



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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

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

April 16, 2020

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

Subject: Draft Comprehensive Plan Review

Dear Ms. Letendre,

Our office greatly appreciates the opportunity to work with our municipal partners in the drafting of community comprehensive plans. Our office has completed its review of the draft *Town of Westerly Comprehensive Community Plan 2020-2040*. The following constitutes our evaluation of the material provided.

Please be advised that this is a preliminary evaluation and does not constitute official findings.

What follows is divided into two sections: Section I sets forth concerns with the draft materials that relate to approvability issues, while Section II presents other suggestions that, although not directly related to approvability standards, could improve the plan's overall accuracy, readability, and usability, once addressed.

I. STATE APPROVAL CONCERNS

The following approval concerns were identified during the review. The first concern involves multiple Parts and Chapters. The remaining concerns are organized by individual Part and Chapter.

Comment 1: The Comprehensive Planning Act requires that Land Use be included as an individual component (i.e. element, part, chapter, section) of a comprehensive plan, and that includes all the following:

- A Future Land Use Map (FLUM);
- Descriptions of each of the future land uses and densities shown on the Future Land Use Map;
- Identification of any areas of the municipality in which inconsistencies exist between the existing zoning districts and the desired future land uses illustrated on the Future Land Use Map;

- Proposed resolutions for any inconsistencies that exist between the existing zoning districts and the Future Land Use Map and categories;

The draft Plan does not satisfy this standard in several respects:

- 1) The draft Plan does not include an individual Land Use component; rather, it presents land use in Part I, Chapter 2; Part III, Chapter 10; and Part IV, Mapped Figures.
- 2) The draft Plan does not include descriptions of each of the future land uses and densities shown on the FLUM.
- 3) The draft Plan does not include all the land use categories required to be depicted on the FLUM; namely, “significant existing, permanently protected outdoor recreational areas.”
- 4) The draft Plan does not include identification of any areas of the municipality in which inconsistencies exist between the existing zoning districts and the desired future land use.

In order to receive State approval, the final plan must address each of the items listed above. With regard to 4), we offer the following guidance:

If inconsistencies are found, the Plan must:

- Clearly delineate, on a map, the areas that have been determined to be inconsistent;
- Identify the existing zoning in the areas that have been determined to be inconsistent; and
- Identify the future land use designations of areas that have been determined to be inconsistent.

For any inconsistencies between the existing zoning districts and the Future Land Use Map and land use categories, the comprehensive plan must propose resolutions by selecting and discussing one of the following options:

- Propose to change the zoning of a particular area to an existing zoning district that is consistent with the future land use designation, giving a brief description of the zoning district that includes the allowed uses; or
- Propose the creation of a new zoning district that would achieve consistency with the future land use designation, and the application of the new district to the inconsistent area, giving a brief description of the intended zoning district that includes the expected allowed uses.

With the completion of this analysis, the final Plan should update page 34, Subsection 2.7.2 – Zoning Inconsistencies, where the draft Plan states: “Several inconsistencies were identified between the current Zoning Ordinance, the official Zoning Map effective July 1, 2019, and the *prior* Future Land Use Map” [ital. ours].

Part I Vision & Strategies

Chapter 2: Overview

Comment 2: The draft Plan appears to be internally inconsistent with respect to housing, density, sprawl, and population. Subsection 2.7.3 – Residential Density and Neighborhood Planning (page 35) includes the following statements:

- At buildout in the year 2038, the total number of year-round housing units in the Town is projected to be 14,188. (The Housing chapter reports 10,648 non-seasonally occupied units, and 12,695 total units as of 2017.)

- Based on population growth, the Town of Westerly will need approximately more than 16,000 housing units by the year 2040.
- Westerly under current zoning indicates a capacity of an additional 1,868 housing units.
- It is no longer necessary to further change the zoning districts or the regulations applicable within each district to control future growth.
- ...any change in residential density shall be addressed through future neighborhood planning initiatives and not through general zoning district changes.
- This Plan’s recommendation with respect to generally not increasing density is a deliberate attempt to responsibly limit residential sprawl. Instead this Plan encourages sustainable growth, including residential density intensification, through neighborhood plans where the public utilities and infrastructure are in place. Mixed-use and in-fill development *at increased densities...*[ital. ours]

With respect to “neighborhood plans,” the draft Plan defines them as, “A document presenting a vision and strategy to guide change within a contiguous, often predominantly residential portion of an urban area.” Many of the Plan’s actions involve the creation of neighborhood plans at some future time. How will these plans be coordinated with the Comprehensive Plan? Will they become amendments to, or propose amendments to, the Plan? How can a “document presenting a vision and strategy” address changes to residential density without any zoning changes (fifth bullet above)?

With respect to the last bullet and limiting sprawl, the buildout analysis identifies over 2,500 acres of residentially-developable land, of which only 175 acres is zoned high-density. Furthermore, “mixed-use” is mentioned as a way to increase density, but Table 1-2 Zoning Districts 2019 does not include a mixed-use zoning district.

The final Plan will need to resolve or explain these apparent discrepancies and omissions. Additionally, the Town will need to ensure that all subsequent references and projections are consistent throughout the document.

Part II Implementation (and Part I, Chapter 3: Goals, Policies, and Actions)

Comment 3: Action ECON-1.3.B “Revise the Zoning Ordinance to prohibit the expansion of the GC, GI, HC, MC, ORAT, P-15, SC-G, and SC-WH zoning district boundaries to prevent commercial sprawl while promoting better utilization of existing district (*sic*)” appears to be proposing a legally-unenforceable action. Specifically, ordinances cannot prohibit future amendments to them. The mechanism for restricting future expansion of commercial districts is the Comprehensive Plan, especially the Future Land Use Map. Indeed, we note that Subsection 2.7.6 – Commercial and Industrial Buildout is quite explicit in stating, “This Plan prohibits the expansion of commercial and industrial zoning districts.” For the final Plan, this action will either need to be revised or deleted.

Also, while not an approvability issue, what does the Town mean by “promoting better utilization of existing district[s]”? If the Town is referring to infill, it would be helpful to clearly state so, and include specific actions that could be taken to promote infill development.

Comment 4: Neither the Implementation Program nor Chapter 3: Goals, Policies, and Actions includes a section on Land Use. 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.

Part III: Inventory & Analysis

Chapter 2: Open Space and Recreation

Comment 5: The *Comprehensive Planning Standards Manual* requires that comprehensive plans, “Analyze existing and future recreational needs.” While the draft plan does an admirable job of inventorying recreational assets, we did not find an assessment of existing and future needs. Please keep in mind that if the analysis determines that recreational facility needs exist, the Town is required to identify areas for the potential expansion of recreational facilities. Additionally, we note that Action REC-1.1 is to, “Expand recreational programming to meet changing demands:” the final Plan should specify what changes to the current recreational programming are needed, and how the Town will assess changes to demands over the 10-year term of the Plan.

Chapter 4: Housing Opportunities

Comment 6: The Comprehensive Planning Act requires that data be sufficiently recent to still be valid and be consistent throughout the document. Unfortunately, Subsection 4.1.2 – Income Characteristics, Section 4.2 – Housing Availability (first paragraph), Subsection 4.2.1 – Year-round Occupied Housing, and Subsection 4.2.2 – Housing Types (pages 126-127), contain a number of references to the year 2010 or the period 2000-2010. This data is both out of date and creates internal inconsistencies with other sections of this chapter, which cite data through 2017. The final Plan must cite 2017 or later data whenever it is available. Table 4-6 Housing Units by Structure Type, 2000-2017 presents an excellent example of how historical data can be presented.

Comment 7: The Comprehensive Planning Act requires that comprehensive plans demonstrate how one of the mandated low- and moderate-income thresholds will be met: these are defined as either 10% LMI housing or at least 5,000 occupied rental units, where those units comprise 25% or more of all housing units and have at least 15% of their rental units affordable to LMI persons. On page 153, the draft Plan states that “the year by which residential build-out is likely to occur is 2038.” It also states that “the total projection of affordable units from these [affordable housing] strategies over twenty (20) years is [#], short of the 877 required to meet the State’s 10% threshold.” For the Plan to receive State approval, the Town will need to either present strategies that will achieve the 10% threshold by build-out or include strategies for conversion of housing to LMI units post build-out.

While not required for State approval, Rhode Island Housing provided the following suggestions:

- Strategy 1.2 - Comprehensive Permit Ordinance (page 145) is unclear. It notes that in 2010, the Town identified the need to review the comprehensive permit strategy but does not provide the result. Overall, this strategy is worth developing further, particularly where it is noted to “identify parcels most suitable for development under comprehensive permits” and efforts to make the comprehensive permit review process more efficient and effective.
- Strategy 3.1 - Historic Mill Overlay District (page 150) notes that, “...there has not been much redevelopment.” Lincoln has a mill overlay district that includes an affordable housing requirement. It might be worthwhile for the Town to reach out to Lincoln to learn more about their overlay and if there are opportunities to improve Westerly’s overlay ordinance.
- “Accessory dwellings in residential zones” is noted briefly on page 154. The Town should consider making this a larger strategy to create affordable housing, or at least housing within financial reach.

Chapter 10: Existing Land Use and Zoning

Comment 8: There is an internal inconsistency between Table 10-1 Existing Land Cover, 2011 (page 222) and the 2011 Land Cover Map LUZ-M1. Additionally, the land use / land cover descriptions are inconsistent with the Anderson Level III coding that is used for the map. Most disconcertingly it appears that the “Conservation, Recreation, and Open Space” category includes both protected and unprotected land giving a false impression that 54% of Westerly’s land area has some form of protection from development. Furthermore, it is not clear how the Town calculates the 10,221 acres shown in Table 10-1 but reports only 4,760 acres as being zoned Open Space and Recreation or Commercial Recreation (page 230).

An additional concern is the Table’s reporting of “Vacant” land which the draft Plan states includes “visible wetlands.” We are not sure what is meant by “visible” wetlands and whether it differs from what is reported on the Map or elsewhere in the Plan.

To remedy this situation, we recommend that Section 10.1 – Existing Land Use be revised to more closely follow the RIGIS Land Use / Land Cover (LULC) descriptions attached to this letter. Most importantly, the Plan needs to be clear about land that some type of conservation protection from development and land that, although reported as undeveloped, has no conservation protection.

Part IV Mapped Figures

Comment 9: On Public Facilities Map SAF-M1, there are five sites simply labeled as “Municipal Facility.” The final Plan will need to identify what these facilities actually are.

Comment 10: The *Comprehensive Planning Standards Manual* requires that comprehensive plans contain one or more maps that illustrate:

- The areas that would currently be inundated in the event of a 1% and 0.2% storm as they appear on the most recent Federal Emergency Management Agency Flood Insurance Rate Maps;

- The areas that would be inundated in the event of Category 1 through 4 hurricanes; and
- The areas that are projected to be inundated due to 1', 3', and 5' of sea level rise.

The draft Plan does contain Natural Hazards and Mitigation Map HAZ-M1 that partially addresses these requirements. However, the final plan will need to have each of the above categories clearly and specifically illustrated on one or more maps. We strongly recommend that the Town display the information on two or more maps to minimize overlapping symbols and make the maps easier to read.

Comment 11: It does not appear that the draft Plan addresses the State's Comprehensive Planning Standard requirement 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 Sea Level Affecting Marshes Model Map HAZ-M2 does display areas of 1', 3', and 5' of sea level rise, they are very difficult to distinguish due to the scale of presentation and the fact that each category is displayed as a shade of blue. Ideally, the final Plan would display this information as a series of enlarged inset areas (see HAZ-M1 as an example). At a minimum, the final Plan should display each category in clearly distinguishable colors. In addition, the final Plan must identify areas within the community to which marsh is likely to migrate in the event of 1', 3', and 5' of sea level rise.

Comment 12: Public Facilities Map SAF-M1 includes five sites simply labeled as "Municipal Facility" without naming the specific facility. In addition, Municipal Facility symbols appear to be covering at least two other symbols featured on the map. (The Active Solid Waste Facility symbol is almost entirely covered as is a Library symbol.) The final Plan will need to clearly identify all facilities.

Comment 13: On Zoning Map LUZ-M2, both "High-Density Residential 6" and "Residential 6" are listed in the legend. We could not find a reference to Residential 6 in the draft Plan's list of zoning districts. The final Plan will need to either remove the incorrect designation from the map or include a description of the zone in the text.

While not approvability issues, the draft Plan notes that only 20 acres remain zoned "Planned Unit Development." Given the limited acreage and scale of the map, we recommend that a highly visible color be used to display this category. Also, is it correct that a "Planned Resort Facilities Development" district has not yet been included on the Town's Zoning Map?

Comment 14: It appears that Zoning Overlays Map LUZ-M3 is missing the Town's Aquifer Protection Overlay District. In addition, the map displays an "Airport Overlay 1" and "Airport Overlay 2". The Town's Zoning Ordinance makes no such distinction, nor is there any explanation in the text. The final Plan will need to present a complete and correct map of the Town's Overlay Districts.

II. COMMENTS AND SUGGESTIONS TO ENHANCE ACCURACY, READABILITY, AND USABILITY

General

Comment A: Part 1 of the draft Plan contains a Chapter 1, Chapter 2, and Chapter 3; additionally, Part 3 of the draft Plan contains a Chapter 1, Chapter 2, and Chapter 3. To minimize possible confusion and to make referencing parts of the Plan simpler, we recommend that duplicate numbering of chapters be avoided.

Comment B: The draft Plan places all the maps in a standalone section near the end of the Plan rather than within the relevant text that pertains to the map. Doing this makes the Plan disjointed, requiring the reader to scroll back and forth (or flip pages in a paper copy). We recommend placing the maps within the appropriate sections of the narrative. As noted in Comment 1, the Future Land Use Map is required to be included in a unified Land Use component of the Plan.

Comment C: Many tables and figures use white lettering against a light blue background which makes them difficult to read. Please use darker letters against a light background and vice versa.

Comment D: The draft Plan is very lengthy (267 pages). It takes a lot of time to get through the whole document, especially with a format including multiple parts on the same topics in multiple places. While the draft Plan provides much useful information about the Town, there is also a considerable amount of information that is not specifically relevant to Westerly. For example, from the Economic Vitality chapter: “A 2015 study of the contribution of agriculture to the Rhode Island economy estimated that agriculture and plant-based industries in Rhode Island are responsible for \$2.5 billion of annual sales and more than 15,800 jobs. Total indirect (spillover) effects were \$1.89 billion and 7,736 jobs. Combining these figures provides a total economic impact of \$4.39 billion and 23,562 jobs State-wide.”

We urge the Town to consider deleting this type of extraneous or tangential material from the final Plan, as well as seeking opportunities for consolidation and elimination of redundancies.

In particular, Part I, Chapter 3: Goals, Policies, and Actions is redundant to Part II Implementation. Consider deleting this Chapter to reduce the overall length of the Plan.

Comment E: The draft Plan includes many interesting photos of areas and features in Westerly; consider adding captions to explain them.

Comment F: The issue of preserving views of the night sky and the impact of excessive night lighting on wildlife is increasingly important. Please consider addressing this topic in the final Plan. The Department of Environmental Management offers the following recommendations:

- Include an action for a public campaign to promote dark skies for human health and wildlife as well as preserving our dark sky heritage, including information about physical safety and health.
- Include an action for a Dark Sky ordinance to address outdoor lighting. Neighboring Charlestown as well as Block Island have had Dark Sky ordinances for years, and South Kingstown discusses dark skies in its recently revised comprehensive plan. Tiverton just

implemented an ordinance as well, so there are several local examples to look to. (If the Town does pursue this action, please be aware of recent science on the impacts from blue light as well, as numerous existing ordinances predate this science.)

For more information and resources, please feel free to contact Amanda Freitas at amanda.freitas@dem.ri.gov.

Part I Vision & Strategies

Chapter 2: Overview

Comment G: On page 33, under Stormwater, the draft Plan states:

“The stormwater collection system located in Downtown Westerly has experienced several failures in the recent past. A study followed by a systematic prioritized program to address this issue is immediately necessary. Implementation of new federal mandates with respect to stormwater management and its costs need to be understood and planned for.”

Westerly has had a stormwater management plan in place under a RIPDES MS4 Stormwater General Permit since 2004, and there are no new federal mandates that we know of. Furthermore, we understand that Westerly produced a *Stormwater Utility District Feasibility Study Final Report* dated December 2011; might there be information or recommendations from that report that are still relevant? Consider revising this section accordingly.

Part II Implementation and (and Part I, Chapter 3: Goals, Policies, and Actions)

Comment H: Timeframes for implementation are listed on page 57. Please specify the short-term timeframe e.g. “Short-term (ST) - Some major actions will be accomplished in a relatively short period of time (less than five years) since they will signal early success...”

Comment I: Action NAT-1.2.H indicates that the Town should “Include Urban Coastal Greenway regulations.” It appears that this action is referencing the CRMC’s Urban Coastal Greenway requirements that are part of the *Metro Bay Region SAMP* (see 650-RICR-20-00-5). If so, these requirements apply only to the Metro Bay Region (Providence Cranston, Pawtucket, and East Providence). However, the Town could integrate similar regulations within its zoning ordinances, but the current action would need to be revised to clearly state that the action will involve amending its ordinances.

Part III Inventory & Analysis

Chapter 1: Sustainable Natural Resources

Comment J: Subsection 1.3.1 – Domestic and Industrial Wastewater Stressors (page 87), includes discussion of Onsite Wastewater Treatment Systems (OWTS) and cesspools. (Industrial wastewater does not appear to be mentioned at all.) This topic is also discussed in Chapter 7, Section 7.2 Wastewater Systems. We recommend that the Town look for opportunities to consolidate information where possible and utilize cross-references.

Also, in the same subsection, please correct the third paragraph, last sentence, as follows:

Improperly designed or failing systems can contribute pollutants in the form of nitrates, ~~(excessive nutrients,~~ and fecal coliform bacteria) to nearby surface waters or groundwater.

Comment K: Subsection 1.3.2 – Wellhead Protection (pages 87-88) provides a link to map NAT-M1 but it also refers to mapped areas such as wellhead protection areas, aquifer recharge areas, groundwater reservoirs, groundwater recharge areas, and wellhead protection areas, not all of which are found on that map. As was previously mentioned, we recommend placing maps within the appropriate sections of the narrative. At a minimum, this section should provide links to all maps that address surface and groundwater quality resources.

Comment L: Subsection 1.3.3 – Stormwater Management (page 89) – The last paragraph of this section needs several corrections/clarifications:

- Generally, RIDEM has jurisdiction for almost all projects in Westerly that trigger regulatory requirements for stormwater. CRMC has jurisdiction for stormwater requirements under the Red Book (650-RICR-20-00-1.3.1(F)) only when a project is located on a shoreline feature or the 200-foot contiguous area, or triggers one of the jurisdictional watershed activities as defined in the Salt Pond SAMP (reference 650-RICR-20-00-3). The CRMC’s regulatory jurisdiction is specified in the Westerly Zoning Ordinance at § 230-53(D).
- In addition to the RIPDES stormwater permitting programs, the RIDEM and CRMC implement the requirements of the RI Stormwater Management, Design, and Installation Rules for development and redevelopment projects meeting certain criteria. The purpose of these rules is to provide standards for planning, designing, and installing effective stormwater best management practices (BMPs) to effectively manage the impacts of stormwater and prevent adverse impacts to water quality, habitat and flood storage capacity. These rules require a stormwater management site plan for review by State and local government.

Comment M: Subsection 1.3.4 – Flooding (pages 89-90), the Rhode Island Emergency Management Agency recommends deleting the sentence: “As of the date of this Plan’s publication, Class 7 was the highest class rating achievable in Rhode Island.” Although this is what has been communicated to municipalities, and it is unlikely that a community would score higher than Class 7 in Rhode Island, it is technically possible to do so. Please feel free to contact Samantha Richer at Samantha.Richer@ema.ri.gov if you have questions about this.

In this same subsection, consider mentioning that the one-percent annual chance flood (a.k.a. 100-year flood) is changing due to factors such as sea-level rise and more frequent, intense storms.

Also, the last paragraph in this subsection incorrectly states, “Mandatory flood insurance purchases apply for developments within zones A and V.” Please delete this sentence or revise it to state that for properties with *federally-backed mortgages*, mandatory flood insurance purchase applies.

Comment N: In Section 1.5 – Agriculture (page 96), consider mentioning that although agriculture is highly valued, it does have the potential to negatively affect water quality and aquatic habitats if conservation practices are not used to protect these resources.

Comment O: In Subsection 1.5.1 – Aquaculture (page 97), consider mentioning that CRMC is the primary permitting agency for marine aquaculture. Also, there are 13.35 acres of aquaculture in Winnapaug Pond between two lease holders. The Town might also want to point out that, in order to support aquaculture, good water quality is needed.

Comment P: We appreciate what the Town has included in Section 1.6 – Natural Habitats and Vegetation (page 98), and the inclusion of the *RI Wildlife Action Plan's* Conservation Opportunity Areas on Natural Resources Map NAT-M1. However, we recommend that you take the opportunity to strengthen this portion of the Plan. For example, the draft Plan does not discuss the Conservation Opportunity Areas, what they mean, or what the Town might use the information for. Additionally, this analysis should be used in developing actions for implementation. Please feel free to contact Amanda Freitas at RIDEM (amanda.freitas@dem.ri.gov) for more information.

This section of the draft Plan would also be an appropriate place for the Town to explain what it does to protect/manage these resources. For example, the role of local land use and development regulations or any local open space acquisition program could be included.

Comment Q: Subsection 1.6.2 – Buffer Zones (page 99), states, “RIDEM requires a 50-foot buffer around wetlands and 100- and 200-foot buffers from riverbank wetlands adjacent to rivers and streams, depending on the width of the watercourse.” However, DEM is finalizing revised wetland regulations that require a buffer of 200 feet outward from the edge of a river, stream, or drinking water supply reservoir and 100 feet outward from all other wetlands. We suggest that this pending revision be mentioned or footnoted.

Comment R: Subsection 1.6.6 – Rare Species and Unique Habitats (page 101), mentions that map NAT-M1 shows significant Natural Heritage Areas which existed in Westerly as contributed to RIGIS by RIDEM in spring 2016. Please be advised that this layer has been updated. If you cannot locate it on RIGIS, you may contact Paul Jordan at RIDEM (paul.jordan@dem.ri.gov).

Comment S: Subsection 2.2.1 – *South County Greenspace Protection Strategy* (pages 107-108): While the *South County Greenspace Protection Strategy* is an excellent document, it dates to 2003. It may be worth mentioning that it should be updated with a more contemporary reference to current open space policies and strategies of RIDEM.

Chapter 2: Open Space and Recreation

Comment T: There appears to be some tension in this chapter between open space for active recreational use and open space for conservation/protection. Section 2.2 Regional Conservation Plans and Strategies (page 107) states, “In achieving regional goals for open space, there is a need to understand that there may be limiting factors such as road widths, traffic constraints, topography, existing environmentally sensitive areas and availability of funds.” While “topography” and “existing environmentally sensitive areas” may be limiting factors for developing a recreational area, they would not be so for conservation purposes. Please revisit this section and clarify.

Chapter 3: Historic and Cultural Resources

Comment U: As noted in the draft Plan, Westerly has a wealth of historic and cultural resources; please consider adding a discussion of any current or potential future threats to these resources.

Chapter 4: Housing Opportunities

Comment V: Throughout the housing section, the median assessed value of homes is noted. While this is useful, we recommend the final Plan also include the median home sales price, which could be significantly different from the assessed value.

Comment W: Please review Table 4-16 Existing and Projected LMI Housing Deficits and accompanying text on page 141 for accuracy and consistency. Please explain why the buildout estimate in this section (10,648) differs from the buildout estimate found in Table 10-3 Buildout Analysis, 2016 (page 232) which gives a buildout projection of 14,188. We suspect that this has to do with seasonal occupancy, but it is unclear from the text whether this is correct or not.

Comment X: Section 4.4 – Homeowner Market (page 129) and Subsection 4.6.2 – Home Values (page 132) both discuss house valuation and re-evaluation. Please review for consistency between these sections. The Town may wish to consider combining them to avoid redundancy and improve readability.

Comment Y: On page 134, in Subsection 4.6.3 – Cost Burden and Unmet Affordability Needs, the draft Plan states, “...while CHAS data is a product of the US Census Bureau in partnership with HUD and there are no known suitable alternatives for providing this housing data...” Please be advised that the Division of Statewide Planning does provide individualized municipality data on our website. Westerly’s data can be viewed at:
http://www.planning.ri.gov/documents/comp/data-sheets/DataSheet_Westerly2017.pdf

Comment Z: The Plan states inclusionary zoning may provide up to 243 units through buildout. Since this is not a new strategy it should be noted how many units inclusionary zoning has created in the past. This strategy also notes that due to changes in the administration of fees-in-lieu, the town must revisit those options. It’s not clear what change they’re referencing.

Comment AA: We are concerned that Strategy 3.2 Locally Designated Growth Center (page 150) is misleading. In particular, we are concerned with the characterization, “In an era of fiscal constraint, the State has targeted much of its infrastructure and redevelopment grant funding towards locally designated Growth Centers...” and the statement, “The State of RI has designated Bradford as a potential Growth Center.”

While this office is strongly supportive of a policy to “target” State infrastructure and grants to locally-designated and State-approved growth centers, there is no such policy in place. Some agencies may consider growth centers in their funding or project considerations, but it is not required or universal. In addition, the State has not “designated” Bradford as a potential Growth Center. In *Land Use 2025*, a number of villages around the state were identified as potential growth centers; however, *Land Use 2025* notes, “The ‘Centers’ depicted are for illustrative purposes and are not intended to designate specific geographic boundaries.”

Chapter 5: Economic Vitality

Comment BB: The RI Department of Labor and Training website for a “State of the State” snapshot of Westerly (www.dlt.ri.gov/lmi/pdf/stateofstate.pdf) may be useful as you finalize this chapter.

Comment CC: In Subsection 5.2.7 – Tourism (page 160) the draft Plan discuss Washington County tourism 2002-4. Data that old is not meaningful. Please reference more recent data or delete.

Comment DD: Consider adding a chart or graph that shows the unemployment rate in Westerly over the past fifteen or twenty years.

Comment EE: Figure 5-1 Median Income by Select Household Sizes, 1999-2017 (page 166): For accuracy, these amounts should be adjusted for inflation. Consider adjusting them to one “dollar year,” such as 2017.

Chapter 7: Infrastructure and Energy

Comment FF: In Subsection 7.5.2 Future Alternative Energy, the Plan mentions that the Town adopted regulations for wind energy systems in September 2006. Please consider including an action item to review the Town’s wind ordinance for possible updating. The reason for this is that newer turbines provide more power on average, and there are improved best management practices to protect birds, bats, etc. that were not available in 2006.

Chapter 8: Transportation

Comment GG: On pages 202 (1st paragraph) and 204 (2nd paragraph), there are references to a 2010 Comprehensive Plan survey. In addition, there is a reference to a 1995 Brown University study. Given the ages of the survey and study, we recommend that references to them be deleted.

Comment HH: Statewide Planning applauds the Town’s efforts to establish a bike path generally aligning with Shore Road, Atlantic Avenue, Weekapaug Road, and Winnapaug Road (Section 8.5 Cyclists and Bikability, pages 206-207). If the Town has not already done so, please review the draft Statewide Bicycle Mobility Plan (July 2019) for opportunities for coordination and implementation . The draft *Statewide Bicycle Mobility Plan* has a section that discusses Recommended Local and Statewide Policies and Programs (Chap. 4.3) and provides a toolkit for candidate bicycle treatments (Chap. 3.2.1) that can be used by local agencies to develop conceptualize bicycle improvement projects. The draft Plan can be found at <http://www.planri.com/pdf/bmp/RI%20Bicycle%20Mobility%20Plan%20July%202019>

Chapter 10: Existing Land Use and Zoning

Comment II: In Subsection 10.3.6 – Zoning Overlays (page 230), the draft Plan directs the reader to the Town's Zoning Ordinance for descriptions. We recommend that the final Plan include at least a brief summation of each overlay zone.

Part IV Mapped Figures

Comment JJ: It would be helpful to identify the Westerly State Airport on all maps. This is a very noteworthy landmark, allowing readers to orient themselves.

Comment KK: Natural Resources Map NAT-M1

- This map includes several overlays which makes it difficult to read. Consider splitting features onto two or more maps. For example, water resources map, open space/habitat resources, coastal resources, etc. At a minimum, we recommend removing the cross-hatching from features.
- Items noted in the description on page 86 for this map do not appear to be shown on the map.
- The Estuarine Water Quality Standard Boundary (and the Watershed Boundary) is shown as a polygon in the Legend rather than a line. The Water Quality Boundary is hard to discern as it approaches the shore. We recommend a color and or line pattern that is easily visible. In addition, we could not find where the Estuarine Water Quality Standard boundaries and Special Resource Protection Waters are defined or discussed in the draft Plan, so it's not clear what their presence means as it pertains to goals, policies, and actions nor how they relate to resource protection.

Comment LL: It would be extremely helpful if the recreational sites illustrated on Recreation Map REC-M1 were numbered, and either identified on the map itself (as done on the Neighborhoods map) or cross-referenced with the lists of recreational sites listed in the text.

Comment MM: On Historic and Cultural Resources Map HCR-M1, the text used to identify the Historic Sites is very difficult to read.

Comment NN: Neighborhoods Map NBH-M1 is a bit confusing with repeat numbers for neighborhoods and neighborhood planning areas in the legend, but sometimes only one or the other in the map.

Comment OO: The title of Map INF-M3, “Water Service Area” is incorrect. The Town’s Water Service Area is shown on map INF-M2. The correct title should be something like “State Designated Urban Services Boundary”. In addition, our agency no longer uses the acronym “RISPP”; please delete it from the map legend.

Comment PP: Transportation Map TRANS-M1 includes “Bike Path” as a category. While we appreciate Westerly’s commitment to biking, as Section 8.5 – Cyclists and Bikability acknowledges, there are no separated bike paths in Westerly at this time. The “bike paths” listed on the map are actually “signed on-street bike routes”. Please either remove this category from the map entirely or change the legend from Bike Path to On-Street Bike Route.

Comment QQ: Future Land Use Map FLU-M1

- In the Legend, please change “RISPP” to “State-Designated”.
- The maroon color of the Urban Services Boundary line is very difficult to distinguish from roads.

- We could not locate the land use “Coastal Commercial”; we recommend that you use a more visible color.

In addition to the above, several additional recommendations from the Department of Environmental Management and the Coastal Resources Management Council are provided in Attachment 1. Also, my staff is submitting electronically an annotated copy of the draft Plan, primarily noting various factual corrections.

As previously mentioned, this is a preliminary review. We have attempted to identify any approvability issues regarding the material provided but there are some items, such as requirements related to the plan’s internal consistency and completeness, which cannot be fully evaluated until a full draft is furnished. At the appropriate time, we encourage the Town to provide us the final draft, incorporating revisions made to the current draft. As always, please feel free to contact Kevin Nelson, Supervising Planner, with any questions, concerns, or requests that you may have at 222-2093 or at kevin.nelson@doa.ri.gov.

Yours truly,

A handwritten signature in blue ink, appearing to read "Meredith Brady".

Meredith Brady
Associate Director

cc: Kevin Nelson
Roberta Groch, AICP

Attachment 1

RIDEM offers the following information and recommendations pertaining to the Town's Implementation Program:

Action INF-1.1.I Continue annual communications from Utilities Division informing residents about actions they can take to improve water quality.

Recommendation: Please consider including topics such as composting in lieu of bagged fertilizer, minimizing household and outdoor use of chemicals, not washing cars in the driveway, using native plants in lieu of lawns, rain barrels and rain gardens, not flushing medications, and especially septic maintenance in education and outreach efforts.

Action INF-1.4.E Revise the Stormwater Management Ordinance to require green infrastructure in new private and public projects during road creation or improvement, installation of pedestrian rights-of-way (including sidewalks) and surface parking areas.

Recommendation: In planning roadways, curbing, etc. near forests and especially in areas of known vernal pools, please consider that one way to help vernal pool amphibians where they cross roads during migration and mating season is to design curbs and other measures that don't impede their movement or trap them. One of the best sources on this is Calhoun and Klemens 2002. If the Town is interested in identifying places where this may be appropriate, or where seasonal street signs might alert of migration sites, please contact Amanda Freitas at amanda.freitas.dem.ri.gov.

Action NRG-2.1.A Require re-vegetation, specifically the re-planting of trees, of properties disturbed through site development to protect carbon sinks, such as forests and fields.

Recommendation: This is an excellent action! If not already in place, consider an action to have provisions to minimize limits of disturbance and avoid vegetation loss in the first place, since that is preferable.

Action TRANS-2.1.A Revise and establish development standards to promote walkability and require safe, comfortable pedestrian movement within all new construction and redevelopment projects, particularly residential, commercial and mixed uses; and

Action TRANS-2.1.C Revise the Land Development and Subdivision Regulations to incorporate improved road design standards as a requirement for the approval of all new public and private street creations and for any opening of existing paper streets.

Recommendation: See recommendation for **Action INF-1.4.E** above related to curbing for wildlife in less developed areas of town.

Policy TRANS-2.2 Ensure that the municipal transportation system, including, but not limited to roads, bridges, and culverts, effectively and resiliently meets the community's needs; and

Action RES-1.1.B Work with the State of Rhode Island, the State of Connecticut, the Town of Stonington, the Town of North Stonington, and USACE to re-engineer and prevent potential failure of any bridge(s) evaluated as being structurally deficient in the event of a flood.

Recommendation: Especially with culverts and bridges, there's a chance to address resiliency and wildlife connectivity in concert. When such structures are evaluated, please consider aquatic and terrestrial passage as well as flood/structural safety.

Policy RES-1.2 Anticipate new development, redevelopment, structural elevations, and, if necessary, retreat from coastal shorelines and riparian zones in especially vulnerable areas.

Recommendation: At least one other state (in the south) has been referring to retreat as "mobility" to do what was needed without people having a visceral negative reaction. Something to consider in case it might be useful.

Action RES-1.2.C Replace native vegetation on publicly owned open space properties within the SFHA when missing, damaged or lost due to storm surge.

Recommendation: Consider revising this action to indicate that *all* (not just native) lost or damaged vegetation will be replaced. Only specify that the *replacement* need be native for this to apply.

Action RES-1.4.A Secure funding and remove the Potter Hill Dam.

Recommendation: Please coordinate with DEM's Division of Fish and Wildlife to minimize impacts to species such as mussels during construction

The Coastal Resources Management Council offers the following recommendation and information:

Consider mentioning the CRMC shoreline change (erosion) maps in Subsection 9.1.7 – Coastal Erosion as they are integral in establishing regulatory and protective setbacks along coastal beaches in Westerly and other coastal communities in the state. They are available at: http://www.crmc.ri.gov/maps/maps_shorechange.html.

In addition, CRMC has developed specific, high resolution, online GIS-based SLR maps to better visualize the local impact of SLR by showing areas of the Town that would be affected by SLR from 1-12 feet. This online map viewer is a better reference than the SLAMM maps for showing effects of SLR. It is available at <https://edc.maps.arcgis.com/home/webmap/viewer.html?webmap=f176a2def4714f2b986b8c0aec28cd2>

Finally, the State and coastal communities are being directed to use the online coastal risk assessment tools developed through the Beach SAMP, specifically STORMTOOLS to visualize storm surge and SLR. See: <https://www.beachsamp.org/stormtools/>

	COMP PLAN MAP	RIGIS LULC 03/04 Code	RIGIS LULC DESCRIPTION
	Residential	111	High Density Residential (<1/8 acre lots)
		112	Medium High Density Residential (1/4 to 1/8 acre lots)
		113	Medium Density Residential (1 to 1/4 acre lots)
		114	Medium Low Density Residential (1 to 2 acre lots)
		115	Low Density Residential (>2 acre lots)
	Commercial	120	Commercial (sale of products and services)
	Industrial	130	Industrial (manufacturing, design, assembly, etc.)
	Transportation & Utilities	141	Roads (divided highways >200' plus related facilities)
		143	Railroads (and associated facilities)
		144	Water and Sewage Treatment
		145	Waste Disposal (landfills, junkyards, etc.)
		146	Power Lines (100' or more width)
		147	Other Transportation (terminals, docks, etc.)
	Airports	142	Airports
	Mixed Use	151	Commercial/Residential Mixed
		152	Commercial/Industrial Mixed
	Developed Recreation	161	Developed Recreation (all recreation)
	Conservation/OS	163	Cemeteries
	Institutional	170	Institutional (schools, hospitals, churches, etc.)
	Agricultural	210	Pasture (agricultural not suitable for tillage)
		220	Cropland (tillable)
		230	Orchards, Groves, Nurseries
		240	Confined Feeding Operations
		250	Idle Agriculture (abandoned fields and orchards)
	Undeveloped /Unprotected	162	Vacant Land
		300	Brushland (shrub and brush areas, reforestation)
		410	Deciduous Forest (>80% hardwood)
		420	Softwood Forest (>80% softwood)
		430	Mixed Forest
		710	Beaches
		720	Sandy Areas (not beaches)
		730	Rock Outcrops
		740	Mines, Quarries and Gravel Pits
		750	Transitional Areas (urban open)
	760	Mixed Barren Areas	
	Water	500	Water
	Wetland	600	Wetland
NOTE:			
	Conservation/OS: Includes RIGIS State and Local Conservation Land datasets (2011)		
	Water: Includes RIGIS Lakes and Ponds dataset (1:5,000)		