



Matunuck Beach Road Condominiums

Major Land Development – Comprehensive Permit

Matunuck Beach Road

Pre-Application Concept Plan

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
May 10, 2019	N/A	N/A	--	May 16, 2019	N/A	N/A

Planning Board Meeting - May 30, 2019

Stephen DeSimone, applicant, and Audie Osgood, P.E., were present to discuss the application.

The applicant summarized the proposed development of 20 condominium units on the property and noted that the parcel as 5 acres of land with approximately 3 acres of developable land. The parcel is zoned R-20 and CN, there is no development proposed on the CN zoned portion of the property. Seasonal water tables were observed at a depth of eight (8) to ten (10) feet. The applicant proposes use of community septic system. The parcel is within the Potter Pond Archeological National Register district. The parcel is partially located within the AE and X FEMA flood zones. The applicant proposes a 24 foot wide driveway. The applicant has received communication from the Coastal Resource Management Council and the applicant stated they would abide by any CRMC requirement necessary for development.

The Planning Board asked the applicant to submit a yield plan to demonstrate the density proposed to the density allowed on the parcel by right in order to understand the amount of relief being requested.

The Planning Board noted a number of concerns with the proposed development, including the parcels location within an area identified as developed beyond carrying capacity in the CRMC Special Area Management Plan for the Salt Ponds Region. It was noted that multi-unit structure are not allowed within the R-20 zoning district, and the proposed application will relocate water from one watershed into another through the use of public water and a private OWTS system, it was noted that even denitrification systems do not remove all nitrogen from the water discharged and this is off great concern in this sensitive area. It was noted that a number of buildings will be located within the AE flood zones, and that the parking shown on the plan with eight guest spaces for 20 units does not appear to sufficient given the existing traffic and parking issues which exist in Matunuck.

The Planning Board advised the applicant that they need to review the Matunuck Village Plan, and the Comprehensive Plan when considering a comprehensive permit application. The Board noted significant concerns with the application and recommended the applicant to return to the drawing board and consider a significant decrease in the number of units proposed.

Ms. Mack read a letter provided by the Salt Ponds Coalition noting concerns with the proposed development.

The applicant stated that the Commercial Neighborhood (CN) zone would allow a greater density than the R-20 district, that the road would be constructed of pervious materials, that they will ensure all living space is properly elevated. The applicant state they would be willing to consider a reduction in the density proposed following the Planning Board's comments.

Members of the public interested in the application were provided the ability to give comments. Residents Mary Auclair, Linda Roadrake, Kimberly Bombara, Frank Bombara, John Summers, Joclyn Lesca, Richmond Gardener, Michael Renelle, Aber Valure, John Barbaro, Deb Bergner, Joan Tuneck, Marilyn Vitera, Frank Frastuto, and Chris Cummiskey spoke. Residents expressed concerns with need to reduce density in this sensitive area, safety, vehicular access to the site, line of sight issues with the driveway location, concerns for the environment, use of a significantly sized leachfield within close proximity to the coast, abuse of the units for seasonal and temporary rentals due to its location, loss of wildlife habitat, impact to abutting

properties on Holden Road, loss of views, consideration for cottage development on the site, marketing of the units once constructed, drainage, impact to the Fire District, the density of the development, circumventing standard zoning review, and flooding.

Planning Board Meeting – August 27, 2019

Michael Kelly, attorney for the applicant, updated the Planning Board on changes made as a result of the Planning Board’s previous recommendations as well as concerns raised by neighbors regarding density and environmental issues. The applicant, at the Board’s request, has prepared a yield plan, reviewed the Matunuck Village Plan design, parking issues, and came up with a cottage style design for the homes. The applicant also used a costal overlay zoning in regard to the design of the cottages. The applicant is proposing “Deed restricted” 2-bedroom units only, 2-units per building, 6-buildings, for a total of 24 beds, cottage style condominiums, with a condominium association. The applicant confirmed that the proposal includes 3 affordable units, but it is unknown if Association fees will be different for these units.

Otto Osgood, PE, from DiPrete Engineering presented the engineering design of the project and confirmed the elimination of 40% of the units as a result of the first pre-application meeting. Mr. Osgood described the proposed community leach field between units 4 and 5, which is outside of the flood zone, and parking spaces planned. Mr. Riendeau pointed out Staff comments referring to the fact that the applicant may need to request relief from standards of the Zoning Ordinance & Subdivision and Land Development Regulations, and suggested applicant review them.

Steve DeSimone, applicant, reviewed his design of the project and his desire to maintain the character of the area. Ms. Torello stated the density in the surrounding area is seasonal and this area is already too densely populated in an environmentally sensitive area.

PUBIC COMMENTS:

Frank Barbera of Holden Road questioned the “paper road” shown in the Yield Plan, and stated he will oppose any use of the road. Kimberly Barbera of Holden Road believes existing density does not support project and ocean front property for affordable housing is not appropriate. John Summers of Holden Road inquired the cost of Affordable Housing units, set-backs, and plans for flooding at the end of Holden Road. Erica Kotch of Holden Road spoke of concerns regarding water consumption and traffic safety. Carol Ross of Holden Road expressed concerns with the Yield Plan showing the paper road that abuts her property. Mont Crosby of West Mary Carpenter’s questioned if there will be a buffer between his property and the proposed houses. David Dempsey of East Mary Carpenter’s discussed the water table and how wet his property is. Wayne Hawksley of Holden Road also discussed that his property and surrounding property is in a flood zone, and how dangerous the traffic currently is.

Mr. Riendeau requested Mr. Kelly research access road in Yield Plan to learn if it is platted or not platted, Mr. Kelly stated the Yield Plan is not necessary at the point and was only done as a courtesy to the Board. Also, applicant should review R20 zone to determine use allowed regarding setbacks, the fact that project is not going to be sewerred, CRMC, ground water issues, and the viability of a road where proposed. Mr. DiMasi stated project should not be as a Comprehensive Permit to increase density in an inappropriate area proposed without sewer and Ms. Mack and Ms. Torello agreed with this statement.

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Conceptual Master Plan

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
June 24, 2020	25		July 14, 2020	--	--	--
July 29, 2020	14		--	--	--	--

August 4, 2020	14		August 7, 2020		--	--
August 18, 2020	14		August 20, 2020		--	--
August 31, 2020	14		September 11, 2020		--	--
October 2, 2020	14		--	October 9, 2020	120	February 6, 2021

Technical Review Committee Meeting – July 8, 2020

David Russo and applicant Stephen DeSimone appeared on behalf of the project.

Mr. Russo reviewed the property and the project proposal noting that the property included 2 zoning districts, CN to the west along Matunuck Beach Road and R20 to the east and wetland areas at the eastern and western ends. The project was described as 6-buildings with 2 residential units in each. Of the 12 proposed units, 3 units were proposed as Low-Moderate Income (LMI) units to satisfy the requirements for a Comprehensive Permit. Mr. Russo further noted that the development would provide surplus parking, stormwater management features, community On-site Wastewater Treatment ((OWTS) and public water. Mr. Russo stated that the plans have been reviewed by CRMC which indicated no major concerns.

Mr. Russo stated that the project had come before the Planning Board last year (2019) on a Pre-Application submittal and that the Board had requested them to prepare a yield plan and address concerns about development density in the original 20-unit proposal.

Mr. Parker inquired as to whether the large (approx. 2 acres) wetland area on the eastern half of the property had been discounted from the developable area in calculating the density of the proposed development. Mr. Russo confirmed that the wetland area was discounted from the lot's buildable area in determining density.

Mr. Parker asked whether the applicant would be seeking any waivers or relief. Mr. Russo replied that the development was a Comprehensive Permit project that complied with all zoning setbacks and that no waivers or relief was required. Mr. Parker noted that the Comprehensive Permit process did not relieve the applicant from requesting waivers or relief and that the project in question was a multi-unit development project that that would require a use variance in the R20 zone. Mr. Russo said that he would look into the issue and put together a request for relief if required.

Mr. Parker also noted that he was unable to find a Letter of Eligibility from R.I. Housing or a Monitoring Agreement in the application materials. Mr. DeSimone stated that a site walk with R.I. Housing was scheduled later that afternoon and that he would provide the Letter of Eligibility once it was received from R.I. Housing and would also provide a Monitoring Agreement.

Mr. Parker next inquired about whether a traffic survey had been done, although he also noted that it was not a requirement at the Conceptual Master Plan stage. Mr. DeSimone said that a traffic study had not been performed yet, but agreed that the summer season would be the right time to do the study. Mr. Bourbonnais stated that he did not expect the development to result in a worrisome increase in traffic volume or trips; rather, his concern was with visibility and sight-line issues for traffic exiting the development onto Matunuck Beach Road given the bend in the road to the south. Mr. Russo noted that the area was posted with a low speed limit and that the entrance to the development had been pushed as far north on the lot as possible (away from the curve in Matunuck Beach Road).

Mr. Schock inquired the development density. Mr. Russo noted that last year the Planning Board had requested him to provide a yield plan as background information for discussion of the density issue. The

yield plan that was produced showed a development with 24 bedrooms and a commercial unit divided over a larger number of dwelling units. Mr. Russo said that they had focused on the total number of bedrooms in response to concerns about OWTS wastewater flow requirements, which are based on the number of bedrooms. Mr. Russo that the original plan had provided for 20 units and that the present proposal had been reduced to 12 units. Mr. Schock commented that he felt that regulated development capacity for this parcel should be 6 units and that a density increase to 12 units as part of a Comprehensive Permit application was too much. Mr. Murphy noted that it was up to the Planning Board to address the density question on any Comprehensive Permit application. Mr. Parker noted that there was no limit in the Zoning Ordinance for development density in this instance because the proposed use, a multi-housing development project, were prohibited in the R20 zone.

Mr. Pimental noted a number of issues that would need to be addressed at future development stages including: OWTS locations; preliminary OWTS designs; trash areas, and snow removal areas. In addition, Mr. Pimental asked for clarification on whether the units would have garages and whether the plans would address an apparent encroachment at AP 92-2, Lot 61.

With respect to wastewater disposal, Mr. Russo noted that final decisions regarding OWTS size, location and configuration had not been made yet, but that the current plan was to install either one large community OWTS in between units 4 and 5, or two smaller community OWTSs with one in between units 4 and 5 and the other west of unit 1. Mr. Russo said that the plans could be amended to show proposed OWTS locations. Mr. Murphy inquired if water table data could be added as well. Mr. Russo responded that the water table in the area in between units 4 and 5 had been measured at 108".

In response to the other issues Mr. Russo noted that decisions had not been made about trash areas or snow disposal areas; that there are no garages proposed with the current design (the reference to garages in the materials is an erroneous hold-over from the previous design); and that they were aware of the possible encroachment by the house on AP 92-2, Lot 61 and had routed the road to avoid it. Mr. Pimental asked whether an administrative subdivision would be required to address the encroachment as part of approval; Mr. Parker stated that while it might detract from the overall development area, it was not something that was required to be addressed as a condition of approval.

Mr. Pimental inquired about provisions for sidewalks, noting that walkways would be required for residents to get to and from the remote parking areas. Mr. Russo said that his planning was not that detailed at the moment.

Mr. Parker raised the issue of emergency access. Mr. Hiener stated that he was fine with the proposed design except for the eastern end in front of units 9-12, where the road changed to driveway. Mr. Hiener said that emergency vehicles had to be able to get within 50' of the structure and that the driveway would have to be widened and finished as a road.

Mr. Murphy raised the issue of surplus parking and indicated that the Planning Board generally favored minimizing parking as much as possible. Mr. Russo said that they would look at the parking issue; Mr. DeSimone noted that they had added an additional space for each unit because the Matunuck Beach Plan stressed the lack of on-road parking in the area.

The issue of stormwater and drainage was raised next. Mr. Parker asked if the road and parking areas were to be paved. Mr. DeSimone replied that they planned to use pervious materials where possible. For stormwater, Mr. DeSimone stated that the plan calls for 2 ponds at the east and west ends of the parcel and that the water naturally drains in these directions. Mr. Bourbonnais noted that stormwater discharges to the marsh to the east were fine, but that there should be no discharges or increases in volume to the north or south.

Mr. Pimental noted that the western-most structure containing units 1 and 2 was located right on the line between flood zones AE and X and that any re-location of the structures to accommodate OWTS or other design elements could be problematic if that structure was moved west into the AE zone.

Mr. Murphy noted that the Planning Board would insist on proper integration of the affordable units and outward comparability. Mr. DeSimone said that all of the units would be identical both inside and out in terms of design and materials and that each LMI unit would be located in a different structure.

Mr. Pimental inquired about rear decks and possible setback issues. Mr. DeSimone stated that there would be no 1st floor decks on the back, only a 2nd floor deck integrated with the structure. However, Mr. Pimental noted that the cement patios with 2-steps to grade were problematic and could present a setback encroachment issue.

Mr. Parker acknowledged that several members of the public were in attendance. Mr. Parker explained to the public attendees that, typically, public comment is not taken at TRC meetings because it is an internal, staff review that merely makes advisory recommendations to the Planning Board on the technical merits of development applications, and that all public comment will be heard by the Planning Board. Because people had been waiting, Mr. Parker offered to allow comments limited to technical issues, but encouraged the attendees to either attend and offer comment at the Planning Board or submit written comments that could be provided to the Planning Board. Mr. Parker noted that he had received several written comments, which he would forward to the Planning Board for consideration.

Public comment/questions were offered on the following technical details:

- Visibility around the curve in Matunuck Beach Road (discussed during the meeting);
- Drainage/flooding issues and possibility for stagnant water in the proposed detention ponds (to be addressed at Preliminary Plan with drainage plans); and
- Building height (all structures are 26’ over foundation, below the 32’ limit);

A procedural question was raised about public notice for the Planning Board meetings and Mr. Parker explained that newspaper ads would appear in the Narragansett Times, that property owners within a 200’ radius of the property would receive notices by mail, and that a sign would be posted on the property.

Mr. Parker noted that if members of the public preferred to submit written comments rather than offering verbal comments on the record during the Planning Board meeting, they could do so but that the comments would need to be received by the Planning Department 7-10 days before the scheduled date of the Planning Board meeting in order to be distributed to the Planning Board members.

Item/Issue Discussed	Recommendation
<p style="text-align: center;">Comprehensive Permit Waivers</p>	<p>The project constitutes a “Multi-Household Land Development Project.” This use is not permitted in the R20 zone where it is proposed. The applicant must request a use variance or change of zone for the use proposed.</p> <p>A potential rear yard setback issue was also noted in relation to patio stairs that may require a waiver to dimensional requirements.</p> <p>While the Comprehensive Permit process grants the Planning Board broad discretion to grant waivers/relief, the applicant must still request the waiver/relief and present evidence upon which the Board can make a finding that the interests protected by the requirements for which the waiver/relief is sought do not outweigh the local need for affordable housing. (<i>See RIGL §45-53-4(a)4(v)A.</i>)</p>
<p style="text-align: center;">Letter of Eligibility</p>	<p><i>RIGL §45-53-4(a)1(i)</i> requires that the application include a letter of eligibility from the R.I. Housing Mortgage finance Corporation. No such letter was received with the application materials.</p>

Monitoring Agent	<i>RIGL §45-53-4(a)1(v)</i> requires that the applicant identify an approved agent to monitor the long-term affordability of the units. No such agent has been identified in the application.
Traffic	While the project will not add a significant amount of traffic to the local area, the applicant should perform a study to look at the sight-lines along the curve in Matunuck Beach Rd. south of its proposed intersection with the development's private road.
Development Density	The TRC advises that the Planning Board give careful consideration to the proposed development density of the project in determining whether the project satisfies the requirements for a Comprehensive Permit.
Wastewater Disposal	The TRC recommends that the Master Plan identify the areas (approx. location & size) that are being considered for siting the development's OWTs for the purpose of evaluating the proposed site layout.
Sidewalks	The TRC discussed whether sidewalks would be necessary for residents to access the remote parking areas.
Parking	The Planning Board should consider whether the excess parking proposed by the project is necessary given the lack of available on-street parking on the public roads in Matunuck.
Emergency Vehicle Access	The driveway in front of Units 9-12 must be upgraded to meet road standards so that emergency vehicles can get within 50' of Unit 12.
Stormwater	Given the proximity of neighboring residential structures to the north and south, stormwater drainage will need to be carefully routed to the marsh to the east and to management structures to the west along the natural topography.

TRC Action

Mr. Pimental made a motion to move the matter forward to the Planning Board along with the Committee's discussions and recommendations subject to the application being certified as complete by the administrative officer. Mr. Schock seconded the motion. On a roll call vote the motion was unanimously approved.