

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL
MINUTES

Thursday, February 8, 2007

Cranston Public Library
Cranston, Rhode Island

Members Present

Mr. Kevin Flynn, Acting Chair	Representing Ms. Beverly Najarian, RI Department of Administration
Mr. George Johnson, Secretary	Statewide Planning Program
Ms. Susan Baxter	Rhode Island Housing Resources Commission
Mr. Daniel Beardsley	RI League of Cities and Towns
Ms. Jeanne Boyle	City of East Providence Planning Department
Ms. Lucy Garliauskas (Advisory Member)	Federal Highway Administration
Ms. Anna Prager	Public Member
Ms. Janet White Raymond	Public Member
Mr. Jared Rhodes	Representing League of Cities & Towns
Mr. Robert Shawver	Representing Mr. Jerome Williams, RI Department of Transportation
Mr. Steven Cardi	Public Member
Mr. Jake McGuigan	Representing Timothy Costa, Vice Chair Governor's Policy Office
Mr. B. Michael Rauh	Environmental Advocate
Mr. John Trevor	Environmental Advocate
Mr. William Sequino	Public Member
Mr. Peder Schaefer	Representing Ms. Rosemary Booth Gallogly, Budget Office
Ms. Sharon Conard Wells	Elmwood Neighborhood Community Development

Members Absent

Mr. Thomas Deller	Department of Planning & Development, City of Providence
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Guests

Mr. Tim Bonmann	Providence Journal
Ms. Beth Ashman Collins	RI Economic Policy Council
Mr. Clarke Cote	RI Resource Recovery Corporation
Ms. Carolyn Crook	Chaffee Communications
Ms. Joanne Full	Chaffee Communications
Ms. Heidi Green	Quonset Development Corporation
Ms. Meredith Holderbaum	Senate Fiscal Office
Mr. Michael McGonagle	RI Resource Recovery Corporation
Mr. Conrad Ostrowski	WJAR NBC 10 TV
Mr. David Preston	New Harbor Group
Mr. Mark Therrien	R.I. Public Transit Authority

Strategic Planning

Mr. Robert Griffith	Chief, Strategic Planning
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Staff--Statewide Planning Program

Ms. Blanche Higgins	Supervising Planner, Land Use
Ms. Katherine Trapani	Supervising Planner, Transportation
Mr. Bruce Vild	Supervising Planner, Economic Development
M. Kevin Nelson	Principal Planner, Land Use
Mr. Benny Bergantino	Senior Planner, Land Use
Mr. Paul Gonsalves	Senior Planner, Comprehensive Plans
Ms. Patricia Greene	Customer Service Specialist I

AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:03 a.m.

2. Approval of December 14th Minutes

Mr. Sequino moved that:

THE MINUTES OF DECEMBER 14TH BE APPROVED.

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

3. Chief's Progress Report

Mr. Johnson delivered the following Progress Report:

He noted that the Executive Summary of Land Use 2025 is being distributed to all cities and towns with packages delivered to the planning departments for distribution to Councils, and Planning and Zoning Boards as well as local staff.

The Safe Routes To School Steering Committee is continuing to work on program guidelines and criteria for the first project solicitation, scheduled for late spring.

The Transportation staff is actively engaged in organizing and getting notices out for a Transportation Open House to be held in Pawtucket on March 1st. This will feature maps, and displays from RIDOT, and RIPTA as well as Statewide Planning, and will gather input to be used in the update of the Long Range Transportation Plan. In the evening portion of the workshop, the TAC will hold a public hearing on a draft Public Participation Plan that is a requirement of SAFTEALU. Mr. Johnson referred to the Notice for that hearing in the handouts.

Transportation staff will participate in a Women in Transportation Seminar on March 7th giving a presentation on the Statewide Travel Demand Model.

The Associate Director met with the new DOT Director and briefed him on the MPO's role in transportation planning, and several key transportation issues.

The Division of Planning participated in the Annual RILOCT Convention on January 25th with an exhibit displaying products of the Division's various units, and with panel presentations by the Associate Director and the Chief of Housing and Community Development.

The Five Year Update of Smithfield's Comprehensive Plan received final state approval, and the Five-year update from Tiverton, and an amendment from Middletown were accepted for state review.

Finally, Mr. Johnson noted that this would be his last report as Acting Chief. Statewide Planning's new permanent Chief is scheduled to begin this coming Monday, February 12th. He noted that while he enjoyed some parts of the very challenging job of Chief; he would be relieved to begin working just one job again. He thanked the Council for its support during his seven- month tenure as Acting Chief, and for helping him to keep the Program on track.

Mr. Flynn announced that the new Chief would be Council member, Jared Rhodes, who he congratulated. He thanked Mr. Johnson for his efforts as Acting Chief.

Mr. Flynn noted the presence of guests and the media, and indicated that the agenda would be taken out of order.

6. Project Conformance Review – PRF-05-07 Quonset Gateway

Mr. Flynn stated that this item was on the agenda for Council action on a staff Conformance Report relative to the proposed Quonset Gateway project. He referred members to three letters in their materials relating to this item: a letter from the Town Council of North Kingstown commenting on the proposal; a letter from State Senator James Sheehan indicating support for the Town of North Kingstown's position; and a letter from Saul Kaplan, Director of the Quonset Development Corporation relative to completion of the review process. He indicated that staff review of the proposal had been completed and had identified a number of inconsistencies with elements of the Guide Plan, most particularly Land Use: 2025, the new State Land Use Policies and Plan. He also noted that Council members had received a draft conformance report recommending a finding of non-conformance with the State Guide Plan for consideration at today's meeting. Communications with the QDC subsequent to the mailing of the draft Conformance Report have also occurred, he noted, culminating in the letter from Mr. Kaplan, positing QDC's interpretation of the 45 day review period as beginning when the final response to Program requests for supplemental information on the proposal was received (January 22nd), rather than the initial date of acceptance (December 29th). Agreement with this timeframe could allow the Council to defer taking final action up to March 8th, allowing time for additional staff discussions concerning the proposal's conformance to the Guide Plan. Mr. Flynn also mentioned that, if the extended review period is agreed to, as proposed, the date for final action by the Council would coincide with the date of its

scheduled March 8th meeting. He suggested consideration of scheduling a special meeting in advance of the regular meeting to foreclose any forfeiture of the opportunity to act due to weather occurrence on the date of the scheduled meeting.

Mr. Cardi moved:

TO ACCEPT THE REQUEST FOR DELAY IN THE ACTION SCHEDULED FOR TODAY'S MEETING AND POSTPONE THE FINAL COUNCIL ACTION TO WITHIN 45 DAYS FROM THE DATE OF THE PROPONENT'S LAST SUPPLEMENTAL SUBMISSION.

The motion was seconded by Ms. Baxter.

Discussion:

Ms. Boyle asked what would be done in the expanded review period to address the concerns expressed in the staff review. Mr. Flynn referred to Mr. Kaplan's letter indicating that staffs would "work cooperatively". He noted that communications had just begun, as the standard review process is not, in itself, conducive to collaboration.

Ms. Prager asked if the motion should be amended to include a specific date for the next meeting. Mr. Flynn stated he would prefer if the Council set a date for a special meeting, either a week to a few days prior to the scheduled March meeting.

Mr. Rauh asked what the staff would be trying to accomplish within the extended period. Mr. Flynn stated his view would be to seek modifications to the proposal to allow it to attain conformance with the State Guide Plan. Mr. Rauh asked if that goal also embraced having a proposal that was feasible. Mr. Flynn indicated that would be the goal.

Ms. Prager asked if the Town of North Kingstown would be engaged in discussions along with Statewide Planning staff to re-shape the project. Mr. Flynn indicated that it would be his intention that the Town would be involved.

Mr. Rauh asked if re-defining and extending the review timeframe, as requested, would set an unwise precedent relative to review of future projects. Mr. Cardi suggested that this action was not setting a precedent, as it would be in response to a request by the proponent, not the Council. Generally, it is the proponent who seeks strict adherence to the timeframes. Ms. Boyle offered that it might not be a bad precedent to set, if longer review would result in better conforming projects. Mr. Beardsley agreed, and stated support for involvement of the Town in any discussions.

Ms. Prager asked if a friendly amendment to the motion would be entertained to add a specific meeting date for a Council meeting on the proposal – March 1st – to the timeframe. Mr. Cardi suggested that he preferred to leave that determination to the staff, but would agree to the amendment. Ms. Baxter also agreed to this change. She also noted that the discussions of the project should include the Town and also Ms. Noreen Shawcross of the Office of Housing and Community Development.

Mr. Rauh asked if there would be Council discussion today of the staff findings. Mr. Flynn stated he preferred to defer discussions until more could be learned on how QDC proposes to respond to the issues identified. Ms. Boyle agreed that the issues had been laid out and the differences made clear; she suggested giving the staff time to work towards solutions.

Ms. Wells asked if giving this extension would set a precedent for the future where there are two proponents involved, one having a project ready to go, and the other having difficulties. Mr. Flynn clarified that the Council review is in response to QDC's proposing a project. It selects the proposal's

developer through its process – that is separate from the Council’s review. Any change in developer would require action by the QDC.

Mr. Sequino asked if Council members could be involved in the meetings on the proposal. Mr. Flynn stated that might be difficult to arrange. Mr. Cardi cautioned that if members were involved in those discussions, they could have to recuse themselves from voting. Ms. Boyle stated that meetings on the proposal should be open meetings. Ms. Baxter asked if Council members could send written comments to the staff. Mr. Flynn stated that this would be permitted and all such communications would be shared with all members. He also stated that it would not be appropriate for anyone to lobby Council members via individual contact. There should be no *ex parte* contact.

Mr. Schafer asked if Council members could expect a revised proposal. Mr. Flynn indicated he could not foresee a scenario that would result in substantial changes in the staff recommendation absent substantial changes in the proposal.

Mr. Rauh asked if a substantially-revised proposal is submitted just before the new deadline, would the Council also have the ability to request an extension of the timeline, or would it be putting itself in a box, and be forced to act hastily.

Mr. Johnson stated that he wanted it understood that the staff report on the proposal was completed and before the Council for action today. The request for an extended timeframe is extraordinary and is not countenanced by the Rules.

Mr. Shawver stated he did not see a problem in that, since the proponent, rather than facing a Council action on the original proposal, would want allow for proper review of a proposal revised to gain acceptance. He felt that it is implicit that if a revised proposal is received, a new 45-day review timeframe is established.

Mr. Flynn asked if the Council was willing to take up the motion, which he restated with the friendly amendment as:

TO ACCEPT THE PROPONENT’S REQUEST TO START THE 45-DAY REVIEW PROCESS TIMELINE BEGINNING WITH THE DATE OF ITS LAST SUPPLEMENTAL SUBMISSION, AND TO DEFER COUNCIL ACTION ON THE PROPOSAL UNTIL A SPECIAL MEETING TO BE HELD ON MARCH 1ST.

The motion carried with all voting being in favor, and Ms. Raymond recorded as abstaining.

7. Draft Solid Waste Management Plan

Mr. Flynn introduced this item as a report on the Public Hearing held on January 10th in Johnston, and review of proposed changes in the draft as a result of the public review process. He noted that no action is being requested this month.

Mr. Nelson of the staff reviewed the changes proposed to the text of the draft, as follows:

- Clarification that the annual updates to the Systems Development Plan will not necessarily require an amendment to the Solid Waste Management Plan (page 1.1).
- Adding that the RIRRC will include an update on the status of the Plan’s implementation items in its annual report of activities (page 4.3)
- Adding language emphasizing the importance of adhering to the Host Community Agreement (page 4.11)

- Changing the appointment of the Waste Prevention Task Force from RIRRC to the Governor (page 6.6)
- Adding language to support federal legislation that would require more manufacturer responsibility for disposal of products (page 6.7)
- Extending the implementation period increasing the municipal diversion rate to 35% from 3 years to 4 years (page 6.16)
- Adding the potential establishment of a container deposit program to a proposed recycling study (page 6.17)
- Recommending the RIRRC publicize the availability of free additional recycling bins (page 6.17)
- Revising the section on Pay-As-You-Throw program (pages 6.41 thru 6.42)
- Expanding the section on waste processing (pages 6.43 thru 6.44)

Discussion:

Mr. Beardsley complimented the Program and the staff's professionalism in conducting the Public Hearing held in Johnston. He noted that he attended the hearing and that there were many comments entertained that evening that did not directly pertain to the plan. He again cited the staff for its providing the opportunity for residents and neighbors to voice their concerns. Regarding the issue of extending the diversion rate increase to 35% by 2011 as now proposed, he commented that this was originally worked out by the Steering Committee back in 2003 and that the increase would be 3% per year over 5 years. However, it is now four years later, and recent drafts of the plan have kept the 2010 deadline. He noted that recent correspondence had been sent by the Corporation to cities and towns indicating the 2010 deadline. He further noted that this version of the plan moved the target date to 2011 and asked if the Corporation had been consulted on this revision. Mr. Cote of the Corporation confirmed that the Corporation agreed. Mr. Beardsley stated that the 2011 date is an improvement, but that additional consideration needs to be given to this prior to acceptance of the plan. He noted a meeting scheduled for later this month with cities and towns on recycling programs at which this issue will be discussed. He also noted that the Public Hearing report includes many comments, but he recommended that members refer in particular to those of Mr. Steve Mutter, who is the Recycling Coordinator for the City of East Providence, and served on the Steering Committee.

Mr. Sequino stated that he also attended the public hearing, and was struck by the number of comments concerning the landfill operations. He noted that staff is proposing revised language referencing the Host Community Agreement relative to litter and sweeping, but asked if that also would address the comments heard relative to odor problems. Mr. Nelson stated that odor control is referenced in the Host Community Agreement. Mr. Flynn also noted that the staff had referred to DEM the comments heard at the meeting relative to odor, and that Director Sullivan had responded to Representative Ucci and Senator Marcelli by letter. A copy of that letter will be made available to Council members.

Mr. Beardsley stated with regard to odor that there are three bills pending before the House Corporations Committee from the Johnston delegation. These deal with composting and construction and demolition debris. He noted that it was refreshing to hear the newly-appointed Executive Director not make excuses, but pledge to work with the Town of Johnston relative to odor control. Mr. McGonagle noted that there is already new procedures being put into place to require segregation of sheet rock from construction debris, as it is a source of odor as it decays.

Mr. Trevor, noting that he had resigned from the Corporation three weeks ago, but has extensive experience in recycling programs, commented on the public hearing testimony of Mr. Mutter. He felt that Pay-As-You-Throw (PAYT) programs have tremendous potential for reducing disposal where they are politically accepted. He cited the City of Central Falls which is using PAYT and exceeds its 20% MRF rate. Automated collection also offers good opportunity to reduce the waste disposed, but it does require high capital costs to get started. Warwick also has had good success. Relative to ratcheting up of the

municipal caps, he suggested that the financial impacts to communities could be mitigated by expanding the municipal grants program to allow municipalities which recycle at any level to participate. Currently, this funding is restricted to those which exceed the 20% target. He suggested that the plan be revised to continue with the 2011 target date, but include this alternative funding source to mitigate fiscal effects for more communities.

Mr. Schafer noted that the City of Providence estimates that it will save 10-15% of its tonnage just via reduced moisture content from better collection techniques.

Mr. Rauh stated his discomfort that the draft plan seems to be side-stepping the crucial issues: not enough has been done since the 1996 plan, and the same problems are being faced again – expansion of the landfill is proposed in the draft, but this is not a lasting solution.

Mr. Cardi recalled a Commission Report from 30 years ago that urged Rhode Island to move ahead on alternative disposal methods. The state is running out of room; the volume of trash must be reduced to another form, he reiterated.

Mr. Flynn stated that the plan is quite candid about these concerns. However, the options are limited – landfill expansion is constrained by physical factors and the Host Community Agreement; incineration is banned by state law. Funding to implement aggressive recycling has not been forthcoming, and the entire system's economics is grounded on attracting commercial waste to subsidize operations and municipal disposal.

Mr. Nelson noted that the situation will continue to grow more acute – he cited a plan by Tiverton, the last community in the state with its own municipal landfill, to phase it out and presumably thereafter rely upon the Central Landfill.

Ms. Boyle suggested that the plan needs to emphasize what options are available when the landfill is exhausted.

Mr. Trevor stated he is skeptical of the state's ability to site either a new landfill or an incinerator. He noted, however, that new technologies were becoming available that allow the conversion of biological waste to energy. These are still uneconomic at present, but should be monitored.

Relative to the appointment of the Waste Prevention Task Force, Ms. Wells asked if it had been settled whether the plan will recommend appointment by the Governor or by the Corporation. Mr. Cote explained that the Executive Director had felt that it was a policy matter, but the Corporation could probably live with either method. Ms. Raymond suggested that appointments to the body could be split between the Governor and the Board.

There being no further comments at present, Mr. Flynn thanked members for their input, and advised that the draft plan would likely be brought forward for a vote in March.

4) Designation of RIPTA as Funding Recipient for FTA \$5316 & \$5317 Funds

Ms. Trapani noted that this item is to recommend to the Governor that RIPTA be designated as the funding recipient for two categories of Federal Transit Administration funding. Noting that the TAC had reviewed and endorsed the request, she introduced Mr. Therrien of RIPTA to explain its request.

Mr. Therrien explained the background for the request. The New Freedoms Program is designed to provide funding to expand transit services to persons with disabilities – but the services must be new and go beyond the currently required levels. He noted that very little funding is being offered for this new program, and there are new comprehensive planning requirements to obtain it. As a result, most recipients were intending to forgo it. However, the funds and requirements have now been bundled by

the Federal Transit Administration with two other existing programs that transit operators, including RIPTA, need to rely upon. RIPTA, as the logical entity in Rhode Island to lead the planning effort and provide such expanded services, has agreed to pursue designation. He indicated that the Governor's Office supports the designation of RIPTA, but the recommendation of the MPO was also sought.

Ms Prager moved to:

RECOMMEND TO THE GOVERNOR THAT HE APPROVE THE DESIGNATION OF RIPTA AS FUNDING RECIPIENT FOR SECTION 5316 AND SECTION 5317 FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION.

The motion was seconded by Ms. Raymond, and carried unanimously.

5. 2007 CEDS Proposal Evaluation Criteria

Mr. Flynn called upon Mr. Vild to present this item. Mr. Vild described the changes proposed in the CEDS Scoring Criteria. He noted that these had been developed by the CEDS Subcommittee, with revisions by the Technical Committee, which endorsed them at the February 2nd meeting. A new threshold requirement would be that projects be within the Urban Services Boundary or designated centers of the new State Land Use Plan. Within the scoring criteria, it is proposed that the provision of health insurance for employees be considered and factored at 11% of the state's average private-sector wage, the benchmark used for awarding points for wages. The criterion dealing with project area of influence is proposed to be deleted, since virtually all projects have regional or statewide impact due to the fact that employees are typically drawn from surrounding communities. Under environmental factors, the criterion on historic structures is being combined with the criterion on brownfields and certified mill buildings. A criterion is also expanded and reworded to reward conservation of water or energy. Other factors included would be support for implementation of the strategies of Land Use:2025, and improving capacity of infrastructure.

Discussion:

Ms. Boyle asked how the provision of health insurance would be verified. Mr. Vild stated that the applicants would be trusted to act in good faith in the same way they are trusted to estimate levels of employment and wages, which are speculative when the projects are being proposed.

Ms. Raymond asked if there were past projects that would have been ruled out by the proposed new criteria, especially the addition of health benefits. Mr. Vild stated that there has been generally good conformance with the criteria – he could not recall any successful projects that the application of these new proposed factors might have eliminated.

Ms. Boyle asked if the Land Use 2025 locational criteria would have eliminated past projects. Mr. Vild also thought that unlikely, as past criteria have also emphasized location within the built environment and all projects on priority lists for the past few years have been sited there.

Mr. Rauh moved:

APPROVAL OF THE REVISED CEDS CRITERIA AS PRESENTED.

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

8. Other Business

There was no other business pending before the Council.

10. Adjourn

Mr. Flynn adjourned the meeting at 10:37 a.m.

Respectfully Submitted,

George W. Johnson
Secretary

GWJ:pag