The vision for the Town of Westerly is to preserve and enhance its quality of life for all generations as a safe, resilient, and compassionate community with a healthy environment, a distinctive heritage, extraordinary cultural and natural resources, a strong, stable, equitable economy, and a responsible and publicly engaged government.

- Town of Westerly 2020-2040 Comprehensive Community Plan

MEMORANDUM

To: Chairman Hopkins & Members of the Westerly Planning Board

From: Nancy E. Letendre, Esq. AICP - Town Planner/Administrative Officer

Date: June 7, 2024, for meeting on June 18, 2024

Subject: WINN Properties - Memo detailing standards for denial based on non-conformity with the 2020-2040 Comprehensive Community Plan.

The Planning Board may deny a comprehensive permit if; (c) The proposal is not in conformance with the comprehensive plan;

Recommendation of the Administrative Officer/Town Planner

FUTURE LAND USE PLAN. It is the Administrative Officer’s opinion that the proposed development of 2300 apartments is a huge departure from the intent of the Comprehensive Plan as it relates to the Future Land Use Plan for the community, the goal of which is: “to strike the appropriate balance between conservation and development and focus on resiliency.” Page 31, Part 1.

“Land policies that protect, preserve, rehabilitate, and redevelop existing built resources will address the vision of this Plan while maintaining a friendly and safe community that has preserved its quality of life for all generations, protected its distinctive heritage and extraordinary cultural and natural resources, and dedicated itself to a vital economy.”

The Future Land Use (FLU-M1) Map identifies the properties associated with the existing Winnapaug Golf Course as “Recreation” a category of land use “Intended to capture active and passive, public and private recreation areas.” Page 51, Part 1. The golf course is zoned “Commercial Recreation” which is defined in the Comprehensive Plan. In fact, the Winnapaug Country Club is specifically mentioned, along with the intent to preserve its current recreational use and the addition of a hotel.
“CR (Commercial Recreation)
The Commercial Recreation zoning district, which consists of approximately 760 acres (or 3.8% of the total land area within the Town), is intended for areas that have historically housed commercial recreational facilities, adjacent to residential areas, in order to allow their continued existence subject to reasonable regulations and limitations on future expansion. Properties in the CR zones may include a hotel, provided that the hotel remains accessory to the current recreational use, which in all instances shall remain the principal use. These areas include the four golf courses in Westerly, the Misquamicut Club, Winnapaug Country Club, Weekapaug Golf Course, and Shelter Harbor Golf Course, and the Westerly Yacht Club.”  Part 1, page 42.

Multi-family residential development is not an as-of-right use in the Commercial Recreations zoning district. The use is not even contemplated in a district reserved for recreational facilities, commerce and tourism.

Other properties included in this proposal are identified as:

a. “Medium-Density Residential”- designed to conform to the existing residential development pattern, of a single-family dwelling for every 30,000 sq ft. (Making allowances for a comprehensive permit density 4.45 u/a.)

b. “Shore Commercial- General” – “intended to promote the use of waterfront locations for servicing local and seasonal businesses and water-related activities”. (Not intended for residential development.)

c. “General Industrial” – “intended for industrial and manufacturing uses that must be segregated because of their incompatibility with other land uses and is designed to provide for the infrastructure and operational requirements necessary for such uses.” (This parcel is located in the former Airport Industrial Park and is not intended for residential development.)

A massive program of redevelopment, with a giant bump in residential density is contrary to the Town’s stated needs. Such a use is in opposition to the Town’s land-use goals, inconsistent with land-use policy and does not further public interest priorities.

COMPREHENSIVE PLAN INCONSISTENCY. The 2020-2040 Comprehensive Plan for the Town of Westerly was approved by the State of Rhode Island in May of 2021. RI General Laws require that all local land-use regulations and all subsequent land development actions must be consistent with the State approved Plan. Planning Board decision-making must be consistent with the Comprehensive Plan.

(1) The affordable housing production strategy is not the only policy and action plan in the Comprehensive Plan applicable to the proposed.

a. Correspondence provided on behalf of Keep Westerly Green illustrates the proposed is inconsistent with policies throughout the Comprehensive Plan.
b. Quoting the Comprehensive Plan: “The standard by which a land-use decision or Town action is evaluated is not merely general consistency with the comprehensive plan. To find consistency, all local land-use regulations and all subsequent actions must be in basic harmony with the priorities and purpose of the comprehensive plan - expressed in the vision and values articulated in Section 1.3 and further iterated in Section 2.8 of this Plan. In addition, the goals, policies, and actions of the comprehensive plan must be construed such that they can be reconciled with each other.” *Part 1, page 12.*

- “The Vision for the Town of Westerly is to preserve and enhance its quality of life for all generations as a safe, resilient, and compassionate community with a healthy environment, a distinctive heritage, extraordinary cultural and natural resources, a strong, stable, equitable economy, and a responsible and publicly engaged government.” *Part 1, page 4.*

- An important set of values *(page 4-5)* that complement this vision in the Comprehensive Plan. These values do not exclude change but sets parameters for future development. All are relevant in the Board’s consideration of the proposed Winn Properties, LLC development.

1. **Protect the integrity of the Town’s existing residential development pattern with limited changes to density.** Residential districts shall reflect the actual development patterns in the community which the Plan intends to preserve. In areas vulnerable to flood hazards or sea level rise, in the aquifer protection or recharge area, contain suburban sprawl. Increase residential density in areas with public sewer and water by providing more options for multi-family development, including apartments and multi-family structures of 2 to 4 units, to meet the needs of low- and moderate-income households.

2. **Focus on redevelopment and revitalization of industrial districts and mill villages.**

Mill villages and industrial districts shall retain traditional character and include a mix of uses.

3. **Permit commercial use through innovative development regulations and techniques.** Commercial sprawl shall be avoided. Instead, integrate new commerce and maximize the development potential in existing commercial districts. Provide for shared or maximum parking requirements. Provide incentives to develop outparcels for single tenant retailers in the parking lots of strip malls. Continue to break down silos and be flexible with where businesses locate (e.g. “medical retail” moving into strip malls).

4. **Preserve Westerly’s waters, open space, and natural resources.**

The conservation and protection of coastal waters, freshwater ponds, rivers, wetlands, scenic viewscapes, and environmentally sensitive lands, including beaches, shall be addressed when considering potential future growth.
5. **Protect and expand critical public services, especially public water supply quality and availability and wastewater treatment facilities.**

Water supply protection and potential expansion, and protection by berm or otherwise, of the Town’s wastewater treatment plant are highly important issues for immediate consideration.

6. **Maximize traffic safety and mobility by maintaining local road surfaces, introducing traffic calming tools where appropriate, and re-engineering traffic patterns with related storm water infrastructure.**

Development shall not outpace the capacity of roadways and related storm water controls. Traffic safety can be enhanced by the installation of traffic calming tools.

7. **Limit automobile traffic through support of commuter rail, Rhode Island Public Transit Authority (RIPTA) and other public transportation services, and establishment of local pedestrian and bicycle networks where public safety concerns can be met.**

Take full advantage of Westerly’s strategic location on the Northeast Corridor (NEC), protect, and diversify transportation assets, and connect neighborhoods and commerce with recreational and healthy aging opportunities.

8. **Promote diversity in the type and the vitality of locally owned businesses.**

New businesses will take on different forms (e.g. telecommuting, virtual reality, artificial intelligence), need different types of spaces (e.g. home offices, incubators, co-ops), and different infrastructure (e.g. telecommunications, broadband).

9. **Encourage a range of viable housing options for all income and age groups.**

Units that cost less because they are small and efficiently designed, such as micro-apartments, and in many cases do not come with a parking space, are an underappreciated, but potentially important, component of the housing market benefiting the middle-income workforce, as are multi-family homes and other shared-living spaces.

10. **Support institutions such as Westerly Public Schools, Westerly Hospital, emergency responders, and numerous and diverse public-private partnerships and non-profit organizations throughout Westerly.**

People choose to live where their children can receive a good education, where they have access to quality healthcare, where they feel safe, and where they can participate in and contribute to community activities. The missions, functions, and vision of these institutions are intended to support the entire community.

11. **Explore the role this Comprehensive Plan should play in identifying local health issues and promoting the long-term health of the community as**
**well as ensuring emergency preparedness.** Inventory public health topics such as recreation, public safety, clean water, active transportation, emergency transportation, living conditions, mental health, substance abuse, food security, infectious diseases, etc. Explicitly include public health related goals, objectives, and policies in future planning to include age-friendly and ability-friendly considerations.

12. **Implement the Plan while maintaining the sound financial condition of the Town government.** The Capital Improvement Program (CIP) shall be consistent with this Plan and will serve the following functions:

a. Orderly and efficient provision of facilities and services through long-range capital facilities planning;

b. Address deficiencies, if any, to accommodate desired future growth and development;

c. Maintain adopted level of service standards through sound and timely investment in the Town’s capital resources and to the extent financially possible in any given fiscal year; and,

d. Budget maintenance expenditures and operating costs for all facilities and services, and project such costs out five years in the CIP required each fiscal year.

**LAND USE GOALS, POLICIES & ACTIONS.** The 2020-2040 Comprehensive Plan includes in pertinent part:

**GOAL HSNG-1** A broad range of integrated, inclusive, age-friendly, and affordable housing options town wide will securely meet the needs of all households and individuals in the community.

**POLICY HSNG-1.1** Continue towards achieving the State requirement for a minimum of 10% of the total year-round housing stock to be subsidized, deed-restricted, and occupied by LMI households.

**ACTION HSNG-1.1.A** Revisit the inclusionary Zoning Ordinance based on State law changes, market trends, incentives, and new land-use policies, and amend accordingly. *This action is in progress.*

**Action HSNG-1.1.C** Identify parcels most suitable for development of qualified LMI units by comprehensive permit and pre-qualify for development consistent with this Plan. *This is taking place as part of the current Housing Study.*

**Action HSNG-1.1.E** Include LMI qualified units in neighborhood revitalization, residential rehabilitations, and new construction. *This action item is a part of all Planning Board approvals.*

**ACTION HSNG-1.1.F** Upon publication of the 2020 HUD Census Data, revisit residential buildout and realign density bonuses awarded through Comprehensive
Permits with prevailing needs. **Census data has been updated and the current buildout and housing needs are being considered.**

**Action HSNG-1.1.G** Encourage the use of the comprehensive permit for the development of housing where 50% or more of the units qualify as LMI, with restricted sales price or rental rates for a period of at least 30 years. **With recent changes to State Law supporting 50% and 100% AMI projects, Westerly has made this action item a priority.**

**POLICY HSNG-1.2** Assure current and future residents that a broad range of opportunities to live in the community will be available.

**Action HSNG-1.2.B** Continue to work with public agencies and private non-profit and for-profit entities in creating integrated affordable housing opportunities, family, transitional, and cooperative housing. The Planning Office has been coordinating with Habitat for Humanity & WDC on identifying parcels suitable for affordable housing development.

**ACTION HSNG-1.2.F**: Amend Zoning Ordinance to broaden the availability of accessory dwelling units and streamline permitting. **A housing needs assessment is HAS BEEN completed June 3, 2024, which will examine this idea, as supported by 2023 & 2024 RI General Law amendments.**

**ACTION HSNG-1.2.H**: Upon publication of the 2020 HUD Census Data, revisit residential buildout and apply the polices of this Plan to create new housing opportunity strategies. **Intern was hired for Winter/Spring 2023 to update Census data.**

**ACTION HSNG-1.2.I**: Develop standards for achieving a mix of residential uses into mixed use districts. **This action is part of all commercial corridor redevelopment.**

**Policy HSNG-1.3**: Promote the development and rehabilitation of integrated affordable-by-design housing throughout the community.

**ACTION HSNG-1.3.G**: Revise zoning ordinance to encourage family rental units (of 1 to 3 bedrooms) designed in 2- to 4- unit structures. The Planning Office, in coordination with the Zoning Office and Assistant Solicitor for Planning and Zoning, have been working on zoning ordinance amendments, including this revision to multifamily development regulations.

“Preserving the character of the community, and on a smaller scale each of its neighborhoods, is a key element of the Town’s Vision. Action on the vision includes improved opportunities for the public to voice their values, ideas and concerns on the topics of housing, recreation, services, business, infrastructure, and transportation. Resiliency in all parts of the community and in all facets of land use, including through conserving areas of open space and important land features, is applied in each planning area. The following Land-Use Goals and Policies reflect the Town’s Vision.” **Part 1, page 63.**
GOAL 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.

Policy LUZ-1.1 Emphasize the redevelopment of underutilized parcels in areas with adequate infrastructure and access to public services.

Policy LUZ-1.2 Ensure future development is compatible with adjoining land uses, the natural environment, available or planned community services, and existing historic and cultural features.

GOAL LUZ-2 Municipal land use regulations and the zoning ordinance shall be consistent with the vision, values, goals, and policies set forth within this Comprehensive Plan.

Policy LUZ-2.1 Address zoning district inconsistencies in the Implementation of this Comprehensive Plan consistent with "Table 6. Overview of Zoning Inconsistencies with Future Land-use".

Policy LUZ-2.2 Advance the numerous policies and actions related to land use in the Implementation of this Comprehensive Plan consistent with "Table 7. Amendment of Land-Use Provisions".

GOAL LUZ-3 Promote orderly growth and a resilient community through an appropriate balance between conservation and development.

Policy LUZ-3.1 Prioritize changes to existing zoning provisions that are consistent with the future land-use designation.

Policy LUZ-3.2 Address residential density based on the unique qualities and needs of discrete planning areas and through future neighborhood-based zoning district changes.

Policy LUZ-3.3 Consider the land-use implications of investment, design and implementation, capital project plans and improvements, within the context of economic development, natural hazards, and future community needs.

The COMMERCIAL and RECREATIONAL use of the WINN properties is celebrated in the 2020-2040 Comprehensive Plan.

GOAL ECON-1 A place-based approach to economic development will attract broad opportunities for all participants in the local economy.

POLICY ECON-1.1: Focus on unique features and existing community assets to draw new investment.

ACTION ECON-1.1.D: Review and revise the Zoning Ordinance with strategies to promote longer stays by visitors and tourists while limiting impact on local neighborhoods. The Planning Board has found that the resort concept for Winnapaug Golf Course is consistent with this policy and the intent of the “Commercial Recreation” zoning district.

POLICY ECON-1.2: Encourage regulatory reform, incentives, and other tools to create the appropriate conditions for equitable, robust economic activity.
ACTION ECON-1.2.A: Amend the Zoning Ordinance to incorporate beneficial elements of neighborhood planning appropriate to the existing built environment. *These elements were part of the Planning Board recommendation for the proposed “Golf Resort overlay district.”*

**POLICY ECON-1.3:** Ensure that new economic development opportunities preserve community assets and character.

ACTION ECON-1.3.B: Revise the Zoning Ordinance to expand and broaden uses within the GC, GI, HC, MC, ORAT, P-15, SC-G, and SC-WH zoning district boundaries to reduce commercial sprawl and promote better utilization of existing district. *Sacrificing GI and SC-G zoned parcels for residential development would contradict this purpose.*