richard Welch, Chairman of the Town Council commented on the traffic issue. Post Rd near this development has some serious traffic problems; he is cautious of any new added traffic being allowed. The Town Council and RI DOT must remedy this situation.

Minutes: August 15, 2017 and October 3, 2017

At a previous meeting, the Commission asked for some language changes to the August 15 minutes draft. Tonight the amended draft was presented again for review.

Mr. Palmer asked if the changes were agreeable to the members; it was, so he called for a motion.

Mr. Dion motioned. Mr. Roach seconded. All voted aye. The August 15, 2017 minutes were accepted into record.

Mr. Palmer said the October 3 minutes draft was also up for review. He asked for any comment, changes and if none; a motion.

Ms. McCue moved to approve the October 3, 2017 minutes.

Mr. Roach seconded. Mr. Palmer, Mr. Dion, Mr. Roach and Ms. McCue voted aye. Ms. Nickles abstained (she was not at the meeting). The motion carried 4-0-1.

Adjournment

With all business finished, Mr. Palmer asked for a motion to adjourn.

Mr. Roach moved. Mr. Dion seconded. All voted aye; the meeting was adjourned at 10:30PM.

Beth Gagnon-Glasberg
Recording Secretary