

Meeting Minutes Newport Planning Board

Wednesday, August 21, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

I. Call to Order

The Chair called the meeting to order at 6:33 p.m.

II. Roll Call & Determination of Quorum

The Secretary called the roll and determined a quorum of board members present.

Members Present:

Kim Salerno, Chair
Liam Barry, Vice Chair
Jeff Brooks, Secretary
Elizabeth Fuerte
Paul Marshall
John Oliveira

Members Absent:

Timothy Burns
Melissa Pattavina

Staff Present:

Peter Friedrichs, City Planner

III. Review, Discussion, and/or Action of Minutes of Preceding Meetings

A. [August 5, 2019](#)

The minutes were approved unanimously.

IV. Communications

A. Notice of Major Subdivision in Middletown

1. [Petition of 288 Vaucluse LLC for Master Plan approval of a 4-lot subdivision including proposed new roads and request for waivers from certain provisions of Article 5 and Article 6 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The property fronts on Vaucluse Ave. and Summerfield Lane and is approximately 1,000 feet south of the intersection of Vaucluse Ave. and Peckham Ave. Assessor's Plat 129, Lot 210](#)

Received.

V. Business

A. Findings and Recommendation to the City Council regarding a Zoning Ordinance Amendment:

1. (continued from August 5, 2019) [Petition of Admiral Newport, LLC for the creation of a Mixed Use Planned District floating zone for planned development 20 or more acres in size within the Commercial-Industrial District to permit an alternative review process for large developments through the zoning ordinance amendment process, pursuant to Section 17.120 of the City of Newport Code of Ordinances](#)

Meeting Minutes

Newport Planning Board

Wednesday, August 21, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

- [Applicant's Presentation](#)
- [Applicant's Urban Planning Expert Report](#)
- [Staff Report](#)
- [Planning Board Comments](#)
- [Planning Board Ordinance Markups](#)

The Board began by making the required finding regarding general consistency with the Comprehensive Plan. Chair Salerno led the Board through the staff report, addressing relevant posed questions.

- Vice-Chair Barry thought the housing will be affordable and therefore attract young people. Mr. Marshall expressed concern there is no guarantee for affordable housing as a condition of application. Chair Salerno thought the mixed-use approach has the opportunity to attract young people. Dave Martland, representative of the applicant, offered that they are looking to bring numerous businesses to provide opportunities for employment. Kelly MacArthur Coates, President and Chief Executive Officer of Carpionato Group, the developer, said this was workforce housing by the nature of its location.
- Secretary Brooks expressed concern the proposed amendment lacked language on energy conservation, but that the nature of the purpose of the zoning will deter automobiles, which are a major contributor to climate change. Mr. Marshall stated the proposed amendment lacks language addressing climate change; Secretary Brooks agreed.
- While there was consensus that the proposed amendment implements the Innovation Hub plans, Secretary Brooks thought the amendment should better dovetail into the larger efforts in the area.
- Chair Salerno thought an overlay process is inherently educational.
- Mr. Oliveira thought the proposed amendment advertises a vibrant and flexible economic opportunity area. Chair Salerno thought the live/work model of mixed use was a fundamental component.
- Chair Salerno thought there was an opportunity to apply this process to smaller parcels. Mr. Marshall stated he would not recommend expanding the overlay without an Urban Plan for the area.
- Mr. Marshall expressed concern the proposed amendment does not provide for the Planning Board the 6-12 months of review outlined in the Comprehensive Plan for floating zone projects.
- Vice-Chair Barry expressed a desire for projects rejected by the Council to be reconsidered and tweaked by the Planning Board for reconsideration by the Council.
- Mr. Marshall noted the Comprehensive Plan requires economic, city services, environmental, and traffic analyses for floating zone projects. This was affirmed by Secretary Brooks. Vice-Chair Barry thought a market analysis was unnecessary. Chair Salerno expressed the point of a market analysis is to ensure the City has confidence the endeavor is thought through and likely to succeed.

- Secretary Brooks and Chair Salerno identified the floating zone project approval process as a mechanism by which the City can negotiate dimensions with developers. Mr. Marshall thought an Urban Plan would detail a baseline to work from.
- Chair Salerno thought the proposed amendment was thin on publicly accessible site amenities, a requirement of the Comprehensive Plan.
- Mr. Marshall thought there was opportunity for improvement with regard to the proposed amendment's supporting the development of incubator/accelerator type businesses focused on resilience/climate change, ocean, alternative energy, systems, defense (underwater, maritime, and cyber security), and digital industries, their support sub-sectors, associated training and job creation centers, as a well as ancillary financial, commercial, and retail/hospitality support services, as specified in the Comprehensive Plan.

Chair Salerno then addressed Mr. LaPolla's expert report, generally agreeing with his conclusions, but noting that the many concerns were not addressed, and these omissions may adversely impact the public interest. The negative impacts of these omissions may outweigh the general consistency of the Comprehensive Plan identified by Mr. LaPolla. Mr. Marshall agreed.

The Board then considered the purposes of zoning, as identified in Section 17.04.020 of the Newport Code of Ordinances, and Rhode Island General Law § 45-24-30.

- Secretary Brooks thought the proposed amendment promotes the public health, safety, and general welfare. Mr. Marshall inquired about the brownfield. Mr. Martland noted there is an Environmental Land Use Restriction in place on the property.
- Vice-Chair Barry, Mr. Marshall, and Chair Salerno thought the range of uses and intensities of use were appropriate to the character of the city and reflect current and expected future needs.
- Chair Salerno thought the proposed amendment provides for orderly growth and development which recognizes the goals and patterns of land use contained in the Comprehensive Plan.
- Chair Salerno thought further investigation of the wetlands is warranted. She noted an Urban Plan may be useful. Ms. Fuerte thought the 2006 Master Plan needed an update.
- Mr. Oliveira thought this area was an opportunity to scale up.
- There was consensus amongst the Board that the floating zones are inherently innovative development regulations.
- Secretary Brooks thought concerns about pollution and soil erosion and sedimentation will be satisfied by the Development Plan Review process. Mr. Marshall thought there should be language in the floating zone ordinance as well.
- Vice-Chair Barry thought any development in the area will be an improvement over what exists. Chair Salerno thought there should be additional language in the proposed amendment to protect the natural, historic, cultural, and scenic character of the city.
- Chair Salerno expressed that the North End is in need of additional open space and additional language could be added to the proposed ordinance.

- Mr. Marshall expressed concern that the proposed ordinance does not provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements. Chair Salerno was expressly concerned about the open space connection to Miantonomi Park.
- Mr. Marshall expressed the need for promoting a balance of housing choices, for all income levels and groups, to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- Secretary Brooks and Chair Salerno thought the provision of additional housing would relieve pressure on the city's limited housing stock.
- Vice-Chair Barry expressed new construction would promote safety from fire, flood, and other natural or unnatural disasters. Chair Salerno thought the proposed ordinance could be more sufficient and specifically mentioned the Development Plan Review process.
- Chair Salerno was pleased the applicant has retained a local architect, but thought the ordinance lacked specific language promoting a high quality in design in development of private and public facilities.

Upon a motion by Vice-Chair Barry, seconded by Secretary Brooks, the Board voted unanimously to find the petition generally consistent with the Comprehensive Plan, noting that "while some goals and policies have been served, outstanding concerns prevent us from finding full consistency with the plan."

Prior to beginning the Board's recommendation to the Council regarding the petition, Chair Salerno opened the meeting for public comment.

- Cynthia Marino, 236 Maple Ave., who has raised children and grandchildren in the North End, thought the development was not for people like her.
- Ron Fleming, Bellevue House, thought the City was losing leverage with the ticking clock of the floating zone process. He recommended the Council enact a pause and presented two exhibits, accepted by the Board as Exhibits B and C.
- Joe Hearn, a Newport resident and Middletown business owner, shared a petition his wife started on change.org calling for a zoning moratorium.
- Patrick Doherty, representative of Mr. Fleming, offered that the proposal was not about jobs, but about one development to collect rents. He noted that it is impossible to know how the bridge realignment will turn out. There will be development on this site one way or another; there is only one opportunity to get it right. A pause is good. He also expressed concern about the Council taking the role of development approval away from independent Boards with staggered terms; which ensure politics do not override sound planning. He expressed concerns the proposed ordinance usurps the Planning Board and Zoning Board of Reviews' powers.
- Bill Cooper, a 42-year Newport resident, and part of Mr. Fleming's coalition, shared that he was not opposed to development, but that he was concerned about the lack of controlling zoning.

Meeting Minutes Newport Planning Board

Wednesday, August 21, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

- Melanie O'Brien, a North End resident, expressed concern about hires loss of benefits. She thought there was no way the restaurant or hotel workers in the proposed development could afford the housing there. Residents need careers, not jobs.
- Niese McBride, 76 Broadway, wondered if she would be qualified to fill the promised jobs.
- Mitchell Jackson, 38 Dudley Ave., asked for the Master Plan for the North End to be updated.
- Jennifer Jackson, 38 Dudley Ave., noted that the name for this area is the Northside. She expressed concern about the environmental effects of disturbing the old incinerator landfill. They already have the sewer plant. New Bedford built a school on an old dump at their own peril. She used to live in Louisiana and saw the effects of pollution. She likes mixed use, but noted the need to stop more hotels. The community lacks entertainment, especially within walking distance.
- Diane Ford, 80 Park Holm, North End neighborhood association. The community is to reliant on part-time jobs. They need full-time work. There should be community meetings regarding this development. She does not want to be forced off-island.
- Phyllis Mulligan, 200 Park Holm, Newport, doesn't think the proposal is for the City. It does not look like Newport. There are too many cars and not enough open space. There needs to be Green and Complete Streets. Wal-Mart has only 6 full-time employees.
- Lilly Dick, 662 Bellevue Ave., has been here a long time. She admires the time and effort the Planning Board is making. She appreciates Carpionato, but their developments could be anywhere. Newport will lose its allure if it is not special. A 45' height limit was put in place to limit development to 4 stories to maintain the human scale. Increasing the height here will limit the ability to restrict it elsewhere in the city. The community needs a benefit.
- Jean Reisman, a Middletown resident employed at the Newport Health Equity Zone (a public health organization with community partners focused on improving environmental and social conditions in the North End), 1 York Street, Newport, said the community is looking for affordable housing, jobs, open space, and connectivity. There is a community of 4,000 residents in that part of the city that will be impacted by this development. There needs to be an Urban Plan and a Community Benefits Agreement. The North End was cut off from the rest of the city for decades by the Pell Bridge ramps, the casino, the trash transfer station, and general unwelcomeness.
- Bari Freeman, 34 Friendship St. noted her privilege of working with the Northside community. She thinks taking the time to engage the community will lead to resident-led engagement. The proposed development does not align with the community need. This area (38% of the city's population) needs a market and hair salons.
- Nicole Mathews, 90 Girard Ave., expressed concern the stores shown in the renderings are types out of reach of residents. They images lacked walkways, stop signs, and crosswalks. The city needs Green and Complete Streets. She's concerned about exposed toxins during the opening of the landfill cap.
- Rex LeBeau, 18 Ruggles Avenue, Newport, thanked the Planning Board for their thoroughness. They expressed a desire for an Urban Plan and a traffic study that includes broader transportation elements. They hope this all goes well.

Meeting Minutes Newport Planning Board

Wednesday, August 21, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

Noting everyone had spoken who wished to, Chair Salerno closed public comment. Upon a motion by Vice-Chair Barry, seconded by Ms. Fuerte, the Board voted unanimously to continue the matter to the September 9th regular meeting. This motion was made with the applicant's consent.

VI. Presentation and Discussion of Reports

A. Chair's Report

1. Innovation District Zoning

Upon a motion by Vice-Chair Barry, seconded by Ms. Fuerte, the Board voted unanimously to continue the matter to the September 9th regular meeting.

VII. Adjournment

Upon a motion by Secretary Brooks, seconded by Vice-Chair Barry, the Board voted unanimously to adjourn the meeting at 9:37 pm.