

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL
MINUTES

Thursday, December 9th, 2004
William E. Powers Building
One Capitol Hill, Providence, Rhode Island

Members Present

Dr. Robert Griffith, Chair	Representing Beverly Najarian, Director RI Department of Administration
Mr. John O'Brien, Secretary	Statewide Planning
Ms. Susan Baxter	RI Housing Resources Commission
Ms. Jeanne Boyle	Representing Mr. William J. Fuzzily City of East Providence
Mr. Kevin Flynn	Representing Mayor Stephen Laffey, City of Cranston
Ms. Lucy Garliauskas (Advisory Member)	Federal Highway Administration
Ms. Roberta Grouch	Representing Mr. Thomas Deller, Department of Planning & Development City of Providence
Mr. Peder Schaefer	Representing Ms Rosemary Booth Gallogly Budget Office
Mr. Robert Shawver	Representing Mr. James Capaldi, RI Department of Transportation
Mr. Henry Sherlock	Representing Mr. Steven Cardi Public Member
Mr. David Tremblay	Representing Jeffrey Grybowski, Vice Chair Governor's Policy Office
Ms. Janet White Raymond	Public Member

Members Absent

Mr. Daniel Beardsley	RI League of Cities and Towns
Mr. Joseph Newsome	South Providence Development Corporation
Mr. William Sequino	Public member

Guests

Mr. Ralph Rizzo Federal Highway Administration

Staff--Statewide Planning Program

Mr. George Johnson Assistant. Chief
Ms. Blanche Higgins Supervising Planner, Land Use
Ms. Katherine Trapani Supervising Planner, Transportation
Ms. Nancy Hess Principal Environmental Planner
Mr. Kevin Nelson Principal Planner, Land Use
Ms. Derwent Riding Principal Planner, Comprehensive Plans
Ms. Patricia Greene Customer Service Specialist I

AGENDA ITEMS

1. Call to Order

Dr. Griffith called the meeting to order at 9:07 a.m.

2. Approval of September 16th minutes

Ms. Boyle moved that:

THE MINUTES BE APPROVED AS SUBMITTED.

The motion was seconded by Mr. Flynn and carried unanimously.

3. Chief's Progress Report

Mr. O'Brien noted that the 2004 Comprehensive Economic Development Strategy Annual Report was being distributed in the handouts. Mr. O'Brien also noted that Technical Paper Number 154, Rhode Island Population Projections State, County and Municipal, 2000-2030 and Technical Paper #156, *EDA Public Works in Rhode Island, 1996-2000* were also being distributed. All of these publications are available on Statewide Planning Program's web site.

Mr. O'Brien reported that the transportation corridor planning initiative was selected by the Rhode Island chapter of the American Planning Association for this years award under the category of comprehensive plans. That announcement was made at the Southern New England APA conference held in October. The plan has also been submitted by FHWA for national recognition.

Mr. O'Brien stated that the Transportation Advisory Committee celebrated its tenth anniversary at the November meeting. The Governor's Office presented a proclamation to the body recognizing its many contributions to planning for development of the State's transportation system, and Certificates of Appreciation were presented to nine "charter" members who have served the entire 10 years of the Committee's existence.

Mr. O'Brien reported that Statewide Planning sponsored a Walkable Community Workshop for RIDOT engineering staff and consultants on November 30th. It was a more in depth and technical format than the workshops held in the eight communities last spring. Staff had 32 engineers registered for the day-long event.

In the area of local comprehensive plans, State approval was granted for the Five-Year Update to the Comprehensive Plan for the Town of Lincoln. That marks the eighth five-year update to receive state approval. Staff has resolved all issues with the Pawtucket and East Greenwich updates and are awaiting final copies to proceed with approval. All issues with West Warwick's initial plan have been resolved and staff is awaiting a final copy for certification. That will mark the 36th plan approval.

Statewide Planning hosted the Annual Meeting of the New England Association of Regional Councils from October 14 – 16 at the Biltmore Hotel. Mr. O'Brien stated that these regional councils and Statewide Planning share a number of responsibilities in common including roles as MPO's and CEDS's organizations. He noted that sessions addressed such issues as affordable housing and responses to the upcoming military base closure process.

Mr. O'Brien reported that Statewide Planning has hired two senior planners. They will be starting on December 13th and will initially be charged with reviewing the local affordable housing plans and working with communities towards attaining state approval of those plans. Mr. O'Brien noted that these are the first positions filled in over three years.

4. 2005 Meeting Schedule

Dr. Griffith referred to the agenda supplement listing the dates of the 2005 meetings.

Action:

Mr. Flynn moved to:

ADOPT THE 2005 MEETING SCHEDULE.

The motion was seconded by Mr. Sherlock and carried unanimously.

5. FY 2005 Work Program: Task Update

Mr. O'Brien began the update by addressing the requirements of the new affordable housing legislation. He stated that the communities must submit affordable housing plans to the state as amendments to their local comprehensive plans by Dec. 31st. He noted that a number of plans have been received and most communities are anticipated to meet the deadline. The state has until June 30th to review the plans. That date is important because the moratorium on new comprehensive permit applications expires on July 1, 2005. Mr. O'Brien stated that, for the first time, there is a real consequence to not having a state approved comprehensive plan. He stated that as a result, he would be seeking changes to the Comprehensive Plan Appeals Board Act in anticipation of disagreements with some communities.

Mr. O'Brien continued by reviewing for the Council the various forms of technical assistance that the staff has been engaged with over the last five months to assist the communities in this task.

Ms. Higgins distributed a schedule for the update of the Land Use Policies and Plan. She noted that staff is well into this schedule and has been engaging the Technical Committee each month with

information that coincide with the schedule. The staff is currently engaged in the development of alternative land use scenarios using GIS.

Ms. Trapani reviewed the schedule for the update of the Transportation Improvement Program. She reported on the activities to date including the four workshops recently concluded. She noted that applications are due February 4th and that will allow for the TAC to review the projects through their regional subcommittee process.

Discussion:

In response to the proposed changes to the legislation on the Comprehensive Appeals Board, Mr. Flynn noted that the comprehensive planning legislation should be amended to make it clear that the state is not empowered to edit local plans.

Ms. Boyle inquired as to whether staff would be reviewing the appropriateness of sites proposed by local communities for affordable housing. Mr. O'Brien stated that site analysis was one of the requirements, and he provided an example of how this would be accomplished at the staff level. Mr. Nelson also noted that DEM reviewed each plan for issues related to site development.

Mr. Shafer inquired as to funding available to communities to complete these plans. Mr. O'Brien noted that some CDBG funds were used as well as small grants from RI Housing.

Ms. Garliasuskas noted the importance of linking the various policies incorporated in various State Guide Plan elements with the land use element. Dr Griffith similarly noted the importance of making Guide Plan elements relevant and understandable. He welcomed participation by the Governor's Office in this effort.

Dr. Griffith noted the importance of the element providing short-term, measurable objectives.

Mr. Flynn inquired as to the practice of permitting TAC members to sit on regional subcommittees that represented areas in which they resided. Ms. Trapani stated that TAC members were not allowed to sit on a regional subcommittee that dealt with the community of their residence.

In response to a question regarding limiting the number of applications submitted, Ms. Trapani noted that communities were limited to the same number of applications established by the CEDS process.

Dr. Griffith noted the advantages of having a fiscally constrained TIP.

6. Regulatory Agenda

Mr. O'Brien reported that Section 42-35-5.1 of the General Laws (part of the Administrative Procedures Act) requires that each state agency adopt a Regulatory Agenda in January and June. This is filed with the Governor, the Secretary of State, the President of the Senate, and the Speaker of the House.

The agenda covers a twelve-month period. The first section lists those actions taken during the preceding six months, and the second section lists those anticipated in the coming six months. A draft Regulatory Agenda as of January 2005 was distributed.

Discussion:

Mr. Tremblay advised the Council of recent changes to the Administrative Procedures Act that impact the filing of regulations.

Action:

Ms. Raymond moved to:

ADOPT THE REGULATORY AGENDA FOR THE PERIOD JULY 1, 2004 TO JUNE 30, 2005

The motion was seconded by Ms. Boyle and carried unanimously.

7. Other Business

Mr. O'Brien reported that once a Comprehensive Plan (including any amendments) is received by Statewide Planning, there is a statutory requirement for "public notice of the initiation of review" [45-22.2.9 (c)(2)].

There is no definition of the meaning of "public notice" in the statute. A search of other applicable state statutes (including the Administrative Procedures Act) did not uncover a definition of "public notice." Handbook 16, adopted to give further guidance on the Comprehensive Planning Act, is also silent.

The practice of Statewide Planning since the inception of the act has been to place a legal advertisement in the Providence Journal as the public notice. There have been no responses to that public notice after the initial Comprehensive Plan submissions. Currently, the advertisements cost approximately \$300 each. Conversations have been held with Daniel Varin, William Sheridan, and Michael Ahnrud regarding the practices in place. None can identify a regulatory basis for the practice of newspaper advertisement.

Discussion with Peter Dennehy, Legislative Liaison, Department of Administration, regarding an amendment to the Comprehensive Planning Statute concluded that a change from publication in a newspaper to posting the notice on the Statewide Planning website could be accomplished without any statutory change. However, it was suggested that it be approved by the State Planning Council to provide a date and written file for the change.

Action:

Ms. Boyle moved to:

APPROVE COMPREHENSIVE PLAN PUBLIC NOTICE PROCESS AS POSTING OF NOTICE OF AMENDMENT TO THE WORLD WIDE WEB.

The motion was seconded by Mr. Flynn and carried unanimously.

8. Adjourn

The Chair adjourned the meeting at 10.32 a.m.

Respectfully Submitted,

John P. O'Brien, Secretary

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