CHARLESTOWN PLANNING COMMISSION

REGULAR MEETING MINUTES

Wednesday October 23, 2024, at 7:00 p.m.

Charlestown Town Hall, Council Chambers
4540 South County Trail, Charlestown, RI 02813

1. CALL TO ORDER/Pledge of Allegiance

Chair, Ruth Platner called the meeting to order at 7:02 P.M. Ms. Platner explained that due to health reasons, she would not be chairing the meeting and turned the meeting over at this time to Vice Chair, Frances Topping.

2. ROLL CALL

Members present: Ruth Platner, Denise Rhodes (virtual attendance arrived 7:05 P.M.), Sarah St Laurent, Patricia Stamps, Lisa St Godard and Frances Topping

Members absent: Carol Mossa

Others: Jane Weidman, Town Planner and Attorney David Petrarca

3. MINUTES APPROVAL

Discussion and/or potential vote(s) concerning:

A. Minutes from August 21, 2024 Special Meeting and Public Workshop

The Commission reviewed the meeting minutes from August 21, 2024.

> **A motion was made by Ms. St Laurent to approve the August 21, 2024 meeting minutes as written. Seconded by Ms. Rhodes. Motion carried with Ms. Rhodes, Ms. St Laurent, Ms. Topping and Ms. St Godard voting in favor and Ms. Platner and Ms. Stamps abstaining.**

B. Minutes from September 25, 2024 Regular Meeting

The Commission reviewed the meeting minutes from September 25, 2024.

> **A motion was made by Ms. St Laurent to approve the September 25, 2024 regular meeting minutes. Seconded by Ms. Stamps. Motion carried with Ms.**

St Laurent, Ms. Stamps and Ms. Topping voting in favor with Ms. Platner, Ms. Rhodes, and Ms. St Godard abstaining.

4. PLANNING COMMISSION APPLICATIONS

A. Continued: Shoreline Plaza Major Land Development (owner/applicant John Sullivan dba Solari RI Commercial Properties, LLC), Preliminary Plan Public Hearing; Plat 13 Lot 30, 3769 Old Post Road.

Discussion and/or potential action and/or vote(s) concerning:

1. **Approval, approval with conditions or denial of proposed preliminary plan, as may be modified by testimony and/or evidence presented throughout the public hearing; or**
2. **Continuation of preliminary plan review to a date determined at the meeting.**

Ms. Topping began the public hearing by asking Attorney Monti if he was in receipt of the most recent correspondence received from property owners in the neighboring area. Attorney Monti stated that he had received the correspondence.

Ms. Topping stated the applicant has a right to develop and use the property within the bounds of state law and the Town's land development regulations. She explained the role of the Planning Commission is to make certain that the laws and regulations are abided by especially environmental factors, lighting and design. She stated that the Commission does understand the concerns of the neighboring property owners and hopes that their questions and concerns will be addressed.

Attorney Monti stated that he was before the Commission tonight representing the applicant and seeking preliminary plan approval for their proposed project. He explained that since the September 25th meeting, the applicant has produced a revised landscaping sheet to address Ms. Topping's concerns about one of the plantings being a potentially invasive species and that has now been replaced with an acceptable alternative. He stated that they have also revised the sheets to show the enclosure surrounding the trash receptacles and have prepared a revised lighting plan. The plans have been revised to show that the light poles have been reduced in height from 20' to 15' as required in the zoning regulations. He added no additional light poles have been added. The applicant has agreed that the exterior lighting on the buildings will be reduced to the minimum required for public safety and will be on only during business hours. It was also noted that lighting on the backs of the buildings will be motion sensor activated for security purposes only. Attorney Monti said all exterior lighting will be Dark Sky compliant. He added that he understood that there may still be some adjustments that people may like to see with respect to the lighting plan and they are on board with making further revisions and further reductions in lighting as part of the final plan approval process. He explained that this was a unique situation where both the developer and the Town would both like to provide the least amount of light necessary because from a cost perspective, less light is better for the developer and the Town would prefer less lighting as well. Attorney Monti said that they have reviewed the draft decision and all the conditions within the draft are acceptable to the developer.

Ms. Topping asked about the revised lighting plan. Attorney Monti responded that they submitted a new lighting plan following the September meeting. He stated that he understood there are comments from staff that there is too much lighting. He said they received those comments earlier this week so he doesn't have a new lighting plan to provide, but as a condition of final plan approval the applicant will commit to any conditions that the Commission finds acceptable to reduce the lighting.

Ms. Platner said that she had seen the comments between Ms. Weidman and the architect about the lighting. She asked about light trespass. The lighting engineer had stated that there would be no light trespass onto the abutting properties. Ms. Platner stated although the lighting ordinance is concerned with light trespass, it also speaks to the number of fixtures and the overall brightness. She quoted sections from the light ordinance, "shall be the minimum necessary in both the number of luminaires necessary and intensity of light," and "luminaires attached to the building shall be limited to the height necessary for illumination of entrances or locations not served by pole lighting," and "the number of lumens can be reduced by dimming and using lamps with fewer lumens". She stated that she realized that was the direction the applicant was moving toward. She reiterated that the lighting ordinance asks for more than no light trespass. Even though the lights are all full cut off, there is reflection off the ground. There are areas in the lighting plan that have 15' foot-candles which are right under a pole lamp, but there is an area between two of the buildings which have very high foot candles in the pathway and none of the other pathways have that. She understood that these issues were being addressed, but when the application comes back for final, she wants to be clear that the lighting requirement is more than just light trespass, as is referenced in the lighting ordinance. She added that the Commission understood that the project would have to have the minimum lighting necessary for safety and security.

Ms. Topping asked about the lighting at the back of the buildings. She said that the Commission understood that there was to be no public entrances in the back and if that were true then it probably would not be necessary to have any lighting other than motion-activated lighting for security purposes. Attorney Monti responded that it was acceptable to the applicant to just have security lighting in the backs of the buildings. Attorney Monti said that they would be amenable to stipulating in the decision letter that on any side or back building facing a property line that is not facing a vehicular travel lane that there would only be security lighting. They could remove the gooseneck lighting and replace them with very small security lighting. Ms. Topping said that they wanted to see the least impact on the neighborhood while still providing security for the buildings.

Attorney Monti asked Robert Clinton, Transportation Engineer from VHB to join him at the table to address the concerns from the neighbors pertaining to parking and traffic. He added that it was his belief that the questions presented in the correspondence received from neighbors have been answered by the evidence that has already been submitted.

Ms. St Laurent asked Mr. Clinton about crosswalks. She asked how the neighbors and perhaps the applicant would facilitate that request with DOT. Mr. Clinton stated that would have to go to the DOT and State Traffic Commission. He added that it would be best to have the Town request it. He explained that it is under DOT's jurisdiction, and they will review the criteria before making that decision. Mr. Clinton addressed the concern about site distance. He said that in the traffic

study, there is a section called, "site distance evaluation", and they went through the standard review criteria. He said that they followed the AASHTO guidelines (American Association of State Highway Transportation officials). They followed the site stopping guidelines as well as intersection sight distance. Mr. Clinton stated that the posted speed limit on the road is 30 mph, but it is well known that people drive at a higher speed in that area. According to AASHTO criteria, they did a speed study, and the speed study resulted in an average speed of 40 mph east bound, and 42 mph west bound, which in their study, to be conservative they bumped it up to 45 mph west bound. Based on the criteria they measured the sight distance. He added that they were aware of the dip in the road as well as vegetation on the south side of the road. Mr. Clinton stated that the vegetation removal must be maintained, and the speed limit should be monitored by both state and local police. Mr. Clinton stated that he felt the added entrances into and out of the project will help to reduce the speeds. Whenever you add more driveways and entrances on side streets, cars slow down.

Ms. Platner asked if crosswalks would be traffic calming. Mr. Clinton responded that they could have a traffic calming effect, but DOT, after their review may not feel that it is necessary.

Ms. Topping said that she can understand the neighbors' concerns about traffic despite the study showing that the increase in traffic is negligible. Mr. Clinton said that negligible may mean one thing to people driving through and another to the people living in the neighborhood. Ms. Topping said that there was not much more that they could do to allay the fears of the neighborhood. They would have to wait to see the types of businesses and the traffic that they created.

Ms. Topping asked Attorney Monti if there was a projected timeline for the project. He responded that as soon as all the necessary approvals are in place, the developer intends to start on Phases 1 and 2 in the spring and summer, will likely complete Phases 1 and 2, then Phases 3 and 4 will be the next year and Phases 5 and 6 will probably be the following year.

Ms. Platner said that although she was unable to attend the meetings for the preliminary plan, she did watch each meeting virtually or watched the posted video and has read and reviewed all the materials. She addressed the Groundwater Protection Overlay District. She said that there is a minimum of 20% of open space land that must remain undisturbed. She said that that area is being satisfied by the forested wellhead protection area. RI DOH requirements are that it remain undisturbed and forested. She added that if sometime in the future there was a public water supply, you would still have to provide that, but you might have to recalculate it because the wellhead protection area is bigger than 20% of the nine acres that the parcel is on.

Ms. Topping opened the hearing up for public comments.

Lew Johnson, Old Post Road, said that when Cumberland Farms received their certificate of occupancy, the Planning Commission went out and measured the light on the ground to see if it was the same as was represented on the approved plans. He asked if the same would be done for this application. Ms. Weidman said that particular issue has not been brought up, but it could be a condition of the C.O. She added that before the C.O. is issued for any of the buildings, the Administrative Officer, or someone representing the Commission, would go out to the site and review the lighting, landscaping, and stormwater installation to be sure that all was done according

to plan. Mr. Johnson asked if that would be a condition of approval for each phase. He expressed his concern that if the phases of the project occurred over a number of years, it would result in different commissions, administrative officers, different zoning ordinances, different property owners, etc. and he would like to be sure that anyone involved in the review of the future phases would be able to look at the conditions of approval and see that this process had to be done prior to an issuance of a C.O. Ms. Weidman answered that the applicant will receive final approval plan for the entire site with one photometric plan for the entire project. She felt that the buildings and pole lighting would have to meet the specifications of the final lighting plan. She added that the final approval conditions of the plan will be binding to all heirs and assigns.

Daniela Johnson, Old Post Road, questioned if the security lighting on the rear of the buildings facing her property would be motion sensitive. Ms. St Laurent responded that she was correct. As part of the conditions of approval, security lighting is to be only motion activated.

Ms. Platner felt that in the final plan approval there needs to be something stating that all lighting shall be the minimum necessary. Ms. Weidman stated that was a condition of master plan approval. Ms. Platner said that if in the future someone looks at the lighting plan, they would need to know that they should look at both the master plan approval as well as the preliminary plan approval. She stated that the lighting plan will have revised foot candle numbers for what is on the ground and that is what they will need to look at to confirm that the lighting is at the minimum necessary.

Patricia Saydah asked about parking. She understood that the project is being done in phases but is concerned that if all the buildings are never constructed, there may not be a need for all the parking that is proposed during phases 1 and 2. Attorney Monti explained that their parking plans have been reviewed by the Zoning Department and they have addressed their concerns. He continued by stating that Phase 1 includes the existing building and Phase 2 is the central area and it is necessary to build that because there are utilities that need to be installed as a part of that phase which will service the entire project. Attorney Monti added that the parking area will be pervious surface. He said that 42% of the 9-acre parcel is being left undisturbed.

Ms. Platner stated that if Phases 5 and 6 were never built, according to CRMC agreement, that area would have to remain forested. Attorney Monti agreed with that statement.

Ms. Saydah said that it was stated at the August meeting that the common area in the middle was going to be done at the same time for cost reasons. She said that if the complex does not get fully developed, there is too much land that has been cleared for parking. She added that it is unfortunate because there will be added sound pollution and light pollution. She asked if there was a way to revisit the parking and look to build less parking in that one common phase (Phases 1 and 2). Attorney Monti answered that it was not just parking, it was the need to be able to circulate throughout the site.

There was further discussion regarding the amount of parking that was needed. It was difficult to fully determine the amount of parking required when the building uses were not yet known.

Ms. Platner stated that the Commission has received numerous requests for market studies, but the Commission has no jurisdiction over that. She felt that people do not like change, she added that

she doesn't either, but if there is no market and they do not build the buildings people are left with Old Post Road forested. That is not a bad outcome for the people in the surrounding neighborhoods.

Faith LaBossiere, questioned if the lighting for unoccupied buildings would remain lit. She expressed her concern that there not be excessive lighting, and she questioned if there would be lighting in the rear of the buildings during business hours. It was confirmed the only lighting in the rear of the buildings would be motion activated. She stressed that the lighting should remain at a minimum.

Ms. Topping read into the record excerpts of the correspondence received and summarized their concerns, much of which was addressed tonight.

The Commission reviewed the draft letter of approval prepared by Ms. Weidman. Ms. Topping read the conditions of Preliminary Plan approval. The following changes were made:

Lighting Conditions:

> #4 Building and pole lighting is to be on only during business hours and security lighting is to be **only** motion activated.

Additional Conditions:

> #1 The development shall not include any **drive-in/drive-thru** uses.

There was discussion pertaining item #5. Ms. Platner asked who would review the final lighting plan. Ms. Weidman said the assumption is that whatever plan comes back, the Administrative Officer has the ability to accept it from the company that prepared the lighting plan or to have an outside professional review the plan. Ms. Weidman noted that the final lighting plan will be recorded along with everything else.

> **A motion was made by Ms. Stamps to approve the Preliminary Plan application with the conditions stated and amended in the draft memorandum of decision for Shoreline Plaza Major Land Development (owner/applicant John Sullivan dba Solari RI Commercial Properties, LLC), Plat 13 Lot 30, 3769 Old Post Road. Seconded by Ms. Rhodes.**

Ms. Platner explained the parcel consists of over nine acres and the plan for development is being presented as one project and that may be what is concerning people. If the property had been subdivided years ago into smaller commercial lots, it might not be perceived to be so drastic because they would have been smaller proposals presented individually, but either way, both scenarios would have the same result. Under the new state laws the Planning Commission and neighbors would not even receive notice if these were smaller developments. When the Comprehensive Plan was being prepared, the owners of many large commercial properties were contacted to see if they wanted to change their zoning to residential and they did not. In hindsight, it may not have been good because since then the State Legislature has passed laws that have rendered our residential zoning almost meaningless. Under new state law a developer might

propose 50 or more residential dwelling units or as many as they can fit, and it is her opinion that would have a higher impact than the project before the Commission tonight.

The motion passed unanimously with Ms. Platner, Ms. Rhodes, Ms. St Laurent, Ms. Stamps, and Ms. Topping all voting in favor.

The Commission took a five-minute recess at 8:39 P.M. and reconvened at 8:44 P.M.

5. ADVISORIES

Discussion and/or potential action and/or votes concerning advisories to the Charlestown Town Council on proposed zoning map and text amendments:

A. Ordinance No. 425 – Chapter 218 – Zoning District Map change of Plat 12 Lots 25, 25-1 and 48-1 from Traditional Village District to R-2A, for consideration at a Town Council public hearing on October 28, 2024.

Ms. Weidman explained the Commission had before them two advisories that were going before the Town Council on October 28th. Included in the Commission's packets were the draft advisory memos to review and vote on the advisories.

Attorney Hogan stated that she was present representing the owners of Plat 12, Lots 25, 25-1, and 48-1. She explained that they are seeking zoning changes that are called for in the Future Land Use Map and the Comprehensive Plan. Because the application is 100% consistent with the Comprehensive Plan, she was urging that the Commission issue a positive advisory to the Town Council. Attorney Hogan did note that they asked the Council to waive the advertising and application fees because this is something that should have been implemented previously with the adoption of the Comprehensive Plan.

Ms. Weidman said the recommendations for the Cross' Mills area were part of a larger evaluation of zoning along Old Post Road. The idea was to take the Cross' Mill area and turn it into a village commercial center and change any of the traditional village zoning into a commercial village. As a part of the study, all the lots along Old Post Road were looked at. Many of them were residentially used only, developed with single family homes, but they were put into the Traditional Village District (TVD). The intention was to remove any lots from the TVD that were residential only and not likely to be converted to commercial. Additionally, there were lots further to the east that were purchased by the Water Resources Board, and that land is also going to be taken out of a zoning category that allows development. The idea was to make the Cross' Mills area more cohesive, have an overlay district for all the lots and then identify which lots should remain commercial and change that commercial to village commercial.

Attorney Hogan stated that she had reached out to the owners of Lot 26 to ask if they wished to be included in the zone change and received no response. Ms. Weidman explained the property owners of Lot 26 will be legally noticed about the public hearing but cannot be added to the ordinance because they would have to readvertise.

A motion was made by Ms. St Laurent to send a positive advisory to the Town Council supporting the Zoning District Map change. The Commission finds that the proposed ordinance is consistent with the purposes of zoning and with the Future Land Use Map of the Charlestown Comprehensive Plan. Seconded by Ms. Stamps and carried by unanimous vote.

B. Ordinance No. 426 – Chapter 218 – Zoning Ordnance text amendments to be consistent with amended state law, for consideration at a Town Council hearing on October 28, 2024.

Ms. Weidman explained to the Commission that this request for an advisory opinion is basically for procedural purposes. It is a collection of amendments to the Zoning Ordinance that were in different bills that were passed, and she reviewed the changes with the Commission. The first change was the definition of a "household". Most towns define the number of unrelated persons to a household as three members, but the state has increased that definition to five to accommodate unrelated persons living in a household. The two other major changes that the Council will vote on must be voted on exactly the way they are drafted because it comes right out of state law. The first adds a section in the Zoning Ordinance pertaining to Unified Development Review. Basically, it requires that if a project is under review by the Planning Commission and it also requires a variance or a special use permit, then the Planning Commission grants the variance or special use permit as part of the review process. A conditional approval no longer gets sent to the Zoning Board; the Commission makes the decision like they would with a Comprehensive Permit application. It adds the language in the Zoning Ordinance that identifies or authorizes the Commission to make those decisions. Ms. Weidman continued by explaining that the other change has to do with the calculation of substandard lots that the state first put into effect in 2023. The new language clarifies the calculations for building setbacks, reduced building setbacks, and increased building coverage for substandard lots.

Ms. Platner suggested to state in the advisory, "the Planning Commission finds that it is consistent with state law," rather than, "consistent with zoning and the Comprehensive Plan" because the issue with substandard lots and the associated calculations are not consistent with zoning and relevant to the Comprehensive Plan.

A motion was made by Ms. Rhodes to send an advisory to the Town Council supporting the zoning text amendments. The Commission finds that the proposed amendments are consistent with state law. Seconded by Ms. St. Laurent and carried by unanimous vote.

6. PLANNING PROJECT

A. Amendments to the Charlestown Land Development and Subdivision Regulations to be consistent with amended state law.

Discussion and/or potential action and/or vote concerning:

1. Acceptance of proposed amendments as presented or modified, and

2. **Schedule date of public hearing for consideration and adoption, or**

3. **Continue review and discussion**

Ms. Weidman began the review of the proposed subdivision regulations by reviewing each page and the proposed changes. The majority of which deals with unified development review. There was a lengthy review.

Taking note of the late hour, Ms. Weidman suggested holding off on scheduling a hearing until they further discussed development plan review.

7. PLANNING ISSUES AND CONCERNS

A. Planner Comments – RI Local Official Training Summit / Election 2024

Ms. Weidman reminded Commission members about the training summit being held November 9th at the Crowne Plaza in Warwick, RI. Preregistration is required by email. Attorney Petrarca said it was his understanding that it would be the same material that was presented at the earlier training summit in June. It may not be necessary for those that attended the earlier summit to attend. Ms. Topping understood that the training summit would be discussing new issues pertaining to ADUs and Comprehensive Permits. Ms. Lombardo stated that she would email Ms. Hess, of the Division of Statewide Planning to ask for additional information as to what would be discussed.

B. Solicitor Comments

No comments were offered.

8. ADJOURNMENT

A motion was made by Ms. Rhodes to adjourn at 9:50 P.M. Seconded by Ms. Platner and carried by unanimous vote.

Respectfully Submitted,

Janet Lombardo
Planning Assistant