

**Rhode Island State Planning Council**  
**Draft Minutes of Thursday, August 8, 2013 Meeting**  
William E. Powers Building  
Conference Room A  
One Capitol Hill, Providence, RI

**I. ATTENDANCE**

**1. Members Present**

Mr. Richard Licht, Chair	Director, RI Department of Administration
Ms. Kelly Mahoney, Vice Chair	Policy Director, Office of the Governor
Mr. Kevin Flynn, Secretary	Associate Director, Division of Planning
Ms. Jeanne Boyle	President's Designee, RILOCAT
Ms. Jeanne Cola	Chair, RI Housing Resources Commission
Ms. Sharon Conard-Wells	West Elmwood Housing Development Corporation
Mr. Ruben Flores-Marzan	Providence Department of Planning & Development
Mr. Richard Godfrey	Executive Director, Rhode Island Housing
Ms. Marion Gold	Executive Director, RI Office of Energy Resources
Mr. L. Vincent Murray	RI LOCAT, Government Official Representative
Ms. Anna Prager	Public Member
Mr. Peder Schaefer	Representing Mr. Dan Beardsley, RILOCT, Executive Director
Mr. William Sequino	Public Member
Mr. Sam Shamoon	Governor's Designee
Mr. Robert Shawver	Representing Mr. Michael Lewis, Director, RIDOT
Mr. Mark Therrien	Representing Mr. Raymond Studley, RIPTA
Dr. Robert Vanderslice	Representing Dr. Michael Fine, RI Department of Health
Mr. Michael Walker	Representing Mr. Marcel Valois, RI Economic Development Corporation
Ms. Janet White-Raymond	Public Member

**2. Members Absent**

Mr. Stephen Cardi	Cardi Corporation
Ms. Janet Coit	RI Department of Environmental Management, Director
Mr. Thomas Mullaney	RI Department of Administration, Budget Office
Mr. John Trevor	Environmental Advocate
Mr. Scott Wolf	Environmental Advocate

### 3. Guests

Mr. Daniel Berman	Federal Highway Administration
Ms. Karyn Lowe	RI Senate Policy Office
Mr. Carlos Machado	Federal Highway Administration
Mr. Danny Musher	RI Office of Energy Resources

### 4. Staff – Division of Planning

Ms. Nancy Hess	Supervising Planner, Statewide Planning Program
Mr. Kevin Nelson	Supervising Planner, Statewide Planning Program
Ms. Karen Scott	Assistant Chief, Statewide Planning Program
Ms. Chelsea Siefert	Principal Planner, Statewide Planning Program
Ms. Dawn Vittorioso	Executive Assistant, Division of Planning

## II. AGENDA ITEMS

### 1. Call to Order

Chairman Licht called the meeting to order on August 8, 2013 at 9:04 a.m. He then took a moment to welcome and introduce the new members of the State Planning Council; Mr. Richard Godfrey, Ms. Marion Gold and Mr. Mark Therrien, who represented Mr. Raymond Studley.

### 2. Approval of the June 13, 2013 Meeting Minutes – *for vote*

Mr. Licht asked for a motion to approve the meeting minutes of June 13, 2013. Mr. Sequino moved to approve the minutes of June 13, 2013 as submitted. The motion was seconded by Ms. Mahoney. There was no further discussion and the motion passed unanimously.

### 3. Public Comment on Agenda Items

There were none.

### 4. State Planning Council Rules of Procedure Update – *for action*

Mr. Licht noted that due to technical difficulties, agenda items four and five will be presented out of order. He then introduced Mr. Nelson who began discussing the revisions to the State Planning Council Rules of Procedure as distributed in the Council's packets. Instances where the Council engaged in discussion are summarized as follows:

Ms. White-Raymond asked Mr. Nelson to elaborate further on the Economic Development changes that were passed by the General Assembly. Mr. Nelson explained that legislation created an Executive Office of

Commerce along with an Economic Development Planning Council. Given the creation of that body, it appeared duplicative to create an “Economic Development Advisory Committee” as a subset to the State Planning Council; therefore the proposed creation of an Economic Development Advisory Committee has been removed from the Rules. Mr. Nelson also noted that there were changes made in relation to the Comprehensive Economic Development Strategy (CEDS) process. After discussions with the Federal Economic Development Agency, the proposed procedures and guidelines for Evaluation of Projects Seeking Financial Assistance Relating to the CEDS process have been deleted. This type of review will be handled as part of the standard Intergovernmental Review Process until the completion of the State’s new Economic Development Plan and establishment of the Office of Commerce, which at that time the appropriate location and procedures for CEDS reviews would be reevaluated.

Mr. Sequino referred to Rule 1.6 Delegates and Designees and questioned the voting rights of a public member’s designee. In response, Mr. Licht referred to Section 42-6-8 of the General Laws and noted that the law is written to allow heads of State departments to appoint a delegate to entities such as the Council, to serve in their place and those delegates are granted the same power and authority as the member, including the power to vote. The law does not grant Council members who are not serving in the capacity as a head of a State department such powers; therefore, while designees will be permitted to participate in Council discussions, such designees are not granted the same power and authority as the member and will not be permitted to vote.

Ms. Boyle noted that she serves the Council on the behalf of a non-State department and asked for clarification on Rule 1.6 Delegates and Designees. Mr. Licht stated that non-State agency head Council members cannot designate someone to vote on their behalf in their absence.

Mr. Walker asked if this could potentially become an issue for a quorum. Mr. Licht said that it could; however, we have never experienced an issue with a quorum in the past.

Next, Mr. Sequino referred to Rule 1.7.2 Officers and suggested amending the language to specify that the State Planning Council shall designate the Chair of Transportation Advisory Committee. Mr. Licht agreed.

There being no further questions or comments, Mr. Licht thanked Mr. Nelson and asked for a motion to authorize the holding of a public hearing on the draft Rules and Standards of the State Planning Council and Statewide Planning Program Procedures and Guidelines with the suggested amended language. Mr. Sequino moved to approve holding a public hearing on the draft Rules of Standards of the State Planning Council and Statewide Planning Program Procedures and Guidelines as amended. The motion was seconded by Ms. White-Raymond. There was no further discussion and the motion passed unanimously.

## **5. Rhode Island Energy Plan Update – *for discussion***

Next, Mr. Licht introduced the Office of Energy Resources’ (OER) Service Program Officer, Mr. Danny Musher who delivered the presentation included as attachment 1. Instances where the Council engaged in discussion are summarized as follows:

Dr. Vanderslice asked if it would be helpful for the Department of Health (DOH) to assist with a health impact assessment to determine strategies that will lead to the best health outcomes. Mr. Musher welcomed Dr. Vanderslice's suggestion. Ms. Gold also thought it was a great idea.

Mr. Godfrey suggested justifying the investment up front initially to include the low to moderate income population level. He noted that the upfront investment would be more expensive but would potentially reduce energy costs which would increase disposable income for tenants. Mr. Musher thanked Mr. Godfrey for his suggestion and said that the Technical Committee also raised the same point. He noted that the first order of economic impacts has been reviewed and reveal positive benefits throughout the economy. Mr. Musher said that he is hoping to obtain access to the model from Regional Economic Models, Incorporated (REMI) and use the outputs of this plan to model the secondary impact effects of disposable income and indirect job creation, which will indicate additional benefits.

Mr. Flynn pointed out the secondary impacts within the transportation area and noted that gas tax revenues are lower due to the efficiency of gas vehicles and the emergence of electric vehicles. Ms. Gold said that a regional economic analysis that was performed indicates that northeast states are experiencing a downward trend as a region because we are not an oil producing area. She said that the agency that performed the modeling stated that reducing our reliance on petroleum is a positive impact. Ms. Gold stated that a regional meeting was held with environmental, energy and transportation officials to ponder how to take the positive modeling impacts and transfer those to the transportation sector; however, it is uncertain how to transfer these impacts to the transportation sector. Mr. Licht shared his thoughts and said that transportation should be treated as a public service.

Ms. Boyle questioned how the up-front costs for modeling are being funded. In response, Mr. Musher said that he did not have that information on-hand and said that he would get back to her.

Mr. Shawver asked Mr. Musher if he thought that surrounding states in the northeast region would follow the same path in terms of running the renewable energy model. In response, Mr. Musher noted that there's a business as usual projection for RI and the rest of New England. The consultant team assumed that all renewable energy will have standard targets, alternative fuel targets and other policies that are in place in other states will be completed in steps and there would not be any assumed increase in those policies. Therefore, any incremental increase in the business as usual forecast would only occur in Rhode Island. Mr. Musher said that the consultant team was conservative and they are not assuming that Massachusetts will reach that goal but if they do, that would have positive impacts with the regional energy economy for RI. Ms. Gold said that she works with ISO New England and the Public Utilities Commission (PUC) on a regular basis to discuss energy issues on a regional level.

Mr. Sequino asked if the modeling scenarios included the individual benchmark goal percentages of renewable energy that is being consumed. Mr. Musher said yes, the business as usual forecast has a baseline projection on how much renewable energy is being consumed and the different scenarios will indicate how much renewal energy would be added if we perceived that path.

Ms. White-Raymond asked if there was representation from the manufacturing sector on the Steering Committee or Advisory Council. Mr. Musher said yes, Bill Ferguson represented the Energy Council of

Rhode Island. Ms. Gold stated that she would like to obtain accurate data prior to the next legislative session that analyzes the green industry and carbon reductions because over the past few years, legislative bills were introduced on renewable energy due to the forecasted jobs predicted for that sector.

There being no further questions or comments, Mr. Licht thanked Mr. Musher for his presentation and moved to the next agenda item.

**6. 2013 Legislative Update – *for discussion***

Ms. Siefert presented the legislative update as distributed with the Council packets. Highlights of those items in which the State Planning Council engaged in discussion are as follows:

Dr. Vanderslice referred to the Wetlands and on-site Wastewater Treatment System Task Force and asked if he could suggest individuals to be a part of the Task Force. Mr. Flynn said yes and then explained that legislation assigns categories for him to fulfill the membership. At the moment, there are two slots open for a municipality membership.

Ms. Boyle asked who would be appointed to the Zoning Enabling Act and Land Development and Subdivision review Enabling Act Legislative Study Commission. In response, Mr. Licht said that individuals will be appointed by the Speaker and Senate President. Ms. Conard-Wells asked about the timing. Ms. Siefert noted that the task is required to be completed by February, 2014. Mr. Flynn pointed out that the timeframe is impractical. Mr. Licht agreed that it is an unreasonable timeframe to accomplish such an extensive study.

Mr. Godfrey referred to a recent tax credit news article that indicated that the tax credits would be allocated by lottery and asked if the applications would be evaluated equally without qualitative judgment. In response, Mr. Licht that he too read the article and had some questions; however, the Tax Administrator was on vacation and therefore, he will follow up.

Ms. Boyle asked what will be the stipulation as to who will be represented on the Economic Development Planning Council. Ms. Siefert said that she did not recall the stipulation off-hand but indicated that the stipulations are listed for all of the councils by category or title within the legislation.

Mr. Sequino asked what the slope percentage was and then asked for further clarification on the Slope of Land Bill. Ms. Siefert explained that the legislation does not include a maximum slope percentage but requires all sloped lands to be included in minimum developable lands calculations. Mr. Flynn explained that the dilemma that exists in statute is that the state building code allows you to build on sloped land and it specifies how it should be done. He noted that there are numerous subdivision regulations at the local level that exclude sloped land. The slope is usually fifteen percent; however, some communities are eight percent. In these cases, if there is a minor slope, it cannot be counted in a lot, but the state's building code indicates that you can build on it; therefore, that's a disconnect. Mr. Flynn also added that the legislation is a builder's initiative.

Mr. Schaefer pointed out that a number of local planners were opposed to the final version of the Slope of Land Bill. He asked Mr. Flynn to discuss the bill further. In response, Mr. Flynn said that there were some communities that felt that this was important to them but the legislature did not agree. Legislature has made a decision and Statewide Planning will advise communities of their requirements to conform to state law. Mr. Murray said that South Kingstown was not in favor of the bill and the town does not exclude sloped land from the calculation of the minimum lot size; however, biological wetlands are excluded. Mr. Flynn noted that laws and regulations, outside of local subdivision regulations, prohibit people from building on wetlands. The Slope of Land Bill and regulations specifically in the building code enable you to build on a slope. Mr. Murray said that at the local level, we see problems emerging such as erosion issues, water quality impacts and drainage problems. Ms. Boyle indicated that the amendment will not impact East Providence because it is something that does not occur often, but she noted that she understood the objections. Ms. Prager said that she was surprised that the slope percentage was not indicated on the bill.

There being no questions or comments, Mr. Licht thanked Ms. Siefert and moved to the next agenda item.

**7. Associate Director's Report – for discussion**

Mr. Flynn addressed the following items under the Associate Director's report:

- RhodeMap RI Workshops;
- Annual Report;
- EDA Visit;
- Staffing update.

**8. Other Business – for discussion**

There was none.

**9. Adjourn**

There being no further discussion Council member Gold motioned to adjourn. The motion was seconded by Council member Mahoney and approved unanimously. The meeting adjourned at 10:30 a.m.

Respectfully Submitted,



Kevin Flynn  
Secretary

# Attachment 1