

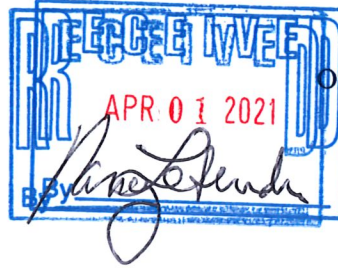


STATE OF RHODE ISLAND



Department of Administration  
**DIVISION OF STATEWIDE PLANNING**  
235 Promenade Street - Suite 230  
Providence, RI 02908

Office: (401) 222-7901  
Fax: (401) 222-2083



March 26, 2021

Ms. Nancy Letendre, AICP  
Town Planner  
Town of Westerly  
45 Broad Street  
Westerly, RI 02891

Subject: Comprehensive Plan Initial Review

Dear ~~Ms. Letendre~~, <sup>Nancy</sup>

The Division of Statewide Planning completed an initial review of *Town of Westerly Comprehensive Community Plan 2020-2040* (the Plan) as adopted by the Town Council on January 20, 2021. The purpose of this review is to ensure that comprehensive plans and amendments thereto, comply with the requirements of the Comprehensive Planning and Land Use Regulation Act (the Act), specified in § 45-22.2-9(d), as listed below.

- (1) The intent and goals of the Act as stated in § 45-22.2-3(b)(1) and (c)(1) through (10) have been met;
- (2) The plan as amended is internally consistent and complete as required by § 45-22.2-6;
- (3) The plan or amendment is consistent with, and embodies, the goals and policies of the State and its departments and agencies as contained in the State Guide Plan and the laws of the State;
- (4) Municipal planning activities have been coordinated according to the provisions of § 45-22.2-7;
- (5) The plan or amendment has been officially adopted and submitted for review in accordance with § 45-22.2-8 and other applicable procedures;
- (6) The plan or amendment complies with the rules and regulations adopted by the State Planning Council; and, that
- (7) Adequate, uniform, and valid data have been used in preparing the plan or amendment.

As part of the review process, comments were solicited from the staff of the Division of Statewide Planning, from other State agencies, and from the public to assist in ascertaining compliance with these requirements.

The following comments are divided into three categories. Section I relates to the standards for compliance with the requirements of the Act; these comments must be satisfactorily addressed in order for the Plan to receive State approval. Section II presents other comments that, although not directly related to approvability standards, could improve the Plan's overall accuracy, readability, and usability if addressed. Section III lists errata for correction. As part of this Division's commitment to providing technical assistance to our municipal partners, I am also offering suggestions for addressing the identified issues.

## **I. Comments and Suggestions Relating to the Requirements of the Act**

### **Preliminary Findings:**

Not all of the intent and goals of the Act as stated in § 45-22.2-3(b)(1) and (c)(1) through (10) appear to have been met.

The Plan does not appear to be internally consistent and complete as required by § 45-22.2-6.

The Plan does not appear to be fully consistent with, and embody, the goals and policies of the State and its departments and agencies as contained in the State Guide Plan and the laws of the State.

**Comment 1:** As noted in my comments of April 16, 2020 on the draft Plan, the *Comprehensive Planning Standards Manual* requires that comprehensive plans include goals that embody the State's goals for land use, policies to support each goal, and implementation actions within the Implementation Program that address:

- Promoting orderly growth and development;
- Ensuring that municipal land use regulations are consistent with the goals and policies set forth within the comprehensive plan; and
- Amending the zoning ordinance and map to provide consistency with the comprehensive plan, if applicable.

I recognize that this adopted Plan has attempted to address this comment by adding two land use goals and five supporting policies:

LUZ-1 - Preserve the predominant residential character of Westerly, while providing open space, commercial, industrial, and recreational land uses to serve the needs of residents and businesses.

LUZ-2 - Develop a planning framework that prepares the community for extreme weather events and impacts of sea level rise, storm surge, and flooding.

While commendable, I must note that LUZ-2 and its three associated policies are specific to Hazard Mitigation and Climate Change, as opposed to general land use.

Westerly has taken a unique approach in this Comprehensive Plan insofar that it depends on its topical elements to provide all the implementation actions to support the Land Use Element. As the Plan states, "The Comprehensive Plan should be viewed holistically because, taken together,

its various elements reinforce each other and present a comprehensive and coherent view of Westerly's land-use policy." Table 7. Land Use Provisions lists the various policies and actions related to land use in the Plan's topical elements.

While I appreciate the progress Westerly has made in meeting this requirement, it does not appear to satisfy the standard in the following respects.

First, the two land use goals and associated policies do not sufficiently embody the goals and policies of the State related to land use. Goal LUZ-2 and policies would be more appropriately included in the Hazard Mitigation and Climate Change Element.

Second, the Implementation Program does not contain an action to amend the zoning ordinance and map to provide consistency with the Future Land Use Map (FLUM). In particular, the adopted Plan has identified multiple inconsistencies between the existing zoning and the FLUM that had not been identified in the draft.

**Suggestion:** First, add one or more additional broad-based land use goals and policies.

Second, at a minimum, the Plan must contain an action or actions specifically addressing amending the zoning ordinance and map to provide consistency with the FLUM, especially as noted on Table 6. *Overview of Zoning Inconsistencies with Future Land-use*. Per the *Comprehensive Planning Standards Manual*, the Implementation Program must:

Include a schedule by which the zoning ordinance and zoning map will be amended to provide consistency with the comprehensive plan by specifying the amendments that will be undertaken to bring consistency with the comprehensive plan

I encourage the Town to include other actions specific to land use and zoning in the Land Use Element and Implementation Program as well.

**Comment 2:** There appears to be an inconsistency in the number of LMI units needed at buildout. On page 168 the Plan states, "...at the time of buildout, the Town would face a deficit of 883 affordable LMI housing units." This is reiterated in Table 4-16 Existing and Projected LMI Housing Deficits. However, on page 170, Table 4-17 Affordable Housing Production Projections by Household Type, 2020-2040 states in the column labeled "Supply Needed" that the needed number of LMI units is 499. We understand that the two tables use different data sources and may not count the same populations but the inconsistency between these tables is at best confusing, and potentially misleading.

**Suggestion** – The inconsistency between these tables must be resolved. This could be done by revising one or both tables, or, if appropriate, specifically stating that Table 17 presents a subset of the total 883 LMI housing unit needs.

**Comment 3:** Housing Strategy 1.3 Mixed Residential & Commercial Use (page 175) states, "When mixed residential and commercial uses, under the current zoning requirements, are combined and applied to portions of available undeveloped land, approximately 20 residential units could be developed." This appears to conflict with the second bullet on page 181 that states, "Modification of the Zoning Ordinance to allow accessory apartments in commercial

zoning districts has been eliminated as a strategy due to the incompatibility of small-scale housing units within the context of large commercial structures.”

**Suggestion:** Clarify the present and intended future status of mixed-use commercial/residential development.

**Comment 4:** As noted in my comments of April 16, 2020 on the draft Plan, the *Comprehensive Planning Standards Manual* requires that comprehensive plans illustrate the effects of sea level rise on saltwater marshes, including potential losses and migration areas, by including maps showing:

- The marsh areas within the community that are likely to be lost in the event of 1’, 3’, and 5’ of sea level rise, and
- The areas within the community to which marsh is likely to migrate in the event of 1’, 3’, and 5’ of sea level rise.

Although the Plan does include a map displaying sea-level rise, it does not appear that information on the loss and migration of marshes has been included.

**Suggestion:** Add a map specific to marsh loss and marsh migration.

## II. Comments and Suggestions Not Relating to the Requirements of the Act

**Comment A:** There is some confusion regarding the Town’s historic districts. On page 26, the Plan states, “Westerly contains six (6) neighborhoods listed in the NRHP” and on page 143 it states, “There are seven (7) neighborhoods in the Town listed on the National Register of Historic Places (NRHP)”. The RIHPHC reports that there are seven historic districts, not neighborhoods, listed on the National Register of Historic Places.

Also on page 143, please correct “Downtown Westerly (including a later amendment)” to “Downtown Westerly (including two later amendments)”

**Comment B:** RIDEM notes that the Town intends to rely on an Onsite Wastewater Management Plan (OWMP) as a means to manage and protect water resources from the stressors of failing or substandard septic systems. However, there is no discussion on the role or effectiveness of the Town’s OWMP in this Plan. The current benefit is making available low-interest loans through the CSSLP to income-eligible only property owners to repair their failing system. While commendable, this effort is limited to a few eligible properties after a problem occurs, which may not be addressing the actual need. A more pro-active On-site Wastewater Management Program could ensure proper maintenance of all on-site wastewater systems to prevent failure (and therefore to prevent water pollution) through a system of inspection requirements.

**Comment C:** Page 73, paragraph 2 – Correct the statement “required five (5)-year plan update” to “required ten (10)-year plan update”.

**Comment D:** In the Chapter 4 *Implementing the Plan*, consider adding an action to investigate setting maximum limits of construction envelopes for development projects to keep disturbance to existing vegetation to the minimum necessary for construction.

**Comment E:** Page 87, there is a problem with the wording of Action ECON-1.4.C “Study and plan for community characteristics needed to ensure Westerly as a tourist-friendly town is a good candidate for full-time relocation by families.”

**Comment F:** Page 120, Subsection 1.5.1 *Aquaculture* states, “While aquaculture is a basic economic activity for the community and has favorable growth potential, the activity also has the potential to interfere with other uses of the salt ponds.” This is an important issue that does not appear to have a corresponding action in the Implementation Program. Consider adding one, even if it is just to call for developing a separate plan to address this issue.

**Comment G:** Page 145, the citation of CRMC Section 220 Areas of Historic and Archaeological Significance is outdated. The correct citation is now CRMC Rule 650-RICR-20-00-1.2.3.

**Comment H:** Please revise the last paragraph on page 145 as follows to avoid possible confusion, “...the Federal Emergency Management Agency (FEMA) exempts historic structures from floodplain management requirements of NFIP if they maintain their historic designation. **However,** Westerly is interested in preparing design standards that would allow historic properties to be elevated to protect these structures from flood hazards and sea level rise...”

**Comment I:** Page 153, Table 4-6 Housing by Structure Type – The “Header” row and the “Total” row are unreadable due to black lettering on a dark navy-blue background.

**Comment J:** Page 187, Subsection 5.2.3 – *Westerly State Airport and the Airport Industrial Park* the statement, “Westerly Airport Association operates WST” is incorrect. The RI Airport Corporation operates the Westerly Airport.

**Comment K:** Page 188, Subsection 5.2.7 – *Tourism* cites statistics from 2002 and 2004; we recommend that more recent data be cited.

**Comment L:** Page 221, “Westerly’s most recent WSSMP was prepared in May 2013...” The most recent WSSMP was 2020.

**Comment M:** Page 224 Subsection 7.2.1 *Existing Sewer System Capacity* – RIDEM requests that this subsection be updated to mention the 2018 Westerly Wastewater Facilities Plan Amendment. This amendment removed Misquamicut from the sewer expansion plans as well as the Avondale and Mt. Moriah neighborhoods. Per the Amendment, the Town intends to rely on OWTS for those three neighborhoods. In addition, on page 225, the last sentence of Subsection 7.2.1 states that the WWTF has room to expand to 4.4 MGD. RIDEM reports that they have no record of any design data to substantiate that claim and recommends that the Plan state that the Town will be evaluating future flows and capacities as part of the upcoming Facilities Plan Update.

**Comment N:** Page 241, please correct the following sentence as follows: “WST is classified as a commercial service airport due to annual passenger enplanement numbers ~~falling between~~ above 2,500 ~~and 10,000 passengers~~. Also, please consider the following revision: “The community will continue to ~~decide~~ provide input on the scope and scale of airport operations...”

**Comment O:** Page 243, Section 9.1 *Overview of Natural Hazards* – The updated link to the Rhode Island State Hazard Mitigation Plan is [http://www.riema.ri.gov/RIHMP\\_FullPlan\\_Reduced.pdf](http://www.riema.ri.gov/RIHMP_FullPlan_Reduced.pdf).

**Comment P:** Part III Mapped Figures – Multiple maps use the designation “Lake or Pond” for the various waterbodies appearing on the map. As a result, the Atlantic Ocean is labeled as “Lake or Pond”. We recommend the use of the term “Water” or “Waterbodies”.

**Comment Q:** Map INF-M3 (page MF 19) includes a display of, “Prospective Sewer Service Extension Area”. RIDEM reports that the sewer service extension area shown on this map is not consistent with the Town’s 2018 Wastewater Facilities Plan. Since Map INF-M3 represents the Town’s current intentions, it will need to include the new prospective sewer service extension area in the upcoming Facilities Plan Update.

### III. Errata

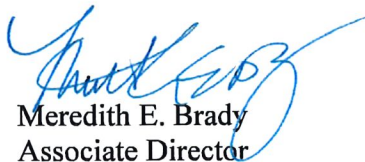
- Page III, Table of Contents - Section 3.2 says “Error...” instead of a page number.
- Page 168, Subsection 4.6.3 – The reference to Table 18 should be to Table 17.

### IV. Conclusion

While the Plan contains many commendable goals, policies, and actions, I cannot certify, at this time, that the Plan complies with at all the review requirements. Each of the comments identified under “Comments and Suggestions Relating to the Requirements of the Act” need to be satisfactorily addressed for the Plan to be approved.

The Act provides that the Town has 60 days from the date of this letter to respond to this correspondence. However, this timeframe may be extended upon our mutual agreement. Requests should be addressed to me, Meredith Brady, Associate Director, Division of Statewide Planning. A final decision will be rendered within 30 days of the close of the 60-day response period.

Yours truly,

  
Meredith E. Brady  
Associate Director