

TOWN OF BARRINGTON

PLANNING BOARD

Minutes of the August 7, 2012 Meeting

7:00 p.m., Town Council Chamber

Open Meeting

The meeting was called to order at 7:15 p.m.

Present: Michael McCormick – Chairman, Edgar Adams, Michael Carroll, Jean Robertson, Ann Strong and Lawrence Trim

Also Present: Solicitor Andrew Teitz, Town Planner Philip Hervey and Secretary Valerie Carroll

Absent: Paul Dulchinos, Christine O’Grady and Seth Milman

Consent Agenda

Ms. Strong moved to approve the consent agenda, which included the following items:

ٸ Approve Minutes: July 10, 2012 Regular Business Meeting as written. Mr. Carroll seconded the motion and it carried unanimously (6-0).

Public Hearings

Continuation of Public Informational Meeting: “The Residences at the Preserve” (George Street) Comprehensive Permit / Master Plan Application

Assessor’s Plat 37, Lot 3A

Scott Spear, attorney for the applicant, entered into the record the following correspondence between the State and the Town of Barrington regarding the review of Comprehensive Community Plan amendments:

 Letter dated 12/19/11

 Letter dated 2/14/12

 Letter dated 2/16/12

 Letter dated 5/30/12

Mr. Trim moved to close the public hearing. Ms. Strong seconded the motion and the public hearing was (6-0) closed. Mr. Carroll stated that he has reviewed the application materials and the minutes from the July meeting and would be comfortable voting on a motion.

Ms. Strong moved to adopt the following motion:

“The Barrington Planning Board hereby denies the comprehensive permit application seeking Master Plan approval of plans titled “The Residences at the Preserve,” for property located on George Street in the Town of Barrington, Rhode Island, Assessor’s Plat 37, Lot 3A, Residence 40 Zoning District. Plans by: S.F.M. Engineering Associates, 410 Tiogue Avenue, Coventry, RI, 02816, sheet 1 titled “Comprehensive Permit Overall Site Plan,” dated June 13, 2011, revised February 9, 2012, scaled at 1”=40’; and revised plan dated May 12, 2012, titled “Alternate Site Plan,” 1”=30’ (submitted as “Exhibit 5” and “Exhibit 6” at the June 5, 2012 Planning Board public hearing).

Denial is based on the Planning Board's determination that the proposal's density, design and location conflict with multiple goals, policies and strategies of the Affordable Housing Plan and the Comprehensive Community Plan, and raise concerns about its potential impact on the environment and health and safety.

This decision is based upon the following legal conclusions, each supported by findings of fact:

1. The Town has an approved affordable housing plan, is meeting housing needs through its adoption of the implementation program of the approved affordable housing plan and has made significant effort to accomplishing the purposes and expectations of the approved affordable housing plan.

a. The Town has an approved affordable housing plan:

i. Barrington's approved affordable housing plan, which replaced the Town's original Affordable Housing Plan approved by the State in 2005, is incorporated in the Barrington Comprehensive Community Plan, adopted by the Barrington Town Council on January 4, 2010, and approved by the R.I. Director of Administration on January 19, 2010.

ii. The affordable housing plan component of the Comprehensive Community Plan was revised by the Town Council on November 7, 2011, as it pertains to Strategy 5-8: Aggressively Negotiate Comprehensive Permits. The State on May 30, 2012 approved the final amendments to Strategy 5-8, as revised by the Town Council on May

14, 2012 as part of an administrative review process between the Town and State.

b. The Town is making progress toward meeting its affordable housing needs, as described below:

i. The Town has adopted Zoning Ordinance amendments implementing all of the affordable housing plan strategies in the Comprehensive Community Plan Housing & Neighborhoods element requiring revisions to the Zoning Ordinance, specifically:

- Zoning Ordinance Article XXVII: Mandatory inclusionary zoning, added through adoption of amendments by the Town Council on April 9, 2007. Implements Town's inclusionary zoning affordable housing strategy, Housing & Neighborhoods Strategy 5-1.**

- Zoning Ordinance ARTICLE XXX: Senior Residential Communities, added through adoption of amendments by the Town Council on February 6, 2012. Implements Housing & Neighborhoods Strategy 5-2: Enable the creation of Senior Residential Communities (SRC).**

- Zoning Ordinance § 185-24.1: Conversion of single-family dwelling to two-family dwelling, added through adoption of amendments by the Town Council on February 6, 2012. Implements Housing & Neighborhoods Strategy 5-3. Identify areas that could support a mix of housing types.**

- Zoning Ordinance §185-28.1: Low-moderate income housing on new substandard lots, added through adoption of amendments by the Town Council on February 6, 2012. Implements Housing & Neighborhoods Strategy 5-4. Allow affordable housing development on new substandard lots.**

• **Zoning Ordinance § 185-195C. Mixed-Use Commercial inclusionary zoning incentives, added through adoption of amendments by the Town Council on 2/6/12. In addition, the Planning Board adopted revisions to the Land Development & Subdivision Regulations on April 3, 2012, including § 200-86. Performance standards. Implements Housing & Neighborhoods Strategy 5-5. Modify zoning in commercial areas to promote mixed-use development in commercial areas through clear zoning standards and design guidelines.**

• **Zoning Ordinance Article XXII: Accessory Apartments, revised through adoption of amendments by the Town Council on 2/6/12. Implements Housing & Neighborhoods Strategy 5-6. Allow accessory apartments.**

ii. **The Town has established a Housing Board of Trustees, which has taken the lead to acquire properties for Low-Moderate Income Housing development, including the site of a 12-unit affordable housing development built on County Road. Implements Housing & Neighborhoods Strategy 4-2. Support efforts of Housing Trust Board to pursue opportunities to develop LMI units through the use of the Housing Trust Fund and other strategies.**

iii. **The Town has submitted Community Housing Block Grant applications and the approved the use of the Town's Spencer Trust fund to support affordable housing developments that have resulted in the construction of more than 60 LMI units since 2008. The Town's current CDBG application, which is pending, includes a request for funding to assist with the development of an additional 40 to 50 units on Sowams Road, on a site designated on the Future Land Use Map**

as suitable for higher density under the “Village” affordable housing strategy, Housing & Neighborhoods Strategy 5-9.

iv. The Town has approved several comprehensive permit applications for LMI Housing under the Comprehensive Permit process, totaling 68 LMI units, of which 62 have been built since 2008.

Since being designated the local review board in October 2005, Comprehensive Permit applications approved by the Planning Board include:

- Haines Park Village: 10 units, including three LMI units, on a redeveloped Neighborhood Business-zoned site on Washington Road.**
- 562-568 County Road: 12 units, including 10 single-family houses and one duplex, on a redeveloped site adjacent to the East Bay Center on County Road. All 12 units qualify as LMI housing. Project was initiated by the Housing Board of Trustees.**
- A 3-unit LMI project within the Residence 10 zone at Bay Spring and Lake Avenues, involving the redevelopment of an existing residential property.**

The Planning Board has denied only one Comprehensive Permit application, which, in creating a new substandard lot for one LMI unit in a Residence 10 zone, was found to be inconsistent with the Town’s substandard lot affordable housing plan strategy.

v. The Planning Board has approved a 10-lot subdivision in the Residence 10 zone on Narragansett Avenue and Woodbine Avenue, and a 4-unit mixed-use commercial project at Anoka and Wood

Avenue in the Neighborhood Business zone s, both of which were made in accordance with the inclusionary provisions of the Zoning Ordinance and the approved affordable housing plan. A nine-lot master plan application for a 13-acre site on Chachapacasset Road in the Residence 40 and Residence 25 zones, filed in July 2012, also will be subject to the inclusionary zoning provisions.

vi. The Town has acquired approximately 10.3 acres of Residence 40-zoned land George Street, with the intent of developing housing on a portion of the lot and preserving the remainder as open space. The Housing Board, working with the Town, engaged Donald Powers Architects, now Union Studios, which has developed conceptual plans for 12 cottage-style units clustered on approximately 3 of the 10 acres, with the remainder designated for use as a cemetery.

2. The proposal, certified as complete on March 26, 2012, is inconsistent with the Town's affordable housing plan, as described below.

a. The proposal is inconsistent with Housing & Neighborhoods Element affordable housing Strategy 5-8, aggressively negotiate comprehensive permits, as amended by the Town Council on November 7, 2011, which states:

“The Town recognizes that new comprehensive permits will be presented to the community and the Town will work with these proposals to ensure that the goals of this Plan and the Town's Comprehensive Plan are upheld. The comprehensive permit ‘permitting process’ is a negotiation and the Town will pursue an aggressive strategy to ensure that the goals and values of the

community are upheld. In this regard the Town may encourage applicants to seek approval through the Town's existing inclusionary Zoning Ordinance (Article XXVII) that allows a 20% density bonus in exchange for LMI units. Proposals that provide 50 percent LMI units or less will be considered for a 20 percent density bonus, consistent with the inclusionary zoning option. Developments with more than 50 percent LMI units will be considered for higher densities. All comprehensive permits will be reviewed for consistency with the criteria below."

The criteria include, "Planning and design will respect the surrounding community."

The Residences at the Preserve designates 25.9 percent of the proposed units, or seven out of 27, as LMI housing; the Alternate Site Plan designates 6 of 24 units as LMI Housing, or 25 percent. The applicant, at the request of the Planning Board, has provided a conceptual site plan based on compliance with Residence 40 zoning requirements. The plan, titled "Taylor Court" Pre-Application Site Plan, dated Dec. 8, 2009, by S.F.M. Engineering of Coventry, RI, shows a total of four house lots, each with a minimum of 40,000 square feet, with one of the houses located at the Town's 100-foot wetland edge setback, which could require a special use permit. Assuming the site could yield four houses under existing zoning, the applicant is seeking a density increase of 675 percent.

The proposal is inconsistent with Housing & Neighborhoods Strategy

5-8, as amended on November 7, 2011, in that:

- The application is not providing more than 50 percent LMI units, but is requesting a density increase of more than 500 percent, far greater than the 20 percent density bonus Strategy 5-8 provides for such projects.**
 - The proposal fails to “respect the surrounding community,” by proposing a development of one- and two-story multi-family buildings within a rural area that is characterized by single-family houses on lots larger than 1 acre in size, agricultural fields, and horse farms.**
 - In addition, the proposed site plans fail to respect the conservation land at the Douglas Rayner Wildlife Refuge at Nockum Hill, which abuts the site to the southwest . Both the original 27-unit site plan and 24-unit alternate site plan locate buildings within 30 feet of the public access into the Douglas Rayner Wildlife Refuge at Nockum Hill via Rayner Road – an encroachment of at least 20 feet into the minimum front yard setback in the R40 zone. The close proximity of the buildings to the public pathway into Nockum Hill diminishes the open character of this critical linkage to the wildlife refuge. The proposal fails to ensure that the goals of this Plan and the Town’s Comprehensive Plan are upheld, as described in the findings below related to conformance with the Comprehensive Plan.**
- b. The proposal is subject to the Town-approved Comprehensive Plan as of the date of the certificate of completeness, March 26, 2012. However, it is noted the proposal also is inconsistent with the original aggressively negotiate comprehensive permits strategy (Housing &**

Neighborhoods Strategy 5-8), as contained in the Comprehensive Community Plan approved by the State in January 2010, which stated:

“The Town recognizes that new comprehensive permits will be presented to the community and the Town will work with these proposals to ensure that the goals of this Plan and the Town’s Comprehensive Plan are upheld. The comprehensive permit ‘permitting process’ is a negotiation and the Town will pursue an aggressive strategy to ensure that the goals and values of the community are upheld. In this regard the Town may encourage applicants to seek approval through the Town’s existing inclusionary Zoning Ordinance (Article XXVII) that allows a 20% density bonus in exchange for LMI units.”

The review criteria also include, “Planning and design will respect the surrounding community,” as discussed above.

The strategy references the compliance with the goals of the Town’s Comprehensive Plan as part of the “negotiation” of comprehensive permits. The strategy cites inclusionary zoning as an alternative for these projects, which provides a 20 percent density bonus. By referencing the density bonus, the strategy anticipates acceptable density increases in range of 20 percent; otherwise there would be little incentive for a developer to utilize the inclusionary zoning bonus.

The proposal is inconsistent with Housing & Neighborhoods Strategy 5-8, as stated in the Comprehensive Plan approved by the State in January 2010, in that:

- The application is seeking a density bonus of at least 500 percent (based on either the 27-unit plan or 24-unit alternate plan), far greater than the 20 percent inclusionary zoning density bonus Strategy 5-8 cited as a comparable option for such projects.**
- The proposal fails to respect the surrounding community, as described in Finding 2a, above.**
- The proposal fails to ensure that the goals of this Plan and the Town's Comprehensive Plan are upheld, as described in the findings below related to conformance with the Comprehensive Plan.**

3. The proposal is not in conformance with the Comprehensive Plan, as described below.

a. The proposal is inconsistent with the Future Land Use Map (Map LU-6 in the Comprehensive Plan). The Residence 40-zoned portion of the George Street area, including the subject parcel, is designated on the Future Land Use Map, and the Location of Targeted Strategies (Map HN-4), as "Rural Residential." The Future Land Use Map defines "Rural Residential" as a "designation for low-density residential areas that are not suitable or desirable for urban development, generally at densities of one unit per acre or less. The purpose of this district is to preserve rural character, prime farmland and open spaces through conservation development and other land

conservation strategies.”

[The above reference is from the January 19, 2010 Comprehensive Plan, as well as all subsequent amended versions of the Plan]

The proposed density, at 27 units on approximately 4.25 acres of upland outside the minimum wetland setback, would total more than 5.5 units per acre – multiple times the 1 lot per acre density contemplated in the Rural Residential zone, per the Future Land Use Map. However, the applicant may seek approval through the Town’s existing inclusionary Zoning Ordinance (Article XXVII) that allows a 20% density bonus in exchange for LMI units. Assuming the density bonus would net one additional lot above the four (4) depicted in the “Taylor Court” pre-application site plan by S.F.M. Engineering, the bonus would allow the production of five (5) total units allowing a density of approximately 1.2 units per developable acre – more consistent with the intent of the Rural Residential zone.

b. None of the strategies or actions in the Comprehensive Community Plan call for the level of density proposed in the application, in any residentially zoned area in Barrington, other than the infill sites identified on the Future Land Use Map as suitable for “Village” zoning. The Future Land Use Map has identified specific sites within town – the Zion Bible Institute site and Sowams Nursery site, both of which have water and sewer infrastructure and frontage on major streets – for higher densities of approximately 6 units per developable acre and a mix of housing types under the “Village”

affordable housing strategy. Neither the Residences at the Preserve site, nor any other site within the “Rural Residential” area, is designated for higher density on the Future Land Use map beyond the density permitted in the R40 zone.

References in the Comprehensive Plan to the old 2005 Affordable Housing Plan are included as background information to provide a basis for new goals, strategies and actions in the Comprehensive Community Plan. For example, Page 17 of the Housing & Neighborhoods Element includes a reference to the old 2005 Affordable Housing Plan’s calculated densities for comprehensive permits of up to 10 units per acre in any residential zone – a density so high as to be clearly at odds with the Comprehensive Plan’s goals to preserve neighborhood character, in particular the low-density rural character of George Street. The LMI unit calculations in the updated Affordable Housing Plan, contained in the Comprehensive Plan, contains no references to densities of up to 10 units per acre in the Residence 40 zone or any other residential zone.

LMI unit calculations in Appendix IV of the Comprehensive Plan, as of revisions adopted in November 2011, assumes 12 total LMI units built in the entire George Street Residence 40 zone at densities up to 1.2 units per acre– a density that is consistent with the mandatory inclusionary density bonus. The original calculation in the 2009 Comprehensive Plan also estimated 12 LMI units would be built in the entire George Street area under the comprehensive permit strategy,

on three acres. This calculation is consistent with the Housing Trust's plans to build a cottage-style development of up to 12 units on a 10-acre site that had been acquired by the Town for housing and open space, with three acres to be used for housing (four units per developed acre) and the remainder designated for open space (a cemetery and conservation land). The Town used a funding source reserved for the benefit of low-income residents for the purchase of three of the 10 acres, with the intent to build housing. The overall density of the Housing Trust's proposed development is approximately 1.2 units per acre.

In addition, Comprehensive Plan has goals and strategies, such as the adoption of Conservation Development zoning for the George Street area with an overall density of 1 unit per acre or less, that describe densities that are considered appropriate given the unique characteristics of areas within Barrington. The Town Council's recent adoption of a zone change, Residence 40-Conservation Development, for the George Street area, including the subject parcel, would allow the same number of units permitted under the existing Residence 40 zoning, plus a 20 percent density bonus per the Town's mandatory inclusionary zoning provisions for subdivisions of at least three lots. R40-CD zoning allows units to be clustered on smaller lots to preserve open space within the site, which should reduce infrastructure costs.

c. The proposal is inconsistent with Natural and Cultural Resources

Strategy 7: Adopt measures to maintain and expand farming activity and preserve the character of rural areas of Barrington. The Strategy includes Action A – to “establish Rural Conservation zoning in the ‘4-Town Farm’ area, as depicted on the Future Land Use Map (Map LU-6). The zone will allow for development based on the Conservation Development cluster subdivision model to preserve rural character and environmentally sensitive areas.”

[The above reference is from the January 19, 2010 Comprehensive Plan, as well as all subsequent amended versions of the Plan]

The Rural Conservation description in the Comprehensive Plan (Page 92) references the RI Department of Environmental Management’s Conservation Development guidelines, which calls for clustering housing units permitted under the base zoning to preserve open space, and is not intended to promote higher densities. Neither the proposed 27 units nor the proposed 24 units are inconsistent with the intent of the Conservation Development zoning, as promoted in the Comprehensive Plan in that the development seeks to increase density by more than six times the density permitted in the Residence 40 zone; Conservation Development zoning would allow a total of approximately four units, as depicted in the “Taylor Court” pre-application site plan, which is based on the R-40 zoning district standards.

Conservation Development zoning, according to the DEM, is consistent with the Comprehensive Plan’s strategy to protect farming

activity and rural character. Benefits, according to the RIDEM “Conservation Development: A Creative Way to Grow while Preserving Community Character” brochure, include:

- “Important natural, cultural, and recreational resources are identified for permanent protection.**
- “Development is flexibly designed from the context of the site, neighborhood, and community.**
- “Development is guided to the areas of the site that are the most appropriate.**
- “Preserved Open Space is carefully planned for links to adjacent parcels to form continuous open space corridors.”**

d. The proposal is inconsistent with Housing & Neighborhoods Goal 1 – to provide “for future housing needs, including a range of housing types and prices for families and seniors, in a manner that preserves Barrington's character and quality of life through sensitivity to existing neighborhoods, historic resources, important open spaces and environmentally sensitive areas.” The proposal also is inconsistent with Housing & Neighborhoods Policy 1 – to ensure “that future development is compatible with the character of Barrington in general and that of individual neighborhoods.”

[The above Comprehensive Plan references are from the January 19, 2010 Comprehensive Plan, as well as all subsequent amended versions of the Plan]

The proposal is inconsistent with the above goal and policy in that it calls for multifamily housing at more than five units per developable acre, in a Residence 40-zoned area that has no multifamily housing,

including no duplex units. Typical house lots in the area are in excess of one acre in size. The area includes active farm fields owned and leased by Four-Town Farm, as well as horse farms. The location of a high density project immediately adjacent to the Douglas Rayner Wildlife Refuge would place significantly greater land use intensity adjacent to “environmentally sensitive areas” – conflicting with Housing & Neighborhoods Goal 1. The applicant could seek approval through the Town’s existing inclusionary Zoning Ordinance (Article XXVII) that allows a 20% density bonus in exchange for LMI units. On balance, the production of a single LMI unit, through the inclusionary method, will still maintain “Barrington's character and quality of life”, provide for affordable housing with “sensitivity to existing neighborhoods” and an environmentally sensitive area. The local concerns significantly outweigh the need for additional LMI units in this highly sensitive and significant area of the community.

e. The proposal is inconsistent with the Town’s efforts to implement the Comprehensive Community Plan goals, policies and strategies to protect open space in the George Street area, including:

Natural and Cultural Resources Policy 3: “Manage town owned property to ensure protection of important natural and cultural features, and develop regulations and/or techniques for the protection of such land that is privately owned, including scenic, historical and cultural sites.”

and

Natural and Cultural Resources Policy 4: “Support efforts to preserve

Barrington's farmland and historic resources.”

The proposal would work to reverse the Town's significant efforts in recent years to protect and restore vital natural habitat areas and farmlands. For example:

- The Town Council in 2005 adopted a conservation easement on the 82 acres of the adjacent Douglas Rayner Wildlife Refuge at Nockum Hill, which includes the habitat of the Diamondback Terrapin and active farm fields. The Barrington Land Conservation Trust oversees implementation of the Nockum Hill Management Plan, written in 1994, on behalf of the Town.**
- The Town in the 1990s, using grant funding from the US Department of Agriculture, took steps to remove pavement and a structure to establish a meadow and promote greater habitat diversity at the refuge.**
- The Town has worked to preserve the agricultural use of the area, with the recently 20-year lease extension with Four-Town Farm for 40 acres of Town-owned farm fields, including areas adjacent to the proposed development parcel.**
- The Town in 1993 secured development rights on 8.7 acres of Residence 40-zoned property owned by Four-Town Farm in exchange for the original lease between the farm and the Town for the 40 acres of farm fields.**

f. The proposal is inconsistent with Housing & Neighborhoods Strategy 5-8: Aggressively Negotiate Comprehensive Permits, as described in the above findings related to inconsistency with the Affordable Housing Plan.

4. The Town has plans to meet the goal of ten percent (10%) of the year round units being low and moderate income housing in accordance with the approved Affordable Housing Plan, as contained within the Housing & Neighborhoods element of the Comprehensive Community Plan. The Town's goal is to meet the 10 percent goal by 2026, and has made significant progress towards this goal, having reached 2.6% currently with the construction of an additional 63 LMI units since 2006. In comparison, Barrington had a total of 95 units in 2005, or about 1.5% of total housing units.

In addition to the 63 new LMI units that have been constructed, eight additional units have received final approval, and applications that would provide three more LMI units are in the planning review stages. These additional units would bring the town wide total to approximately 2.8% LMI units.

LMI projects approved since 2006 include:

- The "Sweetbriar" development on Washington Road, within the Business zone. The comprehensive permit project is approved for 50 units, of which 47 have been constructed and are occupied.**
- The Walker Farm Lane development on County Road. The Town's Housing Board of Trustees took the lead to acquire the site, which was developed by West Elmwood Housing Development Corp. The comprehensive permit project includes 12 total LMI units, including 10 single-family houses and one two-family house. All of the units have been built and received certificates of occupancy.**
- A 10-lot subdivision on Narragansett Avenue and Woodbine Avenue,**

which includes two LMI units. The project, which received final plan approval on July 10, 2012, received a 20 percent density bonus under the Town's inclusionary zoning provisions. Construction has not yet started.

- A 3-unit residential building on a lot at Bay Spring Avenue and Lake Avenue (approved under the comprehensive permit provisions in 2011; construction is pending)**

- A 10-unit development within the Neighborhood Business zone, adjacent to the Sweetbriar site on Washington Road. The comprehensive permit project includes three LMI units. The units have been built, and have received certificates of occupancy.**

Other projects that are pending, which could produce another 50 to 60 LMI units, include:

- A four-unit mixed-use commercial development at Anoka Avenue and Wood Avenue includes one LMI unit, per the Town's mandatory inclusionary zoning requirements. The project received preliminary plan approval on July 10, 2012.**

- A nine-lot subdivision on Chachapacasset Road includes two LMI units per the Town's inclusionary zoning provisions. The master plan application was filed in June 2012 and is in the review stages.**

- The Housing Board of Trustees is developing plans for 12 cottage housing units within a 10.3-acre Town-owned site on George Street. The Town, on behalf of the Housing Board, hired an architect to develop a conceptual site plan for the site to be used in the issuance of a request for proposals process to develop the site. The Comprehensive Plan/Affordable Housing Plan anticipates a total of 12**

LMI units to be built in the George Street area under the Comprehensive Permit process, per Appendix IV.

- **East Bay CDC of Bristol has a purchase and sales agreement for a 9-acre site on Sowams Road, to develop approximately 30 to 40 LMI units on the property, which is designated on the Town's Future Land Use Map as a potential "Village" zone suitable for higher densities than permitted under the current Residence 25 zoning. The Town included East Bay CDC's request for pre-development funding in its 2012 Community Development Block Grant application submitted to the State.**

5. As indicated in findings of fact below, concerns for the environment and the health and safety of current residents have not been adequately addressed. The applicant, as stated in a letter from attorney William Landry dated July 3, 2012, has declined to provide the Town an engineering review fee at the master plan stage, which was requested by the Planning Board at the May 2012 meeting. The applicant's engineer, Scott Moorehead of S.F.M. Engineering, has stated the proposal would have no negative environmental effects. However, peer review by a third-party engineer would have enabled the Town to more thoroughly evaluate the plans and the issues cited below, as well as potentially identify other issues not listed.

Environmental issues:

- a. **The site is adjacent to the Nockum Hill Wildlife Refuge, which includes habit of the threatened Diamondback Terrapin. Because of the presence of the Diamondback Terrapin habitat, the site is within a**

“Significant Natural Features Habitat” area, as mapped by the RI Natural Heritage Program, which is shown on Comprehensive Plan Map NCR-2, based on RI Geographic Information System data. Construction of 27 units at the entrance to Nockum Hill likely would impact the habitat area by increasing the frequency of use of the area by the new residents and by increasing vehicular traffic on George Street.

b. The proposal requires on-site wells and a large septic system field that is substantially larger than would be required under a subdivision proposed at a density consistent with the area’s “Rural Residential” Future Land Use designation and R-40 zoning district. These larger systems have the potential to create negative environmental impacts if failure occurs, affecting the Nockum Hill conservation area and adjacent properties, including adjacent farm fields.

Health and safety issues:

a. The Fire Department has cited concerns about water supply at the development, which calls for the installation and maintenance of cisterns at the site for the proposed fire hydrants. Barrington Fire Chief Gerald Bessette, in an e-mail dated 4/25/12, stated, “This department has a concern about the availability of an ample water supply for firefighting at the proposed development in the Four Town Farm area.” The Barrington Fire Department is stationed at 100 Federal Road, 3.5 miles from the site.

b. The applicant’s Traffic Impact Analysis dated August 2011 by

Bryant Associates, Inc., concludes the “geometric configuration of the existing roadways is such that adequate safe stopping sight distances exist for traffic passing and/or utilizing the site.” This conclusion requires further analysis, as George Street, which provides access to the site, is a narrow rural road that is 18 feet to 19 feet in width, narrower at a culvert stream crossing to the east of the site. George Street’s widths are significantly narrower than the Town’s 26-foot minimum street width for major land development projects and major subdivisions, as well as the 22-foot minimum street width for minor subdivisions, per Section 200-44 of the Land Development and Subdivision Regulations.

c. The roadway within the development is as narrow as 22 feet. Major subdivision proposals with street widths of less than 26 feet require a waiver from the Town’s Land Development and Subdivision standards. The applicant has not requested nor provided a rationale for a waiver from the requirements of Section 200-44F of the Land Development and Subdivision Regulations in terms of street, as required under Section 200-38 Waivers and Modifications.

d. A private roadway is proposed. The applicant has not requested nor provided a rationale, per Section 200-38 Waivers and Modifications, for a waiver from Section 200-44C of the Land Development and Subdivision Regulations, which states that private streets “shall not be permitted.”

Ms. Robertson seconded the motion and a vote was held:

Michael McCormick – Yea

Edgar Adams – Yea

Michael Carroll – Yea

Jean Robertson – Yea

Ann Strong – Yea

Lawrence Trim – Yea

The motion carried 6-0; the application was denied.

Old Business

None

New Business

Consider request to waive application fee for Anoka/Wood Avenue Mixed Use Project, to provide municipal subsidy for a mandatory affordable housing unit.

Mr. Hervey explained that the applicant, Peter Weiss of Anoka Investments, LLC, has submitted a letter requesting waiver of application fees for this project since they are not eligible for a density bonus.

After deliberation Ms. Robertson moved that subject to the issuance of a Certificate of Occupancy for the affordable unit, the applicant would be issued a refund for the amount of the Planning Board

application fees. Ms. Strong seconded the motion and it carried unanimously (6-0).

Discuss Residence 40 Conservation Development Zoning / Consider Recommendation to Revise Article XXIX of the Zoning Ordinance

Mr. Hervey reviewed his proposed revisions to the Zoning Ordinance. The Board expressed an interest in reviewing a side-by-side version comparing the State guidelines with the Town regulations. This matter was continued to the September meeting.

Reports & Special Items

None

Reports from Planning Board Members

Housing Board of Trustees

Mr. Hervey stated that the Solicitor would be drafting a change to the subdivision regulations that will allow the Housing Board to review affordable housing proposals and provide an advisory opinion to the Planning Board.

Committee for Renewable Energy in Barrington

None

Open Space Ad Hoc Committee

None

Police Cove Park Committee

Mr. Trim noted that the Committee would be meeting again in September.

Technical Review Committee

Mr. Adams said that the Committee is reviewing a proposed nine-unit subdivision. A site visit is proposed for 6:30 p.m. on August 29th and both Planning and Technical Review members are invited to attend.

Harbor Commission

None

Capital Improvement Program Subcommittee

None

Comments - Board Members, Council Liaison & Town Planner

No additional comments.

Adjournment

Upon a motion by Ms. Strong, with a second by Mr. Carroll, the Board unanimously (6-0) voted to adjourn the meeting at 8:02 p.m.