

*Town of Westerly
Rhode Island*

DEPARTMENT OF
DEVELOPMENT SERVICES

OFFICE OF PLANNING



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May 5, 2021

Meredith E. Brady, Associate Director
Department of Administration
DIVISION OF STATEWIDE PLANNING
235 Promenade Street – Suite 230
Providence, RI 02908

RE: RESPONSE TO COMMENTS ON TOWN OF WESTERLY COMPREHENSIVE PLAN

Dear Ms. Brady,

On April 1, 2021, the Office of Planning received a letter from the Division of Statewide Planning providing the Town of Westerly with initial comments on the *Town of Westerly Comprehensive Community Plan 2020-2040* (The Plan), as adopted by the Town Council on January 20, 2021. The Planning Office has addressed these comments within the text of The Plan.

The purpose of this letter is to address Comments 1-4 within Section I of the letter dated March 26, 2021 provided by the Division of Statewide Planning. Comments and suggestions provided in Section II and errata noted in Section III have also been addressed within the text of The Plan to the extent practicable. State Comments A – E & G-Q from Section II have been considered and many have been incorporated or addressed as specified. An explanation in response to Comment F from Section II has been addressed below.

“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."

Town of Westerly Response: See details of revisions on pages 48-56, Section 3.6.1 "Future Land-Use Categories" with rearranging text for clarity between changes to existing zoning and changes due to inconsistencies between zoning and FLUM; a new title for Table 5; revisions to Section 3.6.2 – Inconsistencies; edits to Table 6 explaining intended schedule for changes; and new details added to Section 3.7 – Land-Use Goals, Policies and Actions on pages 64-65.

(excerpts attached)

"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.”*

Town of Westerly Response: Modifications of both Table 4-16 and 4-17 have been made. Table 4-16 clearly identifies LMI Deficits for 2010, 2017, and Build-out separately. Table 4-17 clearly identifies the data as production for the “underserved segment of Westerly households,” and further clarifies this by identifying the percent of total supply needed (which is 883).

“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.”*

Town of Westerly response: At page 175 added the sentence “With the introduction of new mixed-use provisions, the number of LMI units may increase.” At page 181, edits clarify that the housing production strategies have changed from so-called accessory apartments in commercial zones to a strategy of mixed residential and commercial as the primary use in the commercial zones. It now reads: “•Modification of the Zoning Ordinance to allow a mix of residential and commercial as a primary use in commercial zoning districts has replaced the concept of accessory apartments in the commercial zone as a strategy. ...”

“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.”*

Town of Westerly response: Three (3) new Hazard maps have been added to the Mapped Figures at the end of the document (HAZ-M4, HAZ-M5, and HAZ-M6) depicting the SLAMM model provided by RIGIS. A reference to these maps has also been added to Subsection 9.1.7.

“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 fall developing a separate plan to address this issue.”

Town of Westerly response: Action NAT-1.2.J. addresses the Salt Ponds as part of marine spatial planning and states “Ensure competing uses in these areas do not have a detrimental impact on fisheries and ecosystems.” Aquaculture is considered a “competing use” in this case and would be addressed in the marine spatial plan.

At a public meeting on Tuesday, May 4th, the Westerly Planning Board officially endorsed these revisions and directed the Planning Office to provide this correspondence as their official response to Statewide Planning’s March 26, 2021 communication.

Should you have any questions regarding the revisions made, or have additional questions regarding The Plan, please contact me via telephone at (401) 348-2536 or email at nletendre@westerlyri.gov.

Regards,

A handwritten signature in black ink that reads "Nancy E. Letendre". The signature is written in a cursive, flowing style.

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

cc: Kevin Nelson
J Mark Rooney, Town Manager