

# **TOWN OF BARRINGTON**

## **PLANNING BOARD**

### **Minutes of the September 5, 2012 Meeting**

**7:00 p.m., Town Council Chamber**

#### **Open Meeting**

**The meeting was called to order at 7:11 p.m.**

**Present: Michael McCormick – Chairman, Edgar Adams (arrived at 7:28), Paul Dulchinos (arrived at 7:13), Christine O’Grady, Seth Milman Jean Robertson, Ann Strong (arrived at 7:25) and Lawrence Trim**

**Also Present: Solicitor Andrew Teitz, Town Planner Philip Hervey and Councilwoman Kate Weymouth**

**Absent: Michael Carroll**

#### **Consent Agenda**

**Mr. Milman moved to approve the consent agenda, which included the following items:**

**&#1656; Approve Minutes: August 7, 2012 Regular Business Meeting, as written.**

**Mr. Trim seconded the motion and it carried unanimously (5-0).**

**The Administrative Officer’s Report was not included in the motion,**

**as it was not available.**

## **Public Hearings**

**Public Informational Meeting: Land Development Proposal: Columbus Avenue Street**

**Assessor's Plat 30, Lot 206, R-10**

**The Board opened the public informational meeting.**

**Stephanie Federico, attorney for the applicant, James DePasquale of Dante Street, described the street extension proposal and introduced engineer Shawn Martin. Mr. Martin listed the waivers that would be required:**

- Road width (20 feet is proposed, while 26 feet is required)**
- No curbing**
- No turnaround is provided**

**Additional approvals from the Zoning Board of Review also would be required for development of the lot.**

**Mr. Martin's responses to questions from the Board during the presentation included the following:**

- Ten trees would be cut down to extend the street, add storm-water management and to extend utilities**
- CRMC and Zoning Board approvals will be required.**

- **Approximately 65 percent of the applicant’s lot consists of wetlands; however, Mr. Martin said the Town’s minimum upland standard for lots does not apply, as this is a pre-existing lot.**
- **The closest intersection is Dante Street, about 300 feet away**
- **The construction of a turnaround meeting Town standards would require an area of approximately 20 feet by 40 feet.**
- **Additional space could be provided, up to 15 feet, for snow storage at the end of Columbus; however, this would require shifting the house and increase the sideyard setback encroachment.**
- **He said the use is permitted in the R10 district and therefore consistent with the Comprehensive Plan**
- **The proposed bioretention basin is designed to handle storm-water in excess of 25 percent of the minimum required to accommodate the additional pavement, etc. Some existing runoff, which flows directly into wetlands, from the street will be treated, he said.**
- **The proposal would provide the minimum required road frontage.**

**Mr. DeSisto, in response to a question from the Board, said the undeveloped section of Columbus Street to the water was accepted by the Town as part of the original subdivision plat. He said that portion is an “accepted, not improved” street. He said the Town’s requirement that at least 80% of the minimum lot area in the zoning district contain contiguous upland is not applicable since the parcel is from a previously approved subdivision.**

**Ms. Strong asked whether the driveway at the proposed house would**

**provide enough space for cars to be parked outside the right of way. Mr. Martin said the cars would be in the right of way, not in the travel lane.**

**The materials provided to the Board included a three-page letter dated August 30, 2012 by Lawrence Bacher, whose house is on abutting property at 41 Columbus Avenue. Mr. Teitz asked whether the applicant purchased the property for \$12,000, as stated in Mr. Bacher's letter as having occurred in January 2012.**

**The Board asked for public comment.**

**Ed Schottland of the Barrington Land Conservation Trust said the Land Trust bought abutting property along the Palmer River as part of an effort to protect the watershed. The Palmer River is one of the largest marshes in Rhode Island, he said, and the proposal would run contrary to the Natural and Cultural Resources element of the Comprehensive Community Plan. Blakely Szosz of the Land Trust said there are two endangered plant species within the Palmer River area mapped by the State as a Rare or Endangered Species Habitat Area (Map NCR-2 of the Comprehensive Plan), which includes the area at the end of Columbus Street.**

**Other comments:**

- The bioretention basin would be an ongoing maintenance problem**

**given its location within the floodplain near the marsh.**

- The proposal would dramatically increase the amount of impervious surface in the area with the extension of the road and construction of the house.**
- The guardrail proposed at the end of the street would block or significantly impede pedestrian access to the marsh area, including those managed by the Land Trust, and the river.**

**Mr. McCormick asked Board members to provide direction to staff in terms of drafting a motion to approve or deny. The majority of the Board indicated they would vote to deny. Mr. Adams abstained; Mr. Trim said he was undecided.**

**Comments from the Board included:**

- The house would be placed within 15 feet of the wetland edge, while the Town's regulations require a minimum setback of 100 feet.**
- The proposal would negatively impact neighborhood character.**
- What is the Town's position on the location and maintenance of the bioretention area?**
- What was the cost to acquire the property?**
- What are the rights of the owner to develop for an approved use given it is zoned Residence 10?**
- The lack of a turnaround raises public safety concerns.**
- Variances required are extreme.**
- The proposed house would be a very different structure in the**

**neighborhood in terms of setback and parking in particular.**

- The limited upland on the lot requires the house to be placed in the front yard setback and the wetland setback.**
- The front yard setback encroachment would change the views on the street.**
- Allowing parking in the right of way would set a bad precedent.**

**The item was continued to the October meeting.**

**Public Informational Meeting: Major Subdivision: Bluemead Farm Plat Assessor's Plat 10, Lots 3 and 8, R-25**

**The Board opened the public informational meeting. David Gardner, of David D. Gardner & Associates, Inc., described the nine-lot subdivision proposal and the engineering work completed to date, including wetlands flagging. No waivers are proposed.**

**At the request of the Technical Review Committee, the plans have been revised to include details on grading for the proposed roadway and for the house lots. The street has a 4 percent slope at its steepest, flattening to one percent at the cul-de-sac, where three to four feet of fill is needed to get the street to 20 foot elevation.**

**The plans show lot grading, but these proposed contours are likely to change when individuals who purchase lots are unlikely to match the building footprints and driveway dimensions that are depicted. The**

street contours reflect what is needed to build the roadway, he said. Lots 6 and 7 will require about 5 to 6 feet of fill to bring the foundations out of the floodplain.

Mr. Gardner said an effort will be made to preserve trees, especially native oaks. The landscape plan will show plantings along the roadway.

Mr. Gardner said the owner of Lot 3 would be responsible for the maintenance of the proposed stormwater collection and treatment area on that parcel.

Mr. McCormick said the Board needs clarity as to how the site would be graded for the street, prior to development of the new vacant lots, since the grading details for the new houses and their driveways would be determined after the street is built. Mr. Gardner said the plans will indicate what will be the responsibility of the developer.

In response to questions from the Board about the provision of affordable housing, as required under mandatory inclusionary zoning, Mr. Gardner said one of the houses would be built on Lot 1 on Chachapacasset; the location of the second house is not known, though one possibility is Lot 3.

Asked about the elevation of the cul-de-sac, Mr. Gardner said elevation 20 would provide for the correct profile of the new gravity

**sewer lines, and it also would remove the street from the floodplain.**

**The conservation easement would go to Barrington Land Conservation Trust, or the equivalent, he said. The easement extends along the pond, out 50 feet from the flagged wetland edge.**

**The Board asked whether the applicant had considered cluster development, which the Planning Board had previously indicated would be preferred. Mr. Gardner said four or five cluster options were evaluated, but the owners decided to proceed with the conventional subdivision.**

**Marty Sleprow, attorney for the applicant, said the cluster plans did not make sense compared to the proposed master plan, which requires no waivers and no zoning variances.**

**Mr. McCormick said the Board would be open to granting waivers if doing so reduced the impact of the development on the site. Mr. Gardner said they would look at potential waivers.**

**Mr. Adams said he is concerned about designating Lot 3 for an affordable unit if the burden of maintenance of the stormwater basin falls on that owner alone. Mr. Gardner said the stormwater facility would rarely hold water, and mostly look like a lawn, similar to the one at Mallard Cove.**

**Mr. Dulchinos asked who would be responsible for building the LMI units. Mr. Sleprow said the applicant would need to make arrangements to have the units be built by others.**

**Comments from the public included:**

- Has the applicant looked at the impacts of the grading on the pond?**
- Could the project worsen flooding at Chachapacasset and Beach Roads?**
- What will happen to the stonewall on Chachapacasset?**
- There are two trees located on the property on beach road that are a hazard due to their condition and should be removed.**
- Placing a storm-water maintenance requirement on Lot 3 could keep that lot from being sold.**

**Helen Tjader said she found documentation suggesting that the pond was historically called Scammuck Spring, “the largest and most copious spring in Bristol County.” She suggested the pond be evaluated for historic archaeological significance.**

**The Board continued the item to the October meeting, listing the following items for follow-up:**

- What would be the grading plan without the houses?**
- What is the impact on trees – number, size and type?**
- What waivers, if granted, would help lessen the impact on the site?**

- **Peer review will be required at the master plan stage.**
- **What information is there on the historical significance of the site?  
The plans should be forwarded to the State for comment.**
- **The applicant should consider a lot other than Lot 3 for the affordable house due to the stormwater maintenance requirements. Mr. Trim said the drainage area should be a responsibility of homeowners in the development, and could provide a recreational area as well.**
- **The elevations of houses and lawns could increase runoff to the pond; more moderate grades could help.**

**On a motion by Ms. Strong, seconded by Mr. Milman, the Board voted (8 to 0) to require submittal of the \$6,000 project review fee.**

**On a motion by Mr. Trim, seconded by Ms. Strong, the Board voted (8 to 0) to forward the plans to the RI Historical Preservation and Heritage Commission office for comment.**

**The item was continued to the October meeting. The public informational meeting remained open.**

## **Old Business**

**None**

## **New Business**

**Final Plan – Mixed-use development at Anoka Avenue and Wood Assessor’s Plat 23, Lots 180 and 181, NB Zone**

**Mr. Hervey stated the applicant has complied with the conditions of preliminary plan approval, adding that the proposed striping plan will require some additional revisions based on Town review. A motion to approve has been provided.**

**Mr. Dulchinos made the following motion, seconded by Mr. Milman:**

**“The Barrington Planning Board hereby grants Final Plan approval for the Major Land Development application depicted on plans titled “Final Plan-Site Development of ’10 Anoka Avenue’,” for property located at the corner of Wood and Anoka Avenues in the Town of Barrington, Rhode Island, Assessor’s Plat 23, Lots 180 and 181, Neighborhood Business Zoning District. Plans by: InSite Engineering, LLC, 1539 Fall River Ave., Seekonk, MA, 02771, dated August 29, 2012. Building plans by Arris Design, Inc., 14 Imperial Place, Providence, RI 02903, dated 6/15/12. Approval is based upon the following findings of fact and conditions of approval:**

**Findings of Fact:**

**1. The proposed land development project is consistent with the Comprehensive Community Plan, including but not limited to the following components:**

**a. The Future Land Use Map, which identifies the site as “mixed-use/mixed-housing.”**

**b. Circulation goals (enhancement of pedestrian and bicycle connectivity) and Economic Development goals (encouraging**

walkable commercial development), as the development includes two buildings brought close to the street with parking located to the rear, to include public entries on the street, bike racks and pedestrian facilities.

2. The development and landscaping is compatible with the building and site characteristics of surrounding development, as it locates the parking behind the building, provides street trees, and landscaped buffers on the edges.

3. The development is served with an adequate means of water supply, sewage disposal and drainage.

4. The design provides for the safety and convenience of vehicular and pedestrian movement within the site and in relation to access streets and adjoining walkways, by providing pedestrian access on Wood and Anoka Avenues and from the rear parking lot.

5. There will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, with all required conditions for approval, as the project includes the addition of infrastructure for handling storm water.

6. The project has adequate and permanent physical access to public streets, Wood Avenue and Anoka Avenue.

7. The project complies with applicable Land Development & Subdivision Regulations standards, including Sec. 200-86 – Performance Standards, with all required conditions of approval.

8. The inclusionary unit as set forth in Condition of Approval #2 complies with § 185-194. Design and building requirements, in that:

a. An affordable unit is provided in one of the buildings so as to

**ensure a true mix of market-rate and affordable housing.**

**b. The affordable unit is, to the extent possible, externally indistinguishable from market rate units in the same development, and is comparable to market rate units in terms of location, quality, character, and room size based on floor plans.**

**c. The affordable unit contains one or more bedrooms.**

**9. The Planning Board's conditions of approval, required per Preliminary Plan approval on July 12, 2012, have been satisfied, including the provision of an administrative subdivision plan making both lots in conformance with zoning requirements.**

#### **Conditions of Approval:**

**1. The applicant shall record the final easement agreement related to signage and parking and driveway access, the final deed restriction and executed monitoring agency agreement for the one low-moderate income unit, and the Inclusionary Housing Agreement.**

**2. Signage for the buildings and site shall be consistent with plans by Arris Design, titled "10 Anoka Ave. & Wood Ave." dated 4/11/12.**

**3. The applicant shall make plan revisions and receive RIDEM approval, as described in the August 30, 2012 memorandum from the Director of Public Works.**

**4. The applicant shall revise the as necessary to receive final approval from the Police Chief and Public Works Director for the proposed striping and location of the stop sign on Anoka Avenue."**

**The motion carried, 8-0.**

**Schedule Special Meeting for Pre-Application Submittal of Proposed Sowams Nursery Development. The Board scheduled the meeting for 7 p.m. on September 27, location to be determined. It would be a joint meeting with the TRC. The Housing Board would be invited to attend. Mr. Teitz said no public comment would be received at the meeting, as the application is in the pre-application stage.**

### **Reports & Special Items**

**None.**

### **Reports from Planning Board Members**

**No comments.**

### **Comments - Board Members, Council Liaison & Town Planner**

**No additional comments.**

### **Adjournment**

**Upon a motion by Ms. Strong, with a second by Mr. Milman, the Board unanimously (8-0) voted to adjourn the meeting at 10:00 p.m.**