



# Grow Smart!

NEWSLETTER OF GROW SMART RHODE ISLAND

APRIL 2002

## RI has a new Rehab Code!

There is an old adage about throwing the baby out with the bathwater, and Rhode Island's former rules for the rehabilitation of older buildings provided ample illustration of the story. Investors who tried to redevelop older commercial or industrial buildings found that a change of use or rehab costs exceeding 50% of the value of the property put the project in the category of "new construction," which often placed insurmountable obstacles—financial and technical—in the way of the project. A newly-adopted Rhode Island Rehab Code is about to remove these obstacles and contribute mightily to the work of putting our

*The proposed preservation and adaptive reuse of the historic O'Gorman and Lerner Buildings on Westminster Street in Providence are among the first that will be completed under the state's new Rehab Code. Undertaken for Cornish Associates by Durkee Brown Viveiros & Werenfels Architects, these historic commercial buildings are to be preserved and rehabilitated for mixed use. Street levels will retain pedestrian-friendly commercial activities; with twenty-two new residential apartments above.*



older buildings back into productive use. This code is a great boost for revitalization of our cities, and town/village centers and Grow Smart was happy to play a significant role in its creation.

### A culmination of two years of work

Achieving the Grow Smart coalition's goal of establishing a user-friendly Rehab Code has involved two years of research, code drafting, coalition building and consultation with technical experts. Formally adopted in February, the code is projected to go into full effect on May 1, 2002.

The path to enactment has certainly not been smooth or lacking in controversy, but the new code is a major step forward for revitalization efforts and overall economic development that maintains high standards of life safety. The code provides developers and owners of older buildings throughout the state with a more user-friendly and predictable system that should reduce substantially the number of variance requests that are needed for rehab projects. To the extent variance requests are still needed, they will be heard by a joint appeals board, not two separate boards. We will also have one code governing the basics of a rehab project, versus the current system that relies on two often contradictory codes.

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## BROWNFIELDS

### *What a difference a year makes*

A little more than a year ago in February 2001, Grow Smart Rhode Island sponsored a conference to answer the question *Revitalizing Brownfields: How Can Rhode Island Do More?* The 160+ conference attendees endorsed a series of policy recommendations that called for:

- supporting federal brownfields legislation
- increased leadership and coordination from the Governor and the General Assembly
- providing state-funded incentives
- addressing liability concerns
- strengthening state agency organization and staffing
- establishing coordinated effort between the state and municipalities
- finding a resolution to the arsenic issue

Following the conference, Grow Smart disseminated the recommendations widely and worked on a number of fronts to move them forward. In the spring and summer we met with General Assembly leadership, participated on a DEM task force to recommend changes in brownfields policies,

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*From the Executive Director*

## Smart Growth: A Coming of Age?

Scott Wolf

As Grow Smart Rhode Island enters its fourth year, there is mounting evidence that the smart growth movement and smart growth ideas are gaining traction at the state and local level. Note for example the recent adoption of the user-friendly Rhode Island Rehab Code (*article, page one*) and Commercial Historic Tax Credit, as well as a push by both the Governor and General Assembly leaders for new incentives to redevelop Brownfields (*article, page one*). We also have the Governor’s Growth Planning Council examining ways to enable communities to designate growth centers and provide targeted state funding for those centers. Through a consortium headed by Grow Smart Rhode Island, systematic training is underway for municipal officials involved in growth management decision making.

Locally, citizen activists are organizing to improve their communities’ quality of life and make sure their comprehensive plans are adhered to and evolve in an effective way. For example, in Cumberland there is the “Plan Cumberland” group, which was addressed by our Program Director Sheila Brush, earlier this year. The Aquidneck Island Planning Commission is moving forward on its ambitious West Side Master Plan, and the Washington County Regional Planning Council, in conjunction with Grow Smart, is preparing a twenty year sustainable economy plan for its region. In Northern Rhode Island, The Blackstone River Valley National Heritage Corridor Commission has recently supplied Blackstone Valley communities with a “buildout analysis” to help them understand and plan for growth challenges.

Other signs of the smart growth movement’s coming of age include the recent State Economic Summit’s major emphasis on incentives for urban and town center revitalization and capitalizing on Rhode Island’s authenticity of place.

The widespread outcry against the Governor’s proposed freezing of funds for affordable housing activity also show the growing strength of community development corporations and the cause of neighborhood revitalization.

### Big challenges remain

As encouraging as all these developments are, they don’t signal that we are on a smooth glide path to reversing more than fifty years of suburban sprawl and urban decay. Poorly conceived strip malls are still emerging in many communities concerned about expanding their tax base; financial structures and local ordinances still favor greenfield development over reuse and redevloment of brownfields, and many middle class families with children still discount urban living as a viable option.

To build on our early success and shift growth policy and patterns substantially, we need to convince more people that our agenda is relevant to their daily lives. Key state leaders also need to be convinced to address broader, systemic barriers to achieving smart growth in Rhode Island, e.g., the over reliance on the property tax; a lack of targeted state investment to urban, town and village centers; continuing resistance to regional planning and action; and an ad-hoc approach to economic development. This year’s gubernatorial election provides one good opportunity for pressing these points and Grow Smart is already seeking to capitalize on the opportunity by providing issue briefings to all interested gubernatorial candidates. Gubernatorial leadership is a major

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Scott Wolf  
*Executive Director*

### Grow Smart!

The newsletter of  
Grow Smart  
Rhode Island

[www.growsmartri.com](http://www.growsmartri.com)

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# Municipal training program helps local officials handle growth

*If ever there were a group of people who will have a major impact on the future of Rhode Island cities and towns and who need and deserve training, it is the hard-working members of Rhode Island's municipal Councils, Commissions and Boards.*

*Recognizing that neither state government nor municipalities currently have the resources to provide such training on an ongoing basis, Grow Smart Rhode Island convened a range of partners to plan, develop and present training.*

*The effort received a major boost when the Doris Duke Charitable Foundation and the John H. Chafee Blackstone River Valley National Heritage Corridor Commission agreed to provide underwriting for program development and to help fund the program delivery through 2003.*

## CONCERNED CITIZENS NEEDED

To serve on municipal councils, boards and commissions. Responsibilities: shape future growth of their communities to accommodate housing, economic development, facilities and infrastructure needs while protecting natural resources and community character.

Positions require knowledge of state and municipal law, thorough understanding of local comprehensive planning, due process, and Rhode Island ethics regulations, ability to analyze complicated development applications, effective communication skills, and willingness to work long hours without compensation.

## Making Good Land-Use Decisions,

a nine-hour training program presented on three evenings, is the first component developed and launched by the

partnership. Established in response to training priorities identified by local officials, the training provides a thorough overview of planning in Rhode Island, where officials derive their authority, due process, legal requirements and recommended practices for review and analysis as well as communication skills needed to be effective members of public bodies. Trainees receive a 200-page resource manual. The training is delivered by land-use attorneys and planners, who, before becoming trainers, receive orientation in adult education methods and specific program content.

The training program has already been delivered twice: in December 2001 for citizen planners on Aquidneck Island and in March for Charlestown, Richmond and Hopkinton. Training will be presented in May for Jamestown, East Greenwich and North Kingstown. As we go to press, arrangements are being made for additional training in South County communities and the Blackstone Valley in late May and June.

Grow Smart and its partners are also developing additional training components, which should be ready for presentation by the fall.

In addition to developing and delivering training, Grow Smart has also been working on a committee to study approaches for institutionalizing the training and securing longterm funding. Organized by the Governor's Growth Planning Council and assisted by a grant from the USEPA to Grow Smart, the committee initially considered plans to establish a free-standing non-profit "Planning Institute" funded by public and private sources.

While plans for a free-standing Planning Institute have been delayed due to the state fiscal situation, the committee is continuing to work toward its goal.

*Contributing partners to the Grow Smart-organized effort and to the development of the Planning Institute include RI APA Chapter, RI Statewide Planning, RIDEM, URI Cooperative Extension Service, URI Coastal Resources Center, RI League of Cities and Towns, RI Builders Association, USEPA and the John H. Chafee Blackstone River Valley National Heritage Corridor Commission.*

Land-use attorneys and planners interested in learning more about becoming a trainer should contact Program Director Sheila Brush at:  
273-5711, Ext. 3

or  
[sbrush@growsmartri.com](mailto:sbrush@growsmartri.com).

## Brownfields, continued

expanded our research on brownfields programs in other states, and explored approaches for environmental insurance and maintaining a brownfields inventory.

Now, thanks to a lot of hard work by state agencies, legislators, and representatives from private firms and non-profit organizations, progress can be seen on a number of fronts:

- DEM and EDC have both named “point people” for brownfields work.
- The state has produced a brownfields web site, [www.ribrownfields.org](http://www.ribrownfields.org).
- The new commercial historic tax credit will provide financial incentives for brownfields projects.
- A handbook describing the state brownfields programs is being developed.
- The U.S. Environmental Protection Agency has awarded a \$200,000 grant to a non-profit, Groundworks Providence, to start a brownfields job training program.
- DEM has adopted new arsenic and marginal risk policies.

On the legislative front, Federal legislation, introduced by Rhode Island’s Senator Lincoln Chafee and supported by the rest of our Congressional delegation, passed both houses and was signed into law by President Bush on January 11, 2002. Senator Chafee’s brownfields legislation authorizes \$250 million per year, over fiscal years 2002-2006, for the assessment and cleanup of brownfields sites. The bill also provides legal protections for innocent parties involved in redeveloping brownfields sites.

In the Rhode Island General Assembly, the House created

a Legislative Commission on Brownfields, chaired by Representatives Peter Ginaitt and Gordon Fox, to increase awareness about the issue and develop legislation. Grow Smart staff has supported the Commission’s work with research assistance. The Commission’s work has already been reported in two articles in the *Providence Business News*.

The Commission has introduced legislation providing for a state income tax credit for 30% of assessment and remediation costs (40% if significant amounts of dredge material are used in the remediation). The bill also mandates that DEM and EDC produce reports on environmental insurance and a licensed environmental professional program. It also requires that EDC, in coordination with Statewide Planning, maintain an inventory of potential sites for development. In addition, it updates previous state brownfields legislation to reflect language in the new Federal legislation, thereby addressing liability concerns and positioning Rhode Island to take advantage of new funding opportunities offered by the Federal legislation.

Thanks to support from the Rhode Island Association of Realtors, led by President Sharon Steele, consultant Mark Tigan has produced a fiscal impact analysis that demonstrates that income tax revenues from new jobs stimulated by brownfields reuse would make the tax credit a net financial win for the state. Grow Smart’s Board of Directors at its February 26, 2002 meeting passed a resolution supporting the legislation, which is also drawing support from other organizations including the Providence Foundation.

In the months ahead, Grow Smart will continue to make brownfields revitalization a high priority.



PHOTO COURTESY RIDDEM

*Thames Street Landing, Bristol, during brownfields remediation and construction, 1999*



PHOTO: ADRIENNE CONNORS

*Thames Street Landing as a thriving waterfront development, 2001*



**PRESERVE**  
*Rhode Island*  
THE STATEWIDE TRUST FOR  
HERITAGE PRESERVATION

## Grow Smart receives Preserve RI's Preservation Advocacy Award

*On February 20, Preserve Rhode Island honored Grow Smart Rhode Island with its 2002 Preservation Advocacy Award. We are pleased to reprint below the text of the award.*

**W**ithin its overall mission of channeling development in a way that strengthens urban environments and minimizes loss of green space through sprawl, Grow Smart Rhode Island has addressed several public policy issues affecting historic preservation. By forming a broad coalition of concerned organizations, by full mastery of the often complex issues involved and, above all, by unflaggingly pressing its case, GSRI successfully guided passage of two extremely important bills: the Historic Preservation Investment Tax Credit and the State Rehabilitation Fire and Building Code. Then for more than a year, GSRI Executive Director Scott Wolf participated in a committee charged with drafting the actual code. His close attention and keen understanding of the political currents involved resulted in a code that indeed realized the intent of the enabling legislation.

Grow Smart Rhode Island sets the paradigm for effective participation in public policy debate. Historic preservation in Rhode Island today is significantly stronger because of GSRI and the coalition that has formed around it. Presented at the Annual Meeting, February 20th, 2002,

William J. Penn  
*Chairman of the Board*

Nicholas Brown  
*Executive Director*



PHOTO: CHRISTIN CAPALDI CREIGHTON

*Secretary of State Edward Inman presents the award to Scott Wolf, Executive Director of Grow Smart. ( l-r) Willaim Penn, Chairman of the Board, Preserve RI; Richard Moe, President, National Trust for Historic Preservation; Edward Inman, Scott Wolf.*

## SAVE THE DATE !

**American Planning Association Region 1 Conference**  
***"Planning Outside the Box: Connecting Plans and People"***  
Providence, Rhode Island September 12, 13, 14 2002

including a full day of smart growth sessions on Saturday, September 14  
programs will be mailed in early summer

growsmartri.com will provide link to conference website as soon as available



### ***New Rehab Code, continued***

The rehab code addresses in depth the specific challenges of rehabbing our state’s many historic buildings. It provides substantial structural flexibility to maintain the historic integrity of these buildings. Relief on guardrail and handrail issues for historic stairways is a significant reform, as is the flexibility for so-called winders and transoms. In common with rehab codes in Maryland and New Jersey, the Rhode Island code emphasizes the concept of proportionality—the philosophy that requirements for upgrading buildings should generally be limited to the part of the building on which work is being done.

This code, like any major policy reform, will require some modification as it is applied to specific circumstances. One immediate challenge is to secure

funding for adequate training of both code regulators and users. Such training has been critical to the success of rehab codes in the two other states that have so far adopted them. Joe Cirillo, the State Building Code Commissioner, is actively seeking state government support to fund this training, and Grow Smart is supporting his efforts vigorously. Initial training targeted to local building and fire code officials is taking place this month.

Now that we have a rehab code and a significant commercial historic tax credit in place, Grow Smart and its allies are concentrating on securing passage of Brownfields tax credit legislation. If we are successful in this effort, Rhode Island will have an exceptionally powerful package of incentives for revitalizing our urban and town centers, a package that can begin generating the long term change in development patterns that is so critical to our state’s future well being.

***If you’d like a copy of the new Rhode Island Rehab Code in Microsoft Word format via email, please contact us at: [info@growsmartri.com](mailto:info@growsmartri.com)***

## **Smart Growth News Briefs**

Grow Smart is happy to announce the addition of three dynamic community leaders to our Board of Directors. We are pleased to have **Michael Rauh**, Senior Vice President of Retail Banking, Washington Trust Company. Michael, a resident of Narragansett, also serves on the Board of Save the Bay and is active with the Washington County Regional Planning Council. **Jim Busam**, a partner with Fluor Daniel (formerly Marshall Contractors) and resident of Smithfield, has chaired Smithfield’s Capital Projects Committee and is in his second year on the Smithfield Zoning Board. **Tom Freeman**, a resident of East Greenwich, is Director of Risk Management for Fleet (previously head of Fleet’s Commercial Real Estate Division). He serves on the Board of the Providence Foundation and the Capitol Center Commission.



After conducting a national search for someone to fill the shoes of **Nick Brown**, Preserve Rhode Island has announced the appointment of Rhode Islander **Janet Zwolinski** as Executive Director. We wish Nick well in his retirement.

When Nick spoke of his plans at the February meeting of Grow Smart’s Advisory Council, we extended our hopes that he stay on as an advisor emeritus. We’re confident that Nick will not stray too far from the frontlines of historical preservation and smart growth.

We wish Janet good luck and we look forward to a long and productive relationship with Preserve RI.

Massachusetts has taken an innovative approach to growth management, creating a grassroots, municipally-driven smart growth initiative called Community Preservation.

Through the **Community Preservation Initiative**, the Massachusetts Executive Office of Environmental Affairs (EOEA) is providing communities with a set of integrated tools and programs to help plan for their future: buildout maps and analyses, professional planning assistance to complete and implement Community Development Plans, information about the Community Preservation Act, and coursework in planning and growth through the Community Preservation Institute, among others. For more information: <http://141.154.98.52/#>

On Wednesday, May 22, Rhode Island Sea Grant and the Washington County Regional Planning Council, in partnership with Grow Smart and others, will be sponsoring a workshop, **“Do we have enough water?”** at the URI Bay Campus. It is designed to inform local decision-makers about the issues surrounding water management in southern Rhode Island. Presentations on water management programs will be combined with information on studies currently in progress to better understand water availability in the county. This workshop, to be held from 3 to 7:00 pm, is free and open to the public. For more information, call 401 874-6626 or email [vision2020@gso.uri.edu](mailto:vision2020@gso.uri.edu)

*From the Executive Director, continued*

prerequisite for translation of smart growth rhetoric into broad policy change, based on the experience of cutting-edge smart growth states such as Maryland and Oregon.

In the coming months, we will be giving the gubernatorial candidates more specific policy recommendations and background information and seeking their commitment to a comprehensive smart growth agenda.

Rhode Island's newfound self esteem is a great asset for us in convincing leaders and citizens to think longer term about our state and to focus more on nurturing and protecting the many assets that give us a quality of life and a distinctiveness that is hard to measure, but hard to surpass.

The remainder of 2002 is a crucial time for our movement to expand its influence and create sustainable momentum for a sustainable future. We hope all of you are ready to help us capture the moment!

## **Community Rules: A New England Guide to Smart Growth Strategies**

Written by the Conservation Law Foundation and the Vermont Forum on Sprawl, **Community Rules: A New England Guide to Smart Growth Strategies** is a guidebook for volunteer board members, planners, concerned citizens, and others who want to achieve smart growth in their communities through better planning, zoning, and permitting. **Community Rules** is accessible and authoritative, and is chock-full of examples of communities in New England and elsewhere that have laid the groundwork for smart growth through sensible planning, zoning and other strategies.

Available from Conservation Law Foundation:  
[www.clf.org/pubs/community\\_rules.htm](http://www.clf.org/pubs/community_rules.htm)

# We need your help!

To help Grow Smart continue to play a leadership role in policy and public education, please help us with a tax-deductible contribution of:

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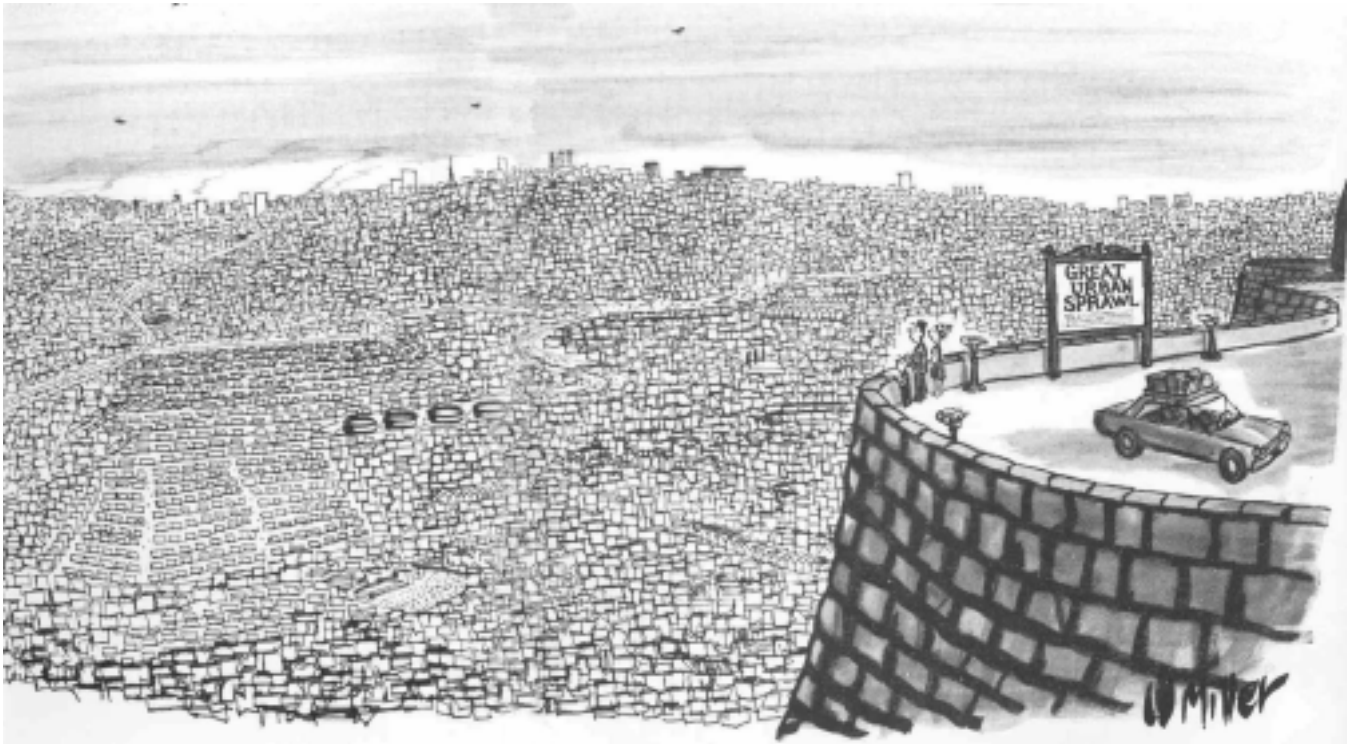
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*We've been calling it "sprawl" for a long time. Urban, suburban, rural--it's the same phenomenon: low density, auto-based development that, in the words of Maryland Governor Parris Glendening, is "a disease eating away at the heart of America." This cartoon by Miller first appeared in the New Yorker in 1969.*

### **Grow Smart Rhode Island**

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