

D R A F T

**TIVERTON PLANNING BOARD
MINUTES OF SPECIAL MEETING
February 24, 2015**

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, Town Planner Marc R. Rousseau, engineering consultant Deidre Paiva of Commonwealth Engineers and Consultants, planning consultant Kenneth Buckland of the Cecil Group and the Planning Board's Solicitor Peter Ruggiero, Esq. Court reporter Karen Ceseretti was present in the audience. The Chairman announced that the Town had rented a sound system for this meeting.

1. Carpionato Group, LLC, Applicant – 1414 Atwood Avenue – Johnston, RI 02919 – Amendments to the Comprehensive Community Plan – Public Hearing – Text Available at www.tiverton.ri.gov , Town Clerk's Office & Essex Library Board member Peter Corr had recused himself from the petition and was not seated at the table. Attorneys Kerin Browning and Thomas Moses of Moses, Afonso and Ryan, engineer David Taglianetti of VHB and Kelly Coates and Joseph Pierek of Carpionato Group, LLC were present on behalf of the applicant. The Chairman stated that the proposed amendments had been reworded in accordance with the discussion at the last meeting. He noted that the revised language was made available to the public online and in the Town Clerk's Office and at Essex Library. The document is attached to these minutes. He asked the Board to stay focused on the proposed amendments in their discussion. (Note: In these minutes the terms "Comprehensive Community Plan", "Comp Plan" and "Plan" may be used interchangeably.)

• **Planning Board Discussion**

Element 3 – Planning Concept: The proposed language was read aloud by the Chairman. The Board agreed by consensus that the word "should" in the first line of the new "Mixed Use Development" definition should be changed to "may".

Element 4 – Natural and Cultural Resources:
Section 4.3 – Cultural Resources: Rural Character
Section 4.3 – Cultural Resources: Prime Agricultural Land
Section 4.3 – Cultural Resources: Historic Resources

The proposed added text was discussed. Discussion ensued regarding "small town" and "rural character". The meaning of the term "neighborhood" was discussed, with Mr. Hardy asking if the development should reflect the development in the area such as Viti Volvo / Mercedes, the Police Station and Department of Public Works. The Chairman disagreed that the Police Station and DPW were part of the neighborhood, noting that they were on the other side of Route 24. He opined that the Osborn Bennett Historic District was part of the neighborhood. No further language amendments were suggested.

Element 5 – Land Use Plan:
Figure 5-4: Future Land Use Plan

The Chairman stated that the proposed change consisted of the addition of a new area labeled "Mixed Use". There was no further discussion at this time.

Element 6 – Housing:
Section 6.7 – Town Center / Lifestyle Proposals

The Board members agreed by consensus that there should be no change to the existing language, and that this section should remain intact.

Section 6.8 – Affordable Housing Policies

The proposed added text was read aloud with no further discussion at this time.

Element 11 – Tiverton Tomorrow:

Section 11.2 – Plan Implementation: Tiverton’s Agenda for Action

5.6 Mr. Hardy inquired about the meaning of the term “compatible with the surrounding area”. He asked if the intent was to reflect the character of Viti or the historic district. He suggested changing the wording to “neighborhood” instead of “area”, for consistency. There were no objections from the other Board members.

6.8 The proposed added text was read aloud. Mr. Hardy asked if the new language would exempt parcels outside of the proposed development area. Ms. Michaud stated that it would currently only apply to the three parcels within the proposed development area, but that someone could apply in the future to be part of the Mixed Use Development District.

- **Public Comment**

The Chairman invited questions and comments from the audience. He asked speakers to please state their name and address and to try to avoid repeating previous comments.

Attorney Ken McGunagle stated that he was present representing the RI Non-Profit Organization “Don’t Mall Tiverton”. He stated that he had discussed with the Chairman the potential to continue this evening’s meeting in order to allow more time to prepare a presentation. He stated that the Chairman had indicated that such a request was unlikely to be granted. Mr. McGunagle stated that he would like to raise an issue regarding advertisement and legal notice for this hearing. He submitted a written report by planning consultant Ashley Hahn. Mr. McGunagle stated that Ms. Hahn was an expert planner retained by “Don’t Mall Tiverton” and that she was present to discuss this procedural issue. Mr. McGunagle submitted a copy of Ms. Hahn’s qualifications, noting that she was a former planner in Charlestown, RI and had testified as an expert planner. He asked if the Board would accept her qualifications. The Chairman replied in the affirmative.

Ms. Hahn read aloud from her report (see the file for a copy), stating that the published advertisement contained insufficient detail and that notice had not been received by Statewide Planning as required by law. She stated that she had spoken with Kevin Nelson of Statewide Planning and had confirmed both of these points. Ms. Michaud stated that notice was mailed via first class mail to the Director of Statewide Planning, Kevin Flynn.

Ms. Hahn returned to page 1 of her report asking why the proposed language would not apply to other historic districts in Town. The Chairman stated that the Osborn Bennett Historic District was the only one that would be affected by the proposed development.

Ms. Hahn referred to the proposed changes to Sections 6.7 and 6.8, stating that the subject area was ideal for the development of affordable housing. She opined that it did not make sense to exempt this development from the affordable housing requirement and that it would undermine the Town’s Affordable Housing Plan.

Ms. Hahn opined that the Comprehensive Community Plan amendment process was intended for minor adjustments or small scale changes. She opined that policy changes should be reserved for full Plan updates. Ms. Hahn noted that the Town has a Comprehensive Plan Advisory Committee (CPAC) that is currently working on a full update to the Plan. She stated that the CPAC had not reviewed the proposed amendments. She stated that she had spoken with two members of the CPAC and asked them if they were going to be asked to comment on the amendments and they replied in the negative. Ms. Hahn opined that it was irrational and illogical not to include the CPAC in the amendment process.

Ms. Hahn noted that public charrettes were held on June 11 and June 14 by the CPAC, at which 69 comments were received. She stated that she had attached the notes from this meeting to her report and had underlined relevant comments, including 33 comments specifically stated that there should be no malls, no big box stores or no large retail in Town. The Chairman asked which CPAC members Ms. Hahn had spoken with. Mr. Hahn replied that this was not relevant, stating that she was rendering her expert opinion on the matter. She stated that she would ask those people if it would be OK to divulge their names.

Ms. Hahn concluded by stating that it would be unconscionable that the proposed amendments to be approved considering the comments received at the CPAC charrettes.

Mr. Saurette and Ms. Gill asked the Chairman if he could comment on the procedural issues raised. The Chairman stated that there was no procedural error. He stated that the Town Council would be the body to issue the final approval of any Comprehensive Community Plan amendments and that it is possible that its notice could differ from the Planning Board's. He stated that he would take Ms. Hahn's comments under advisement.

The Board members had no questions for Ms. Hahn.

Deborah Pallasch stated that she was present representing the Tiverton Democratic Town Committee. She read aloud a statement written by Michael Burk. In the statement, Mr. Burk expressed concern regarding the proposed Comprehensive Community Plan amendments and the process for amendment. Please see the file for this statement.

Barbara Martin, 313 Puncateest Neck Road, urged the board to think carefully before approving the proposed amendments. She stated that they would allow for large scale mixed-use development. She stated that it would provide for development that would not be compatible with the rural and small-town character of the Town. She stated that the changes would be challenged in court and that they would destroy the vision for small town character. A copy of her statement was submitted for the record.

Joseph Sousa, 41 Hancock Street, stated that he had some problems with the mixed-use aspect of the proposed project. He opined that the age restricted (55+) residential development in the area had been an asset to the Town. He noted the high unemployment rate in Town. Mr. Sousa noted that oil tanks used to be located in the area, and that he had family members that worked there. He stated that there used to be more jobs in Town and opined that Zoning had pushed the jobs out of Town. He opined that this was a chance to bring some revenue to Town and that the Town can no longer afford to turn every business away. Mr. Sousa stated that he sees the same 40 people at every meeting and that his personal opinion is that there should be surveys sent out. He stated that many people are not political and don't attend meetings.

Mr. Sousa stated that he had a problem with the mixed-use aspect of the proposed development, stating that the Town has adequate affordable housing in the north end of Town. He stated that he hoped that this development would be more "high end". He noted that the Town used to have the Coachman for weddings and the Stone Bridge Inn for a hotel, and those businesses were always a benefit to the Town. He stated that he would like to see Tiverton go back to what it used to be without adding a lot of children to the school system. He stated that he hoped that there would be middle ground found without affecting the town's rural character and creating traffic congestion on Main Road. He suggested that traffic should be diverted to Fish Road. He concluded by thanking the Board for their work.

Barbara Costa, 85 Roseland Terrace, stated that the issue was a matter of scale. She opined that the proposed development did not meet the rural character of the Town, noting that it would include 19 football field's worth of paved parking. She asked why such a huge scale was required. She opined that the Town should be kept like Four Corners and expressed concern regarding impacts on existing businesses including those at Four Corners.

Carol Herrmann, 1106 Main Road, referred to Element 4 – Natural and Cultural Resources. She expressed concern regarding the preservation of rural and small town character. She stated that the neighborhood does contribute to the rural and small town character with wildlife, fields, trees, stone walls and other elements of rural character. She noted that her property contains a 111 year old home on a 3 acre lot with stone walls. She noted that the area is zoned “Residential” and epitomizes small town character. Ms. Herrmann noted that the proposed language states that the Town does not have absolute control over private property and that it is not true that property owners can withdraw from the National Historic Register District. Ms. Herrmann stated that she had contacted Edward Sanderson at the RI Historical Preservation and Heritage Commission who had told her that a property owner could opt out at the time of application but could not withdraw once the District was approved. Ms. Herrmann stated that the Planning Board’s actions could destroy the district and the effects could not be mitigated. Ms. Herrmann also referenced the Future Land Use map, asking which properties would be including in the Mixed Use area. She urged the Board to clarify and to reject the application.

Barbara Pelletier, 104 Bonniefield Drive, stated that Tiverton was a desirable town long before the Comprehensive Community Plan existed. She stated that the Plan was formulated by a small segment of the population. She stated that she attended the public sessions for input and was amazed by the sparse attendance. She opined that most people don’t have the time to attend or are intimidated. Ms. Pelletier stated that there was a very loyal cluster of interested people who were not really representative of the community at large. She added that the Town was in need of job growth and tax revenue growth. She stated that no matter what is proposed there are many hurdles requiring a lot of time and money and the applicants give up. Ms. Pelletier stated that there was a small group of citizens with an agenda and with money who have the time and single focus to implement an agenda. Ms. Pelletier opined that the Town was large enough to accommodate all lifestyles as it did in the past.

Bruce Hathaway, 43 Lewis Avenue, stated that the proposed Comp Plan changes would create internal conflicts within the document. He referred to Section 10.7 of the Economic Development element, stated that the proposed traffic increase would negatively impact and burden the road system and contribute to sprawl. He stated that the added traffic would also be in conflict with Element 2 – Planning Concept. Mr. Hathaway referred to Superintendent Rearick’s letter stating concerns regarding student safety due to increased traffic and the existing bus stops. Mr. Hathaway also referred to Section 8.1 of the Circulation element, noting the high number of traffic accidents on the section of Main Road. He read from a traffic study performed by Waterman Engineering regarding another project proposed in this area in which sight distance problems were raised. He added that Section 8.6 indicated that new traffic signals should be avoided where possible, and that six new signals were proposed with this project. Mr. Hathaway stated that even the Planning Board had raised concerns about the Main Road entrance location, the Superintendent had concerns and that the proposed Plan amendments did not address conflicts with the Plan.

Patty Souza stated that she did not know a lot about the Comp Plan, but she had looked at it and she was curious about the traffic study. She opined that it did not speak to the traffic that she had observed. Ms. Souza stated that she was concerned about backup onto Route 24 and tractor trailer truck traffic. She opined that these issues would affect existing businesses and would impact the quality of life.

Anne Ferreira, 2365 Main Road, stated that she works at a small store at Four Corners that was holding on “by the skin of our teeth”. She stated that they will close if this development comes to Town. She asked the Board to please think carefully. She asked them if they wanted to be responsible for the demise of the Town.

At this time (8:55 PM) the Chairman called a recess for the stenographer. The session reconvened at 9:12 PM.

Timothy Connick, 15 Salisbury Street, commented on the traffic study noting that it was performed on June 27, which was the day after school ended for the year. He noted that the numbers did not include school traffic.

Lou Viola, 3731 Main Road, asked what was meant by mitigating effects on historic districts. The Chairman replied that the Board was not at that point in the review. Mr. Viola asked if the Board could affect design. The

Chairman replied in the affirmative. Mr. Viola noted that the Fiscal Impact Analysis did not take into account the response time for the Police and Fire Departments. He stated that response time affects quality of life. The Chairman stated that a lot of the engineering and the final traffic studies are done at the Preliminary Plan stage of review. He stated that the Master Plan was the basis for an applicant to put forward an idea. He noted that things could also change through engineering and that the traffic and access issues would be of concern to the Board if this petition reached Preliminary Plan review. Mr. Viola stated that he was hesitant to wait for answers. The Chairman replied that this was the Planning Board's process and it was the same in any [RI] town.

Kristin Connick, 15 Salisbury Street, stated that she had lived in town for 45 years and that she works in the evening. Ms. Connick stated that her observation had been that the lights at Viti Mercedes had been brighter than normal and that the light from the proposed development would be tremendous. She stated that she would not be able to see the stars, which meant a lot to her.

Todd Moore, 991 Seapowet Avenue, stated that he had submitted a written copy of his comments for the file. He asked the Board members why they felt the need to acquiesce to the developer and to give the developer carte blanche on the Comp Plan changes. Mr. Moore then read aloud his comments (see file).

Ronald Marsh, 48 Four Rod Way, stated that he had heard comments that the people who were participating in this process were an insular group. He stated that the people who sit at home are not interested or not interested enough to participate. Mr. Marsh opined that an exhaustive fiscal impact study had not been performed including best and worst case scenarios. He opined that the proposed changes were more than just revisions to the Plan and that it should be a more complex process. He stated that the project might be good for Fall River, Cranston or West Warwick but that it was not good for Tiverton.

Shannon Cooper, a student at Tiverton Middle School, stated that she did not see the point in approving the development when there were three other malls with 15 minutes driving distance. She stated that there was no need for a mall and that there were existing businesses in Town.

Renee Jones, 161 Highland Road, read from the State's Comprehensive Planning Act stating the Town must take the long view and determine what Tiverton will look like when it is built out. She opined that the proposed project was a land banking scheme and that the term that had been used was "market driven". She stated that with an approval the land would become more profitable and the developer could hold onto it. Ms. Jones stated that the Board had been led astray by consultants – planning, legal and traffic. She urged the Board to look at Carpionato's history including the Providence Fruit building. She stated that in January, 2007 Carpionato was fined \$25,000 by RIDEM for water quality problems, in 2011 in Cranston a 10 foot wall caused drainage problems for neighbors and work was stopped and in 2005 a hotel project in Pawtucket resulting in a lawsuit with the land being returned to the City of Pawtucket by the courts. The Chairman replied that this was not pertinent. Ms. Jones stated that this would further divide the Town and affect home values. She stated that Carpionato is a profit oriented business and asked what quality of life was worth. She urged the Board not to fall victims to their own hubris and she stated that the Plan and current zoning protected the Town and change would leave it vulnerable. Ms. Jones asked why the Board was considering changes to the Comp Plan prior to full engineering and asked if Ms. Hahn could be asked for her opinion. The Chairman replied that the process was Master Plan then Preliminary Plan then Final Plan and that each stage had a checklist of required elements.

Jan Wenzel, 92 Middle Avenue, read from a Providence Journal article regarding the Providence Fruit Market. Attorney Thomas Moses objected to comments about his client's character, noting that the issue about the Fruit Market was incorrect and that the City of Providence had condemned the building and ordered Carpionato to knock it down. He stated that the correct facts were in the record.

Louise Durfee, 262 Highland Road, stated that she could not understand why Carpionato did not come to the Town with a project that conformed to the Comp Plan. She stated that she knew of no other developer that had asked for an amendment to the Plan. She stated that she wanted to clarify that this was the first time that this had been done in Town. Ms. Durfee stated that Carpionato had a model for development – a grocery store and

national chains. She stated that this was not the proper model for Tiverton and that the Town's wishes were in the Comp Plan until it was changed by a broad spectrum of the Town. Ms. Durfee stated that it seemed that the Board was paving the way for the developer. She stated that the job of the Board was to follow the vision for the Town. She stated that there was no danger in saying "no" and that the Board would not be subject to any liability. She stated that a "no" vote might not even stop the process. She urged the Board not to change the Comp Plan for the developer.

Peter Moniz, 83 Captain's Circle, stated that the first Comp Plan in 1979 had no mention of the Villages on Mount Hope Bay or Sandywoods. He stated that the Town is not now what it was then and that north Tiverton is not a rural community. Mr. Moniz stated that certain special interests put language in the Comp Plan.

Linda Walsh, 82 Highland Road, referred to the March 2015 edition of RI Monthly Magazine, which listed the "15 Neighborhoods We Love" including Tiverton. She stated that the article referred to the Town's unspoiled rural character.

Jared _____, 215 Robert Gray Avenue, stated that before 1979 a lot of buildings were not here, but the Robert Gray neighborhood was. He expressed concern regarding sewers noting that the sewer main runs along the train tracks to Fall River and that Starwood and Ford Farm were tied in. He expressed concern that the proposed project would take up capacity and urged the Planning Board to deny the petition. The Chairman stated that the Board had been told that the capacity was available.

Ralph Doliber, 40 Ridgeside Lane, noted that the proposed amendments were by Carpionato and the Tiverton Planning Board and asked why. He referenced Section 6.8 of the Affordable Housing Plan noting that the Planning Board could grant affordable housing waivers on a case by case basis. He stated that the Planning Board had indicated that they did not want to discourage the developer. Mr. Doliber stated that the proposed project is one of the largest mixed-use proposals in the State of RI and that the affordable housing issue would not render the project "dead in the water". He noted that Joe Pierik had told the Newport Daily News that the developer would move on. He told the Board that the process should be a negotiation.

Mr. Doliber referenced Section 4.3 and stated that zoning does control private property. He stated that Carpionato is known for violating environmental and zoning regulations. He asked how a project of this size could be consistent with development on Souza Road, which consisted of single family homes on a quiet, wooded lane.

Mr. Doliber referred to Section 3.3 and the amendments proposed by Carpionato. He stated that the RI Historical Commission had said that a road would ruin the Historic District. He also stated that the boundaries of the proposed district were ambiguous and that it would open the door to future exploitation by builders and developers who would benefit financially. Mr. Doliber stated that at least three members of the Planning Board were part of this industry.

Connie Fleckenstein, 58 Cottage Avenue, stated that he had seen a lot of changes in Town, but that it was never a "boom town". She stated that residents always worked in Providence or Fall River and that Tiverton has always been a great place to live. Ms. Fleckenstein referred to the Webster's Dictionary definition of a "mall". She also noted that development should occur on the Tiverton waterfront with a boardwalk, restaurants, shops and other tourist attractions.

Gayle Lawrence, 108 Long Pasture Way, stated that she moved here because it was a Town without a big box store. She opined that the CPAC group was thoughtful and knowledgeable and that she had attended in participated in meetings. She added that this group does represent the viewpoints and sincere hopes of many people. Ms. Lawrence stated that Tiverton is different, with a unique character. She urged the Board to consult with its expert citizens group regarding the proposed amendments. Ms. Lawrence stated that Phase 1 contained a big box store. She asked if the Plan should be amended for a big box store and urged the Board not to amend the Plan. She asked the Board if there was a different approach that could be taken.

- **Possible Deliberation and Vote / Possible Recommendation to the Town Council**

At this time, the Chairman stated that the Board needed to deliberate. He asked the Board members if there were clarifications or questions and asked the Solicitor to comment on public notice. Mr. Ruggiero addressed procedural issues, stating that in his opinion the advertisement contained sufficient information to comply with the law. He stated that people can have a difference of opinion, but that he felt that the Board could proceed without defect. He added that the complete amendments were available in several places.

Mr. Hardy asked if Mr. Ruggiero felt that amendment to the Plan was really necessary. Mr. Ruggiero replied that this issue was not for him, or any attorney, to decide, but that the decision would be made by the Planning Board and the Town Council. Mr. Ruggiero opined that the legal impediment to the application was the Future Land Use Map depicting the project site as Medium Density Residential. He stated that he could not see how the development could be in conformance with this item. He stated that the nature of the amendment would be within the Planning Board and the Town Council's discretion.

Mr. Hardy asked Mr. Ruggiero to characterize the legal ramifications of changing the Plan in a way that limits mixed use development to the 3 parcels in question. He asked if the courts could use this in litigation. Mr. Ruggiero replied that the Comprehensive Community Plan is a policy document and the Future Land Use map is an indicator of what the zoning map should include. He stated that it does not create a precedent and it would be highly unlikely that it could force development on other properties.

Ms. Eva stated that she had been on the Board for many years and had never seen a developer request an amendment to the Comp Plan. She stated that she had served on several Comp Plan update committees and that they had always been a composite of residents and business people. She noted that Sandywoods and the Bourne Mill were allowed under the Comprehensive Permit process and were in conformance with the Comprehensive Community Plan.

The Chairman stated that the Board had heard a lot from the audience and hopefully some of the audience's questions had been answered. He stated that he did not think that anyone here would vote for a project to benefit a developer. He added that the residential tax base had not gotten any help and many people in Town had been forced to sell and leave Town. He stated that opportunities exist for residential property tax relief through commercial development as shown in the Fiscal Impact Analyses. The Chairman stated that the Planning Board would make a recommendation to the Town Council who would make the final decision. He asked the Board what they wanted to do.

Mr. Hardy stated that he was uncomfortable with the approach taken, opining that the Board had made a mistake in not referring this issue to the CPAC and instead seeking a dual track approach. He opined that the Board should give some thought to combining with the CPAC process to prevent conflicts. Mr. Hardy referred to his memorandum dated February 12, 2015 which recommended an overlay approach. The Chairman opined that a Comp Plan amendment would still be necessary. Mr. Hardy stated that the Zoning Map had been amended to rezone north Main Road and Bliss Corners area through a hybrid Form-Based Code, which was not referenced in the Comp Plan. He also noted that there had been no Comp Plan amendments for Starwood. He asked if there was a way to proceed without significant changes to the Comp Plan, adding that he felt that the changes proposed were significant.

Mr. Ruggiero replied that the Board was free to make a determination regarding consistency with the Comp Plan. He asked the Board how it would be possible to reconcile the Medium Density Residential designation. Mr. Hardy asked if the Board could choose to only amend the Future Land Use Map. Mr. Ruggiero stated that the changes would need to be internally consistent and that it was not really a legal question.

The Chairman stated that if this application was sent to the Town Council it would be with a Conditional Master Plan approval and would return to the Board for Preliminary Plan and Final Plan review. The Chairman stated that he would recommend to the Town Council that no tax exemptions be allowed for this project.

Mr. Saurette stated that the Board had spent many meetings on public comment, which had been helpful, but that the Board had not ever discussed the other two pieces of the agenda (zoning and Master Plan). He suggested that the Board should fully vet them all and then vote. He noted that things in the zoning amendments could affect the Comp Plan. Ms. Guimond agreed, stating that she did not want to vote on the Comp Plan that evening. Ms. Gill stated that her role was to put the best plan forward to the Town Council, and that the Board was not a committee to stop things. She noted that the Town Council was the elected body and that the project should be moved forward. She added that the public could be heard again at the Town Council hearing and then the Town Council could make the final decision. Ms. Eva stated that she had a problem with the information that had been received. She opined that it was a slippery slope allowing amendments to the Comp Plan for developers.

The Chairman noted that there was a May 11 time clock and that meetings would be added as needed. Mr. Saurette made a motion to move on to Zoning and the Master Plan before voting on amendments to the Comprehensive Community Plan. Mr. Saurette seconded the motion. The motion passed 6-2. Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond and Mr. Saurette voted in favor of the motion. Mr. Hughes and Mr. Campbell were opposed to the motion.

2. Carpionato 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 = 5/11/2014 Board member Peter Corr had recused himself from the petition and was not seated at the table. Attorneys Kerin Browning and Thomas Moses of Moses, Afonso and Ryan, engineer David Taglianetti and Kelly Coates and Joseph Pierek of Carpionato Group, LLC were present on behalf of the applicant.

A. Zoning Ordinance Amendment Request (Map & Text)

Mr. Saurette distributed copies of his proposed changes to the Zoning text amendments that had been proposed by the applicant. There was no other discussion of this item.

- **Planning Board Discussion**
- **Public Comment**
- **Possible Deliberation and Vote / Possible Recommendation to Town Council**

B. Revised Master Plan Application

There was no discussion of this item.

- **Planning Board Discussion**
- **Public Comment**
- **Possible Deliberation and Vote – Conditional Approval or Denial**

E. Next Special Meeting Date and Items for Next Special Meeting Agenda

The Chairman stated that the next meeting date would be March 10, 2015 at the High School followed by a meeting on March 24.

Mr. Saurette made a motion to continue all items to March 10, 2015 at 7:00 PM at the high school. Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

Mr. Hardy noted that the Board would need to move expeditiously. The Chairman urged the Board members to review the Development Standards and Guidelines document and compare it with the zoning text.

2. Tiverton Planning Board

A. Miscellaneous There was no miscellaneous discussion.

B. Adjournment: Mr. Hardy made a motion to adjourn. The motion was seconded by Mr. Hughes. 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 10:33 P.M.

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

Submitted by: _____
Kate Michaud, Clerk

Approval Date: draft

ATTACHMENT #1

**TIVERTON COMPREHENSIVE COMMUNITY PLAN
PROPOSED AMENDMENTS - PREPARED FOR FEBRUARY 24, 2015 MEETING**

Headings and page numbers are referenced from; *The Comprehensive Community Plan, 2006 Update, Revised 2009*, Adopted by the Tiverton Planning Board and Tiverton Town Council; June 22, 2009, and Certified by the Department of Administration; November 16, 2009

Full text of the *The Comprehensive Community Plan* is available online at:

<http://www.tiverton.ri.gov/documents/planningboard/CCPTCAcceptedVersion.pdf>

The following format will be utilized to distinguish between amendments proposed by the Carpionato Group in its application and amendments proposed by the Planning Board at the Special Meeting held on January 20, 2015. (All of the amendments cumulatively represent the amendment under consideration at the Public Hearing scheduled for February 24, 2015):

SINGLE STRIKETHROUGH = DELETION PROPOSED BY CARPIONATO

SINGLE UNDERLINE = NEW TEXT PROPOSED BY CARPIONATO

DOUBLE STRIKETHROUGH = DELETION PROPOSED BY THE PLANNING BOARD

DOUBLE UNDERLINE = NEW TEXT PROPOSED BY THE PLANNING BOARD

Element 3 – Planning Concept

Section 3.3 – A Vision for Tiverton (page 21)

(Changes to Element 3 were proposed by Carpionato, but not discussed on 1/20/15.)

- ~~• Town Center: The town should develop a new municipal center which consolidates many of the municipal functions inadequately housed in the existing town hall and other buildings. The municipal center could incorporate a new town hall and library with public meeting space as well as a public safety complex. In 2004, the town completed the Tiverton Town Center Planning Study to guide the future development of undeveloped land in the center of town.~~

Proposed Added Text:

- Mixed Use Development: The town should allow for large-scale mixed use development at the entrances to the town, near the Fish Road and Main Road exits off Route 24 and further bounded by Souza Road to the north. Such mixed use development should include a mix of uses including residential, retail, restaurant, hotel, research and development, and commercial and professional office. The development should be designed to welcome visitors and be in keeping with the traditional architecture and historic village character of the town. Significant measures should be taken to mitigate any negative impacts to the historic character of the Osborn-Bennett Historic District.

Element 4: Natural and Cultural Resources

Section 4.3 – Cultural Resources: Rural Character (page 32)

Original text

“Rural character is somewhat difficult to define; yet it is unequivocally clear that people want to keep it. Rural character is a combination of many "small town" things about Tiverton that makes it charming--its open land, trees, scenic views, country lanes, stone walls, historic buildings, farms, wildlife and many other qualities that are associated with "country life" that disappear in sprawling, unplanned suburban and urban development. But they do not have to disappear if Tiverton is willing to plan and manage its future development. Many tools are presently available; from administrative actions like zoning and subdivision site plan processes to volunteer efforts such as land trusts. If these tools are carefully thought-out and implemented, it is possible to provide ample opportunity for housing development and economic growth while still retaining the town's rural character. In fact, this is not only possible, but studies have shown that such management practices actually enhance rather than inhibit local economies, because they ensure a community will continue to be a desirable place to live and work.”

Proposed Added Text

Add a new paragraph at the end of this section:

It is clear that all areas of town do not contribute equally to defining local, rural character. Neither does the town have absolute control on the use of private property. So using the methods for land use management identified above, change and development may be granted where a proposed project is located and designed in a manner that is consistent with elements of the neighborhood character.

Section 4.3 – Cultural Resources: Prime Agricultural Land (page 32)

Original text:

“Farmlands are an important resource in the town. According to RIGIS there are approximately 4,866 acres consisting of soils that are suitable for use as prime agricultural land in Tiverton. Those areas are illustrated in Figure 4-5.¹ Agricultural land is generally well-drained, deep loam soils that are also ideal for building sites. Therefore, there is inevitable pressure to develop on soils that form the best cropland in town.”

Proposed Added Text:

Add a new sentence at the end of this paragraph:

The decision of whether to allow redevelopment on areas of prime agricultural soils should be weighed against the expected benefits of non-agricultural use on the soils, particularly those areas where prime agricultural soils are not under a current agricultural use.

Section 4.3 – Cultural Resources: Historic Resources (page 34)

¹ The proposed project is on Prime Farmland Soils and Important Farmland Soils (Figure 4-5 Agricultural Soils) – no amendments are proposed to the mapped designation.

Original text:

“An inventory of historic and architectural resources prepared by the Rhode Island Historical Preservation Commission (RIHPC) in 1983 identified significant buildings, historic districts and areas, and historic sites in Tiverton. This inventory serves as a basis for prioritizing historic preservation efforts. Figure 4-6 indicates the locations of the resources identified in this survey (as updated) that are on or eligible for listing on the National Register of Historic Places. These resources are listed in Table 4-1. As of 2006, there are three historic districts formally listed on the National Register, the Tiverton Four Corners Historic District, the Cook-Bateman Farm Historic District, and most recently, the Osborne-Bennett Historic District² on Main Road, each containing numerous historic structures. There are also two properties individually listed, Fort Barton and the Joseph Hicks House.”

Proposed Added Text:

Add a new paragraph after this text:

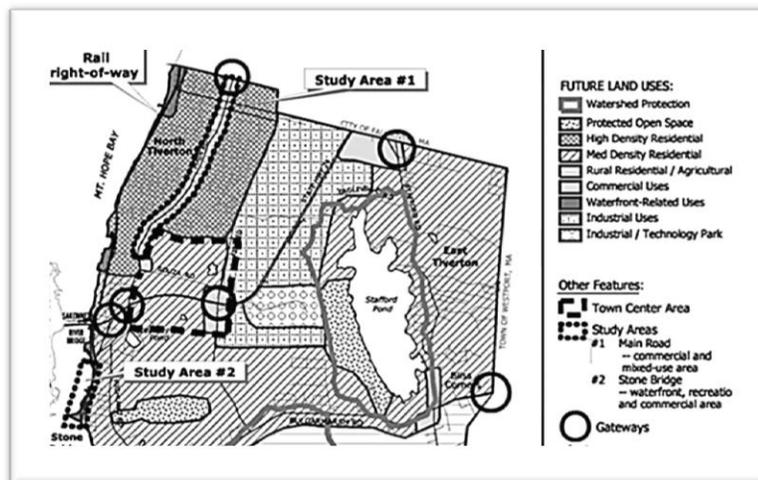
Should development occur in the Osborn-Bennett Historic District, measures should be taken to mitigate significant negative impacts to the historic character of the district.

Element 5 – Land Use Plan

Section 5.4 – Build Out Analysis and Future Land Use

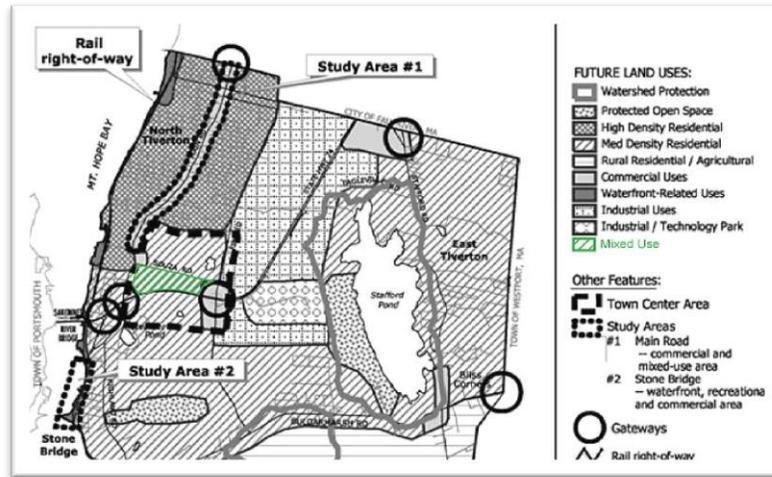
Figure 5-4: Future Land Use Plan (page 59)

Original figure:



² The proposed project is within the Osborne-Bennett Historic District site (Figure 4-6 Historic Resources) – no amendments are proposed to this mapped designation.

Proposed Revised figure:



Element 6 – Housing

Section 6.7 – Town Center / Lifestyle Proposals (page 87)

Amendment to this section (deletion of text) was proposed by Carpionato. The Planning Board has rejected this proposed amendment. Below is the Carpionato proposal for reference:

While the situation, as of this writing, is evolving, the town expects development to occur in these critically located areas of town, and that development to include a residential component. ~~Based on the town-center overlay zoning regulations, a “Tiverton Town Center” mixed-use development could occur in a Highway Commercial area between Souza Road and Route 24. This would include 50 residential units, 15 of these affordable.~~ Another development, submitted as a concept plan by the developer in an R-40 District abutting Route 24 to the south, would more accurately be described as a “lifestyle center”...

The Planning Board is proposing to keep this section intact.

Section 6.8 – Affordable Housing Policies (page 97)

Original text:

Policy 8: Adopt and enforce zoning ordinance requirements to allow the development of mixed use town center and lifestyle center developments that require such developments to set aside a minimum of 30% of the housing units as affordable.

Proposed added text:

Add a new sentence at the end of this paragraph:

Developments within the Mixed Use Development District are exempt from the requirement to create affordable housing.

Element 11 – Tiverton Tomorrow

Section 11.2 – Plan Implementation: Tiverton’s Agenda for Action

5.6 (page 164)

Original text:

Support industrial and commercial uses that result in net tax revenue and are compatible with the small town and rural character of the town.

Proposed amended text:

Support industrial and commercial uses that result in net tax revenue and are architecturally compatible with the ~~small town and rural character of the town~~ with the surrounding area.

6.8 (page 165)

Original text:

Adopt zoning ordinance requirements to allow the development of mixed-use town center and lifestyle center developments that require a minimum of 30% affordable housing units.

Proposed added text:

Add a new sentence at the end of this paragraph:

Developments within the Mixed Use Development District are exempt from the requirement to create affordable housing.