

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL
MINUTES

Thursday, June 9th, 2005
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
Mr. Daniel Beardsley	RI League of Cities and Towns
Ms. Jeanne Boyle	Representing Mr. William J. Fuzzily, City of East Providence
Mr. Thomas Deller	Department of Planning & Development City of Providence
Mr. Kevin Flynn	Representing Mayor Stephen Laffey, City of Cranston
Mr. Ralph Rizzo	Representing Ms. Lucy Garliauskas (Advisory Member) Federal Highway Administration
Mr. Peder Schaefer	Representing Ms. Rosemary Booth Gallogly, Budget Office
Mr. William Sequino	Public Member
Mr. Robert Shawver	Representing Mr. James Capaldi, RI Department of Transportation
Mr. Henry Sherlock	Representing Mr. Steven Cardi, Public Member

Members Absent

Mr. Timothy M. Costa, Vice Chair	Governor's Policy Office
Mr. Joseph Newsome	South Providence Development Corporation
Ms. Anna Prager	Public Member
Ms. Janet White Raymond	Public Member

Guests

Mr. E. Batty	Quonset Development Corporation – Counsel
Mr. David Everett	Providence Department of Planning & Development
Mr. Geoff Grout	Quonset Development Corporation
Mr. Steven King	Quonset Development Corporation
Ms. Mia Maniotti	NLCT
Mr. David Preston	Quonset Development Corporation
Mr. Ted Spinard	MGI

Staff--Statewide Planning Program

Mr. George Johnson	Assistant Chief, Statewide Planning
Ms. Blanche Higgins	Supervising Planner, Land Use
Ms. Katherine Trapani	Supervising Planner, Transportation
Mr. Bruce Vild	Supervising Planner, Economic Development
Ms. Nancy Hess	Principal Environmental Planner, Land Use
Ms. Joyce Karger	Principal Planner, Economic Development
Mr. Kevin Nelson	Principal Planner, Land Use
Ms. Ronnie Sirota	Senior Planner, Transportation
Ms. Patricia Greene	Customer Service Specialist I

AGENDA ITEMS

1. Call to Order

Dr. Griffith called the meeting to order at 9:10 a.m.

2. Approval of April 14th minutes

Mr. Sequino moved that:

THE MINUTES BE APPROVED.

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

3. Chief's Progress Report

Mr. O'Brien noted that copies of the revised Rivers Policy and Plan element of the State Guide Plan were being distributed in the handouts. Also distributed were copies of Global Warming in Rhode Island by the Environmental Council of Rhode Island.

Mr. O'Brien updated the Council on the status of the Land Use Policies and Plan. He stated that most of the narrative to include recommendations has been drafted and staff is working to finalize the scenario work and present that to the Technical Committee in August. He noted that if staff adheres to that schedule, the Council would be briefed either in August or September. He stated that staff had presented an afternoon program on the draft sections; findings, objectives and strategies and scenarios analysis, to the R.I. Chapter of the American Planning Association. Approximately 35 planners attended and the plan was well received.

Staff is beginning to work with consultants on the new housing production strategy, including participating in Advisory Committee meetings, providing background information on housing and land use. Staff will be briefing the Advisory Committee this month on the land use plan analysis of developable land and capacity to support housing development.

Mr. O'Brien reported that staff continues to devote a lot of attention to the approval of local affordable housing plans. He noted that a number of plans have been approved but that approximately twenty more were responding to comments from staff and RI Housing.

Mr. O'Brien noted that staff approved the initial comprehensive plan for the Town of West Warwick as well as the Town of East Greenwich's five-year update.

Mr. O'Brien reported that TEA-21, which would have expired on May 31st, has been extended for another 30 days - the 7th extension. He noted that the House and Senate have passed differing versions of the new bills - the Senate version has favorable features for Statewide Planning, but calls for spending at an amount that the President is threatening to veto. The House version reportedly has over 4,000 project earmarks. House and Senate leaders have named conferees, which include Senators Chafee and Reed.

The Census Bureau has also released population projections by state up to 2030 by five-year intervals. Staff has compared them with Statewide Planning's projections and finds that we are fairly close on the long range, 2030 projection but there are significant differences on the five-year interim projections with Statewide Planning's projections being more conservative. Mr. O'Brien noted that when comparing methodologies, he was much more comfortable with Statewide Planning's projections as major input factors such as fertility and mortality rates are derived locally. He further noted that Statewide Planning's numbers have proven to be more accurate over the past 30 years.

Discussion:

Mr. Flynn noted the passing of Ms. Raymond's husband and distributed a sympathy card for Council members to sign.

4. FY 2006 Work Program

Mr. O'Brien noted that the Council received the draft tasks in April and the budget was sent with the May cancellation notice. Additional information on transportation planning tasks from RIDOT and RIPTA were enclosed with the agenda supplement and will be attached for submission of the Work Program as a Unified Work Program to the federal transportation planning funding agencies. Mr. O'Brien noted that the requested action included required annual certifications as the Metropolitan Planning Organization. Both the Technical Committee and the Transportation Advisory Committee have recommended adoption.

Action:

Mr. Flynn moved to:

ADOPT THE FY 2006 WORK PROGRAM AS THE UNIFIED WORK PROGRAM FOR TRANSPORTATION PLANNING WITH THE ENCLOSED CERTIFICATIONS.

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

5. Transportation Improvement Program FFY 2006-2007

Ms. Trapani reviewed the process of putting together the TIP update including the schedule for adoption. She reviewed how the TAC subcommittees reported their recommendations as well as the regional distribution of the projects. She went through the draft TIP highlighting the different funding categories. Lastly, she noted that the recommendations of the Enhancements Committee will not be forwarded until later this month, however, sufficient funds have been set aside for that category of funding.

Mr. O'Brien noted that the Transportation Advisory Committee and Technical Committee had reviewed the working draft and recommended it for the Council's consideration for the purposes of a public hearing. The hearing has been scheduled for June 30th. Mr. O'Brien stated that the TIP will be on the Council's agenda again in August for adoption.

Ms. Trapani concluded by thanking the Transportation Planning staff for all of their hard work and noted it was also recognized by the TAC.

Discussion:

Mr. Shawver responded to a question regarding the transit funding deficit in the fiscal constraint analysis by noting it was accounted for by unspent FY 05 funds that would be carried forward.

Mr. Shawver also noted that the Enhancement Program may require an amendment as the report from the committee has yet to be finalized. Mr. O'Brien stated that a sufficient amount of funds would be reserved in the TIP.

Mr. O'Brien noted that the TAC complimented the staff for their efficiency in providing the information necessary to arrive at an equitable distribution of insufficient funds.

Action:

Mr. Sequino moved to:

ACCEPT THE DRAFT TRANSPORTATION IMPROVEMENT PROGRAM FOR A PUBLIC HEARING

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

6. Priority Project List: Comprehensive Economic Development Strategy (CEDS)

Mr. Vild noted that a CEDS is a report that examines an area's economic development needs, problems, and resource; sets goals and objective; and proposes projects to achieve the objectives. An *Annual Report*, with a new list of projects, is scheduled to be submitted to the Economic Development Administration each year.

The Technical Committee appointed a subcommittee to work with the staff to evaluate the projects that are submitted. Mr. Vild distributed the listing of projects as ranked by the CEDS Subcommittee. He stated that the process included reforms as suggested in a Technical Paper that lead directly to less but better quality projects submitted for consideration. He noted that both the median and high score set new records and that he was very satisfied with the quality of the projects. He concluded by thanking the subcommittee and recognizing the efforts of Ms. Joyce Karger who helped develop the changes to the process.

Discussion:

Mr. Vild responded to a question by Mr. Beardsley by explaining the different scoring criteria applied.

Mr. Flynn inquired as to the status of the Pawtucket Central Falls train station noting that this was the subject of a TIP feasibility study.

Ms. Boyle asked about the future of EDA given the Administration's proposal to eliminate it. Mr. Vild replied that there seemed to be confidence that EDA would again survive.

Action:

Mr. Shawver moved to:

ADOPT THE FFY 2006 CEDS LIST OF PRIORITY PROJECTS

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

7. Quonset Business Park Development Package

Mr. O'Brien noted that in 1979 the State entered into a Settlement Agreement as the result of litigation, "Conservation Law Foundation of Rhode Island et als vs. General Services Administration et als", dealing with the disposition of federal lands including Quonset Point. Part of the settlement was a "Review Agreement" whereby the Rhode Island Port Authority and Economic Development Corporation (RIPA), DEM, CRMC, and the Office of State Planning agreed to a review process for all "further leasing, sale and/or development" of Quonset. That process is facilitated by the submission of Environmental Review Forms to the State agencies soliciting their comments on proposed transactions. The State Guide Plan consistency review resembles the review of EDC financing proposals whereby the Council receives notification of the Secretary's determination.

The Review Agreement also recognized that the Rhode Island Port Authority adopted Development Restrictions for Quonset. The Agreement requires that prior to amending those restrictions the State agencies be afforded an opportunity to review and comment on the changes. It also requires that the State Planning Council consider the changes at a meeting and communicate its findings to RIPA.

The Quonset Development Corporation (QDC) has submitted a draft Development Package for comment in keeping with the provisions of the Review Agreement. Staff has reviewed the draft for consistency with the State Guide Plan.

Mr. O'Brien reviewed the staff findings, which found that the proposed regulations were generally consistent with the State Guide Plan; however, there were some concerns as regards to the water supply elements of the Guide Plan. As such, the staff was recommending some specific amendments to the development package which would provide for additional information pertaining to water supply and use be provided as part of the Technical Review submission.

Discussion:

Mr. Beardsley asked for clarification as to the Council's role in this review noting the concerns over water supply. Mr. O'Brien responded that he had not received any formal correspondence from the Town but, in copies of correspondence to the QDC, the Town was concerned about issues that were more of a zoning nature. Dr. Griffith noted that zoning issues were not within the purview of the Council.

Mr. Schaefer inquired as to whether the payment in lieu of taxes was an issue. Mr. O'Brien responded he was not aware of such an issue.

Mr. Flynn read from an e-mail he received from North Kingstown that outlined their issues with the proposed regulation. Dr. Griffith summarized those issues as zoning issues.

Ms. Boyle raised the issue of whether the question was one of consistency with the local plan or zoning. Mr. O'Brien noted that the Town had recently adopted the Quonset Master Plan as part of the Comprehensive Plan. The development regulations were the next step in QDC's implementation of the Master Plan.

Mr. Flynn recalled that Cranston never had such concerns when the State developed the Howard Industrial Park and their regulations were stricter than local zoning. He offered that such disagreements were unproductive for the Town and the State.

Mr. Batty agreed that it was important to continue to work with the Town. He noted that North Kingstown had submitted twenty-two specific comments on the development regulations and the QDC will continue to attempt to address those comments.

Action:

Mr. Shawver moved to:

ADOPT THE FINDINGS FOR TRANSMITTAL TO THE QUONSET DEVELOPMENT CORPORATION.

The motion was seconded by Dr. Griffith

Discussion:

Mr. Rizzo stated that it was unclear what was being reviewed.

Mr. Beardsley, noting he agreed that addressing zoning issues was not in the purview of the Council, offered a friendly amendment to the motion:

THAT IN APPROVING THESE REGULATIONS THE COUNCIL RECOMMENDS THAT THE QDC MAKE EVERY EFFORT TO SET FORTH ON AN AGGRESSIVE SCHEDULE OF MEETINGS WITH THE TOWN OVER THE NEXT SIX MONTHS TO RESOLVE OUTSTANDING ISSUES.

Mr. Flynn seconded the amendment.

Dr. Griffith noted that the Council was not approving the regulations, but its action was limited to making findings on the proposed amended regulations.

Mr. Sherlock questioned the amended motion if it had nothing to do with addressing the role of the Council under the Review Agreement. Mr. Flynn responded that the amended motion would convey a sense of the issues and the Council's level of discomfort.

Ms. Baxter said that the transmittal of the Council's findings should clearly explain what was being recommended.

Ms. Boyle noted that she preferred that the amendment be forwarded by correspondence and that the Council's action address its charge under the Review Agreement. She also expressed concern that the Town had not formally corresponded with the Council nor was it represented at this meeting.

Mr. Beardsley withdrew his amended motion. Mr. Flynn withdrew his second. The motion carried unanimously.

Dr. Griffith noted that the Council was limited by the existing review agreement structure and requested that the staff explore options to extend review periods for future findings requests.

8. Regulatory Agenda

Mr. O'Brien explained 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 Senate Majority Leader, 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.

Action:

Mr. Flynn moved to:

ADOPT THE REGULATORY AGENDA FOR THE PERIOD JANUARY 1, 2005 TO DECEMBER 31, 2005.

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

9. Other Business

Mr. O'Brien reminded the Council that no meeting was scheduled for July, but he did ask the Council to review the draft Transportation Improvement Program and any changes that the staff sends prior to the August meeting as the staff will be looking for final approval at that time.

10. Adjourn

The Chair adjourned the meeting at 10:44 a.m.

Respectfully Submitted,

John P. O'Brien, Secretary