

**TIVERTON PLANNING BOARD  
MINUTES OF SPECIAL MEETING  
November 20, 2014**

Chairman Stephen Hughes called the special meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Tiverton High School Auditorium, 100 North Brayton Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell, Peter Corr and David Saurette.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, engineering consultant Deidre Paiva of Commonwealth Engineers and Consultants, planning consultant Kenneth Buckland of the Cecil Group and the Planning Board's Solicitors Peter Ruggiero, Esq. and David Petrarca, Esq. Court reporter Karen Ceseretti was present in the audience.

**1. Carpiionato Group, LLC, Applicant – 1414 Atwood Avenue – Johnston, RI 02919 – Master Plan Review – Public Informational Meeting – Major Land Development – Request for Zoning Ordinance & Map Amendment – Request for Amendment to the Comprehensive Community Plan – Recommendation to the Town Council – S/S Souza Road, N/S Route 24, E/S Main Road – R-40 Zoning District – Plat 110 / Lot 102 (Vacant), Plat 301 / Lot 220 (Vacant), Plat 301 / Lot 221 (1148 Main Road) – Tiverton Crossings – Mixed-Use Major Land Development – Phased – (Retail / Office / Residential / Hotel / Restaurant) – Time Clock = 12/11/2014** Attorneys Kerin Browning and Thomas Moses of Moses, Afonso and Ryan, engineer David Taglianetti and Robert Clinton of VHB, planning consultant Joseph Lombardo and Kelly Coates and Joseph Pierek of Carpiionato Group, LLC were present on behalf of the applicant. Planning Board member and property owner/abutter Peter Corr recused himself from this petition and left the table.

**Items for Discussion, Deliberation and Possible Vote:**

**A. Comprehensive Community Plan Amendment – The Cecil Group** Mr. Buckland reviewed his memorandum dated November 18, 2014. He noted that recommendations were contained on Page 6 and that the memorandum detailed the process for amendment. Mr. Buckland noted that a report on Comprehensive Community Plan consistency, authored by the applicant's consultant Kelly Nickson Morris, had been distributed to the Board during the Concept Plan stage of review. Mr. Buckland summarized that the Board should determine whether or not the proposed Comprehensive Community Plan amendment was consistent with the applicant's proposed Zoning Ordinance / Map amendment.

The Chairman asked Mr. Ruggiero to review the update proposal from a legal perspective. Mr. Ruggiero stated that the Plan can be amended up to four (4) times per year and that amendments can be initiated by a private party. He stated that the Planning Board is obliged by due process to consider the request before them. Procedurally, Mr. Ruggiero stated that the Board must decide whether or not to adopt the amendments and send them to the Town Council for public hearing and adoption. The Planning Board would offer an advisory recommendation to the Town Council regarding the proposed Zoning Ordinance and map amendments. The Town Council would then hold a public hearing and adopt or reject the changes. Mr. Ruggiero stated that if the Town Council adopts the Comprehensive Community Plan amendments and the Zoning Ordinance map and text amendments, the petition would return to the Planning Board for Preliminary Plan review.

The Chairman asked if the Board was clear on the process. Hearing no questions, the Chairman recommended charging Mr. Buckland with reviewing the Comprehensive Community Plan in its entirety to see if there are other areas of the Plan that would require amendment if the Board were to approve the development application. He polled the Board members for a consensus on this issue. Ms. Gill, Ms. Guimond and Mr. Campbell indicated concurrence with this approach. Ms. Eva stated that she would like to see the recommendations supported with data. Ms. Cote stated that she would like to receive as much information as possible. Mr. Hardy asked Mr. Buckland to look at the map and language of the

Comprehensive Community Plan. He noted that there would be an impact on abutting parcels, some of which are currently undeveloped. He suggested that Mr. Buckland should identify surrounding areas for future zoning changes.

Mr. Hardy made a motion to have the Cecil Group review the Comprehensive Community Plan and return to the Board with recommendations regarding any further sections in conflict with the proposed development plan. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. Ms. Eva requested that the report is submitted to the Board in a timely manner.

**B. Revised Master Plan – Engineering Comments & Distribution of Independent Fiscal Impact Analysis**

The Chairman invited the Carpionato Group to present their revised Master Plan. Mr. Coates stated that the Main Road end of the site (the west end) had been revised to include a conference facility for events with a tent site and grass paver parking. He stressed that the applicant was not proposing a mall, but a development like Chapel View in Cranston. The new name of the proposed development was Tiverton Glen. Mr. Coates stated that the entrance road width [from Main Road] had been reduced and the existing historic home would remain in place. He stated that stone walls would be used for hardscaping and formal gardens would be added. The proposed hotel had been moved to the upper level of the development. Mr. Coates displayed a color coded site plan.

Mr. Coates stated that the Osborn-Bennett Historic District would be maintained and that the proposed facility would be designed in the style of Kinney Bungalow in Narragansett, RI. Pictures were displayed. He stated that a tent would be erected on a concrete base with tile from April 30 to October 15. He added that it could be removed in the event of a hurricane. Mr. Coates stated that this was currently done at two (2) other facilities run by Carpionato Group. He stated that the relocated hotel would have a restaurant and retail incorporated. He stated that two (2) proposed office buildings would feature roof decks. Mr. Coates stated that the retail buildings had been moved to eliminate the “platooning” of structures. The buffer to the wetlands had been increased.

Mr. Taglianetti stated that the residential units had been reduced from one hundred and twenty (120) to ninety (90), all with other uses on the first floor. Parking spaces had been reduced by two hundred and fifty (250). He stated that VHB had met with Commonwealth to review engineering comments and that written responses had been submitted. Mr. Taglianetti stated that the traffic analysis had been updated, but the proposed mitigation had not changed substantially.

Mr. Coates reviewed other Carpionato projects, including those in South Burlington, VT and Avon, CT. He noted that Chapel View currently contained approximately 800,000 square feet of development and was growing to 1.2 million square feet. He stated that buffers had been increased within the proposed project by approximately 40%. Mr. Coates opined that the revised plan addressed the concerns of the peer reviewers. The cross section of Souza Road was briefly discussed.

Ms. Eva expressed concern about phasing, asking if the event center was located in Phase III. Mr. Coates replied that it would be moved into Phase I, which would also include the entire infrastructure. He stated that Phase I would include all of the allowed roadway improvements as well as utilities and road widening. Mr. Taglianetti stated that the revised traffic analysis broke down the traffic conditions into phases. Ms. Eva asked if there were three (3) entrances proposed on Souza Road. Mr. Taglianetti replied in the affirmative, noting that there were always three (3) proposed. He added that the easternmost entrance would be for service vehicles.

Ms. Eva asked who would be the tenant(s) in the Phase I “big box”. Mr. Coates replied that they had not released any names yet, but that they had several tenants in mind. Ms. Cote asked if the retail space had been reduced. Mr. Coates replied that any reduction was very minor and that it was substantially unchanged. Ms. Cote asked if there was enough parking provided. Mr. Coates replied in the affirmative.

He added that they had reduced impervious area. Ms. Cote stated that she would not want to see on street parking occur on Souza Road. Mr. Coates agreed, stating that it was a police issue. Ms. Cote inquired about the type of retail that could be expected. Mr. Coates suggested that the Board could look at the tenants that typically locate within their developments.

Mr. Hardy stated that his questions were regarding traffic. He stated that two (2) new signals were proposed on Main Road in addition to the existing signal. He inquired about the intersection of Main Road / Souza Road / Schooner Drive, noting that the sight line was very limited. He stated that the VHB report indicated that vegetation should be removed. He asked why this intersection would not be signalized. Mr. Clinton stated that the conduit for a signal would be installed, but that the signal itself could not be installed until the warrants were met. Mr. Hardy stated that, if installed, this would mean four (4) signals within a quarter of a mile. He urged the applicant to look at the signal cycles. Mr. Clinton agreed and stated that the signals would be coordinated.

Mr. Hardy reviewed the levels of service indicated on page 18 of the original traffic impact analysis. He expressed concern regarding dropping levels of service and increase queuing. Mr. Clinton replied that the level of service predictions was the reason for installing conduit and installing signals where allowed. Mr. Coates stated that the 2018 numbers assume a full build out of the Industrial Park and an increased background traffic flow. He stated that when signalized, the level of service would be a solid "B" if not an "A".

The Chairman inquired about the warrants for traffic signal installation. Mr. Clinton replied that they included peak hour flow and sight distance. He stated that the applicant was agreeable to monitoring and counting traffic to determine when the warrants were met. Mr. Hardy stated that there were projects on Main Road that were being built and that traffic counts would increase. He expressed concern regarding queuing. Mr. Clinton replied that VHB had overestimated traffic by not counting pass-by traffic or internal capture traffic. He added that RIDOT (RI Department of Transportation) would require a Physical Alteration Permit (PAP) with a full traffic review and would require mitigation to be funded by the developer. He also noted that the Board's consultant had reviewed all of the traffic information. Mr. Coates stated that RIDOT is responsive to the voice of the community in issues such as this, and that the Town should communicate with RIDOT if signals are wanted.

Mr. Saurette asked if the applicant had considered eliminating left turns exiting the site onto Main Road, instead allowing for a free right turn onto Main Road and then another right onto Souza Road. He noted that this might eliminate the need for a signal at the Main Road entrance. Mr. Clinton replied that this would significantly increase the Souza Road traffic volumes. Mr. Saurette noted that a lot of the audience comments were regarding Main Road traffic impacts. He added that Souza Road would be impacted no matter what. Mr. Coates stated that a roundabout could be explored as an interesting alternative. He stated that this would be worked out at the Preliminary Plan stage, when State approvals would be required (PAP and RIDEM). He opined that there would be ample time to negotiate with Town representatives.

The Chairman inquired about the proposed road widening on Main Road, noting that it seemed like a short distance. He added that Commonwealth had not commented on this issue. Ms. Paiva stated that it looked with the taper lengths and road lengths met the AASHTO (American Association of State Highway and Transportation Officials) standards. She added that this would be further reviewed at Preliminary Plan.

The Chairman asked if the applicant had looked into the potential for any other access points. Mr. Coates stated that work was progressing and that they hoped to be able to report back at Preliminary Plan. He stated that he would be glad to have the Town participate in RIDOT discussions.

The Chairman expressed concern regarding the lack of green space on the upper portion of the site. He opined that this area was very dense. He also noted that there were three hundred (300) more parking spaces provided than was required. Mr. Coates replied that there was a green area with a gazebo provided.

He stated that they could take the comment under advisement and look at further reducing the square footage and increasing the live space. He stated that this could be done for the next meeting.

Mr. Hardy inquired about the complete streets provisions, asking where sidewalks would be installed and how bicyclists would be accommodated. Mr. Coates replied that a RIPTA bus stop would be provided. He stated that the upper level of the site would have fabulous pedestrian movement with broad sidewalks and walking paths. Mr. Hardy stated that he was more concerned with the surrounding streets. Mr. Coates stated that the applicant would provide cross sections with bike and pedestrian access highlighted. Mr. Clinton stated that a sidewalk had been added to the Main Road access. He stated that the Police Chief had been opposed to pedestrian access on Souza Road. Mr. Hardy opined that the Police Chief's comment was not relevant.

At this time the Chairman called for a ten (10) minute break for the stenographer. The meeting recessed from 8:31 PM to 8:42 PM. The Chairman asked if there were any more questions from the Board members. Hearing none, he invited questions and comments from the audience.

Joseph Souza, 49 Hancock Street, inquired about the height of the tallest building. Ms. Michaud replied that the proposed Zoning Ordinance amendment would allow a height of up to fifty five (55) feet. Mr. Souza asked about the height limit for other commercial areas. Ms. Michaud replied that the limit in the General Commercial (GC) district is fifty (50) feet. Mr. Souza inquired about the schedule for construction. The Chairman stated that there was a phasing plan proposed by the applicant, but that the Board had not decided on this issue. Mr. Souza inquired about the number of residential units proposed. The Chairman replied that ninety (90) units were proposed. Mr. Souza inquired about water service. The Chairman replied that both water districts (North Tiverton Fire District and Stone Bridge Fire District) serviced portions of the site and that the engineering was an ongoing process. Mr. Souza expressed concern regarding the age of the water lines in Main Road. The Chairman replied that this was typically a topic of discussion at Preliminary Plan. Mr. Souza inquired about sewer service, expressing concern regarding taking up capacity and negatively affecting the Industrial Park's development. The Chairman stated that a letter had been received from Wastewater Management.

Renee Jones, 161 Highland Road, read a letter aloud stating that the houses across from the Main Road entrance were not shown on the plans and there were no pictures of the proposed buildings. She reviewed the stores within the Chapel View development noting that Chapel View was located in an area that was already developed. Ms. Jones also read a letter into the record from Budget Committee member Laura Epke (see file) regarding the financial aspects of the plan. Ms. Epke suggested having the Town's Tax Assessor perform an analysis with estimated property and tangible tax revenue. Ms. Epke opined that the development would not be compatible with revitalizing Main Road and that there would be an impact on surrounding tax values. She also inquired about the impacts of the Enterprise Zone.

Randy Lebeau, 22 Last Street, stated that tax base development was needed in Town. He noted that the estimate for net benefit was \$1.6 million / year. He stated that more work needs to be done, but that the Town needs this project. Mr. Lebeau added that if "empty nesters" could be attracted to the proposed apartments it would take the pressure off of the school department.

Michael Burke, 667 Durfee Road, commented on the comparison to Chapel View in Cranston. He noted that the roads surrounding Chapel View were four (4) and six (6) lane roads, with no residential properties as close as there would be in Tiverton. He asked what would happen to Tom's Market if a Whole Foods were to locate within the proposed development. He asked if Bank Newport would move leaving another empty bank. He asked what would happen to local barber shops. Mr. Burke asked when in the project the hotel would be built, opining that this aspect would have the most positive benefit. He asked if it could be guaranteed that the hotel would be built. Mr. Burke also expressed concern regarding on street parking on Souza Road.

Barbara Pelletier, 104 Bonniefield Drive, noted that Tiverton is geographically a large town and the proposed development contained only a small percentage of the acreage. She stated that out of twenty (20) square miles of town, sixty two (62) acres would be within this development. Ms. Pelletier stated that she had been visiting farmers as part of a project that she is working on, and that a common concern was regarding taxes and bond payments. She stated that almost everyone that she had spoken to was in favor of the project and that farmers can hardly meet their current tax bills. Ms. Pelletier stated that something was needed to energize the town and that, in her opinion, the project looked beautiful. She noted that the developer had listened to the town and adjusted the project. Ms. Pelletier stated that the money spent on construction would also have a positive effect on the economy through local suppliers and tradesmen. Ms. Pelletier stated that the residents on Main Road have to expect change and that the town should build on its past. She concluded by stating that of course the Carpionato Group should make money; that's the American way.

Nancy Cormier, 348 Souza Road, stated that she had written a letter at the first [Master Plan] meeting. She stated that even with the proposed changes there would still be a bulldozer going through the historic district. She noted that Viti Mercedes / Volvo could not pave the employee parking lot because of wetlands. She asked how the applicant would be allowed to pave the access road near this lot. The Chairman replied that development could only occur outside of the wetlands setback. Ms. Cormier stated that a creek bed runs through the service entrance area. The Chairman stated that the wetlands flags would need to be verified and reviewed by the State and that mitigation and setbacks would be required. Ms. Cormier stated that she would not enjoy walking across the street to visit the site, and she would not be able to get out of her driveway. She stated that there are pedestrians and bicyclists on Souza Road now. She concluded by stating that she loves the areas rural qualities and that there is a bobcat living on the site proposed for development. She stated that she had heard it and had no doubt.

Jay Stirnemann, 165 Colonial Avenue, stated that he is a homeowner and a pastor. He stated that he had seen the taxes more than double since moving to town with not much advancement in the area of business. He stated that he could not remember the last time he felt this much excitement about a project. Mr. Stirnemann stated that the Town needed more business minded people. He noted that the town already has open space, and that the proposed site is one of the few spaces suitable for commercial development. He opined that the town should "go for it".

Leonard Schmidt, 9 South Court, opined that the town needs growth like what was being described. He commended the process and stated that the town won't go anywhere unless we make it. Mr. Schmidt stated that the town has huge potential and that we can have economic development. He opined that the development would not hinder Main Road, but that other businesses would ride the coattails of development such as this. He also expressed concern regarding rising taxes. Mr. Schmidt asked the Board to please continue the good work.

Thomas Moran, 129 Fairwood Drive, urged approval of the application. He gave two reasons:

1. Adding tax base would lower residential tax burden, and
2. An increased quality of life. He noted that this type of development would attract millennials.

Peter Moniz, 83 Captain's Circle, asked if the phasing plan would be finalized at Preliminary Plan. The Chairman stated that this issue still needs discussion. Mr. Moniz stated that phasing is very important, and that originally Phase I was just the "big box" building. He opined that the phases should reflect the mixed use and that some office and residential space should be included in Phase I. He asked if there had been a technical review regarding the architecture. The Chairman replied that this had not been done yet. Mr. Moniz stated that architecture was particularly important for the conference building, and that the size of the residential units was also important.

Ann Dupre, 4230 Main Road, stated that tax relief was an illusion. She reviewed the tax rates in other RI communities, such as Cranston. She stated that homeowner's and business liability insurance rates would

increase and that other assets of the town would be crowded up. Ms. Dupre stated that the town's real asset is that we are a small, quaint seaside community. She stated that people pay high taxes because of the lack of malls, traffic and congestion. She asked the Board where their loyalty to small business owners was. Ms. Dupre stated that this was a mall. She asked about impacts on neighboring residents. She asked how the Board could vote without knowing who the tenants would be. Ms. Dupre concluded by stating that this land should be used for upscale housing and that a mall is not the answer.

Thomas Little, 19 Cutter Lane, asked how housing could be put on the subject property. He asked who would want to live on Route 24. Mr. Little stated that he had a long history in real estate in Seekonk, which has a residential tax rate of \$12.33. He stated that it is expected to have commercial development on Main Road. Mr. Little stated that this was a mixed-use development and not a mall and that it would enhance the area. Mr. Little concluded by stating that the developers are not dumb people and that the banks are not stupid. He stated that they would not invest in a failing project.

Bradley Schoch, 1 Mill Street, stated that the Town needs tax revenue and also needs upgraded amenities. He stated that he was tired of spending his tax dollars in Massachusetts and that he would like to be able to spend his money in Tiverton.

The Chairman read aloud three (3) letters received:

1. Victor and Nancy Wilbert, 43 Water's Edge
2. Paul and Simone Pasquariello, 25 Leeshore Lane
3. Leon Hoyer and Cary Bailey, 27 Sloop Lane

Ralph Doliber, 40 Ridgeside Lane, stated that the subject site is a coyote haven and asked there they would go if the site were developed. He stated that he would guarantee that no one in support of the project lives on Souza Road. He asked why the development does not obtain access directly from Route 24. He stated that Mr. Coates had rejected the idea of direct access. Mr. Doliber stated that he did not move to Tiverton for a mall, he moved here because of the lack of such things.

**C. Zoning Ordinance Amendment Request (Map & Text)** There was no discussion of this item.

**D. Items for Next Special Meeting Agenda: Tentative Date = Thursday, December 18, 2014**

Mr. Coates stated that he was looking forward to the next meeting and would be happy to meet in the interim. The Chairman stated that the independent fiscal impact analysis commissioned by the town would be posted on the website when it was complete.

Mr. Hardy made a motion to continue this item to the December 18, 2014 at the Tiverton High School auditorium at 7:00 PM with the public informational meeting to remain open. Mr. Saurette seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

## **2. Tiverton Planning Board**

**A. Miscellaneous** There was no miscellaneous discussion.

**B. Adjournment:** Mr. Saurette made a motion to adjourn. The motion was seconded by Ms. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. The meeting adjourned at 9:50 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: draft

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