

February 14, 2019

TO: East Greenwich Town Council: Dr. Mark Schwager, President
FROM: Jason Gomez, Chair, East Greenwich Planning Board
RE: Proposed Zoning Ordinance Amendments regarding Building Height

The Town of East Greenwich is considering amending its zoning code to revise the definition of and method for calculating “building height.” The proposed change is designed to bring the local zoning ordinance into conformance with State zoning enabling statutes. As you know by now, per Rhode Island General Laws § 45-24-31, “Definitions,” effective March 1, 2019, all communities in Rhode Island must use a standard definition of building height which provides for measurements to be calculated using base flood elevation rather than actual ground elevation as a starting point. Most communities have concerns that this will result in some new structures that sit much higher than their neighbors which could negatively impact local character and values. East Greenwich has proposed to reduce allowable overall building height in areas expected to be affected by the State’s change in hopes of minimizing any undesirable consequences.

The East Greenwich Planning Board had the opportunity at our regular February 6 meeting to review the draft amendments forwarded by our Planning Department. We voted unanimously to advance the Draft Ordinance to you for consideration. Prior to our vote, the Planning Board spent time discussing the State’s rationale behind its 2018 legislation and the local approach to contending with their decisions regarding building in or near flood hazard areas. The following points were highlights of our discourse:

While a coastal community, East Greenwich is not a true “beach town” and does not have wide expanses of marshland or other undeveloped territory that would be considered floodplain. As a result, we are not currently experiencing the same urgent development pressure from property owners to elevate structures as is being seen in nearby communities like Westerly, Charlestown, Narragansett, and South Kingstown. Not having thus far seen any rush to elevate structures above flood elevation makes it difficult for us to predict human behavior in East Greenwich going forward. It is therefore

challenging to understand how much mitigation of added building height might be necessary.

Some Board members noted that much of the affected area in East Greenwich lies within the historic district which makes demolition of existing structures more difficult - even when the rationale behind such a request is to harden the property against future storm damage. This is an additional reason why East Greenwich might continue to see less construction activity emerging from the recent State law changes than communities like those already mentioned.

Some Board members expressed concern that the current draft language might go too far in limiting building height as they wouldn't want to see a property owner who is actually trying to add value long-term by elevating their home or business end up being severely limited in terms of floor area. It was noted that the provision allowing affected owners to gain permission from the zoning board in order to exceed the ordinary height restrictions would seem to give them an avenue of relief that, by its very nature, takes concerns of the abutters into account.

I strongly encourage the Town Council to consider this matter carefully and we expect to follow your hearing process with great interest. Best of luck in your deliberations. Please feel free to reach out to me or the Planning Staff with questions.