

# TOWN OF BARRINGTON PLANNING BOARD

Special Meeting

Minutes of the July 16, 2013 Meeting

Library Auditorium, Barrington Public Library

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**Open Meeting:** The meeting was called to order at 7:05 p.m.

**Present:** Michael McCormick – Chairman, Edgar Adams, Mike Carroll, Paul Dulchinos, Seth Milman, Christine O’Grady, Jean Robertson, Larry Trim

**Also Present:** Assistant Solicitor Nancy Letendre, Town Planner Philip Hervey, Secretary Audra Raleigh

## **Public Hearings**

**Agenda Item #3. (Continued) Public Informational Meeting: Master Plan: Palmer Pointe Neighborhood – Plat 28, Lots 72, 73, 246, 248, 249 and 263 (Sowams Nursery property, east side of Sowams Road).**

Mr. McCormick opened the public informational meeting on the Palmer Pointe Neighborhood comprehensive permit master plan application, stating that the goal was to receive final public input and close the public hearing this evening. The proposal calls for the development of 48 new affordable housing units on property totaling approximately 7.5 acres. The property includes two existing single-family houses that are to remain, located on Sowams Road. The applicant is seeking relief from provisions of the Town’s Zoning Ordinance and Land Development & Subdivision Regulations under the comprehensive permit process.

Present: William Harsch, 2280 Post Road, Warwick, attorney representing CODDER 02806  
Maureen Sousa, colleague of Mr. Harsch  
Ashley Hahn, Planner for Town of Charlestown, RI  
Thomas Nicholson, Chief Engineer, C&E Engineering, 324 Park Ave, Woonsocket, RI

Mr. Harsch began by addressing the Board with a summary of what he was going to cover in his presentation, including: accessibility of the site, density issues, planning issues, questions that arose following review of proposal by a professional engineer, and financing related to this project.

Mr. Harsch introduced Ashley Hahn, Town Planner for the Town of Charlestown, RI, as an expert witness in the field of Planning. In response to questions from Mr. Harsch, Ms. Hahn gave the following summarized testimony:

Ms. Hahn has been to the proposed site; she calculated the density to be 8.8 units per developable acre. She noted the recommended zone change to “Village” zone, as detailed in

the Comprehensive Plan, states that the maximum density is 5 units per acre. She said she has concerns about impacts on the abutters on Orchard Avenue, as the proposed buffer extends the pavement almost all the way up to the northerly buffer. She stated that this site is less than ideal due to its distance to services and public transportation. The development is almost 100% LMI, which is essentially creating an "island" of rental property in the middle of owner occupied homes, with sidewalks to nowhere, she said. She stated the entire site is maximized, as even the market rate house lots are smaller than the zone ordinance requires. Due to the high number of waivers sought by the developer from the Town, she feels that granting these moves further away from the health and safety of the public. She also stated that she feels the roadway is too narrow.

Mr. Harsch attempted to ask questions of Ms. Hahn regarding traffic analysis and conservation; however, Ms. Federico objected, stating she is not an expert in these fields.

The Board asked Ms. Hahn whether placing the pavement in close proximity to the property line violates the setback requirement by essentially eliminating the buffer. Ms. Hahn was asked to point out which requested waivers concern her, to which she responded: width of roadway, pavement within the setbacks, and the overall density, which she said is not sensitive to the neighborhood.

Gerald Diebold, 118 Governor Bradford, Barrington, RI, addressed said he has concerns about the site to due to deer ticks, which cause Lyme disease. He said this is a safety concern for the children. Ms. Hahn stated that she had not seen an open space plan, so could not comment.

Mr. Harsh introduced Thomas Nicholson, Chief Engineer, C&E Engineering, Woonsocket and a member of the Conservation Commission in Rehoboth, Massachusetts. Mr. Nicholson stated that the "real engineering" has not yet been done, as this is the Master Plan stage. He stated that the traffic "study" was not a "study" but a general summary of existing conditions from which no conclusions can be drawn. He said the width of the roadway is not adequate and has a concern for public safety. He stated in an emergency he believes it would be challenging to have the proper equipment get in and out of there easily.

Asked about the drainage on the property, Mr. Nicholson said that the developable portion of the site is almost entirely developed, so there is a significant amount of impervious surface. He noted the street would have curbing such as Cape Cod berms, rather than granite. During heavy rain storms, such conditions combined with the fact that the site it so flat will cause the water to collect quickly with nowhere to go, he said. The drainage and infiltration systems that are proposed still need to be maintained and cleaned out just like gutters because debris clogs them after some time. He stated that due to the flatness of the site, the drainage pipes will need to be sloped and may need to be placed within the groundwater table.

He stated that the proposed bio-retention ponds are located in the CRMC buffer zone, adding that there is no place else to put them since much of the site outside the CRMC setback would be developed. Mr. Nicholson stated that existing earthen berms that are located at the tree line to prevent flooding would be removed, so he is concerned about flooding on the site. Also of concern is the fact that it is a nursery site that typically has heavy use of pesticides. Due the age of the property, it is likely that non-organic products were used. He believes prior to buying the land that an environmental site assessment should be done to determine whether the land is contaminated. He also stated that the subsurface infiltration systems near the property lines on Orchard Avenue could create flooding problems for those homes. He said the bio-retention ponds could be a hazard to children if they are not properly maintained, and could require fencing.

Ms. Federico followed by asking Mr. Nicholson whether he was a certified traffic engineer, to which he responded that he was not, but he has experience reviewing plans. Ms. Federico also pointed out that there is an additional 8 feet for on-street parking adding to the road width, and that the proposed curbing is more than what is typically found on Barrington streets, many of which lack any curbing.

Mr. Martin, Fuss & O'Neil, addressed the concerns raised by Mr. Nicholson. Mr. Martin stated that the bio-retention ponds are less than 24 inches deep and are made to filter the water within 24 hours. The Cape Code berms are appropriate for this type of low impact development and not merely because they are less expensive. An environmental site assessment is required by Rhode Island Housing and the proposed systems must meet all the requirements of the State and the Town in order to receive funding. The developer is willing to be flexible with the design as requested by the fire chief with regard to the concerns around turning radius. Mr. Martin noted that there are currently no storm-water management systems on the site; the proposed systems will actually improve drainage to nearby abutters. The development will have property maintenance people to maintain the systems proposed, he said.

Mr. McCormick asked whether there were more questions from people in attendance. The following people came forward:

- Les Costa, 3 Colonial Avenue, Barrington
- Victoria Marguarita, 69 Sowams Road, Barrington
- Gerald Diebold, 118 Governor Bradford, Barrington
- David Morris, 35 Orchard Avenue, Barrington
- Richard Miguel, 12 Colonial Avenue, Barrington

The following comments were made:

- Storm-water detention systems should not be located in open green space where children play.

- Neighbors have personally witnessed spraying of chemicals on the site, so the soil needs to be tested.
- Are the drainage systems capable of filtering out petroleum, etc., from paved surfaces?
- What are the plans for the existing well on the property? Adjacent properties have well water.
- Information was provided on the progress surrounding towns have made in their goals of attaining the 10% LMI figure.

The development team addressed these comments with the following statements:

- Open spaces within the development are 40' x 60' or 40' x 80', with porches overlooking the space
- The bio-retention areas will filter pollutants from storm-water runoff.
- The well on the property will be closed in accordance with requirements.
- The developer will complete an environmental assessment, which is one of the conditions of the funding sources.

Mr. Harsch gave his closing remarks, copies of which were distributed to the Board.

Mr. McCormick summarized arguments about the proposal and advised the Board to be careful about what to focus on in regards to approving or denying the application. He then talked about density, related to the handout from Phil Hervey, Town Planner, comparing the density. It was asked of the applicant if they would be willing to propose a plan to bring the density down. Mr. Spinella noted that you have to compare apples to apples. They are trying to meet not only the Town's needs under the LMI obligation, but also the actual need of the Town (which is elderly housing). He explained that if they reduced the number of units, those eliminated would be the one bedroom units because they cost the most to build. Those units were included specifically to be available to the elderly applicants, even though they cannot market them as such, he said. Assuming the area is rezoned as a Village district and the development would be more than 50% LMI, they would get additional consideration for a density increase, he said.

Ms. Letendre spoke to give some clarity regarding the ideal density.

The discussion of the Board included the following comments:

- All members agreed that the development is too dense as proposed.
- Some suggestions were made to reduce the count to 5 units per acre, which is in line with the Comprehensive Plan's Developer Guidance for the Village Zone.
- Concerns regarding the buffer being compromised due to the placement of pavement within 25 feet of the abutting developed house lots, to the north in particular.
- Concerns regarding the adequacy of the traffic study; more due diligence should be done

- Must protect existing neighborhoods while still addressing the needs of the Barrington residents
- Would like to see market rate units in the development to provide a broader mix of housing options.
- Several members said they would support reducing the number of units from 50 to 42.
- Would like to see design plan prior to deciding how many units will be built.

Potential conditions for the project were presented:

- Peer review with funding
- Rental vs. owner occupied
- Address senior needs
- Integration
- Overall density
- Providing a buffer
- Traffic impacts
- Access to services
- Environmental issues with the site
- Entertain market rate vs. LMI
- Road width
- Enhancing the buffers, including removing parking away from the adjacent properties
- On-street parking – width of spaces
- Concern with the sewer pipe that runs through the back of the property

Mr. Spinella noted that figures show that there is a greater need for affordable rental property in Barrington compared to for-sale LMI single-family houses.

The Board discussed including the following conditions in a draft motion to approve:

- Peer review fee required, with funding from the applicant
- Completion of a full traffic study
- Widen road widths to at least 22 feet, and on-street parking spaces to 9 feet, to meet fire-safety access requirements, subject to review by the Fire Chief
- Reinforce the buffers; no pavement and no Dumpsters in that zone
- Sidewalks on Sowams Road – either require construction or fee-in-lieu

William LeMoult, 16 Hampden Street, Barrington, stated that this development does not meet and is not in line with the character of the current community.

Motion: A motion was made by Mr. Milman to close the public hearing at 10:40 p.m. Mr. Dulchinos seconded the motion and it carried unanimously, (8-0).

After a brief discussion the Board made a motion as stated below:

Motion: Mr. Carroll made a motion to direct staff to draft a motion to approve, as discussed at the meeting, for consideration at the August 6th meeting. Mr. Milman seconded the motion, and the motion carried unanimously (8-0).

Motion: Mr. Milman made a motion to continue the discussion to the August 6, 2013 meeting. Mr. Carroll seconded the motion, and the motion carried unanimously (8-0).

### **Adjournment**

Upon a motion by Mr. Milman, with a second by Mr. Dulchinos, the Board unanimously (8-0) voted to adjourn the meeting at 11:00 p.m.