

# TOWN OF BARRINGTON PLANNING BOARD

Regular Business Meeting  
Minutes of the July 2, 2013 Meeting  
Council Chamber, Barrington Town Hall

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

**Present:** Michael McCormick – Chairman, Edgar Adams, Paul Dulchinos, Anne Galbraith, Jean Robertson, Larry Trim, Seth Milman, Mike Carroll (arrived at 7:25 p.m.), Christine O’Grady (arrived at 8:10 p.m.)

**Also Present:** Assistant Solicitor Nancy Letendre, Secretary Audra Raleigh

## **Consent Agenda**

**Items 3.1, 3.2 & 3.3: Approve Minutes: May 28, 2013 Site visit at site of Palmer Point (CA), the May 30, 2013 Special Meeting – Palmer Pointe Master Plan Public Informational Meeting (CA) and the June 4, 2013 Regular Business Meeting**

Ms. Galbraith noted two changes on the May 28 minutes to add Anne Gailbraith and Jean Robertson to the attendees of the site visit. Mr. Dulchinos noted that there was one change on the May 30 minutes in that on page 4: Mr. Spinella commented that 41 out of 47 units at Sweetbriar were occupied by Barrington residents and later clarified that 51% of the occupants of Sweetbriar are actually from outside of Barrington.

**Motion:** Ms. Robertson moved to approve the consent agenda, which included approval of the minutes with the changes as noted of the May 28, 2013 site visit and of the May 30, 2013 Special Meeting, and, to approve the June 4, 2013 Regular Business Meeting minutes as written. Mr. Milman seconded the motion and it carried unanimously (6-0).

## **Public Hearings**

**Item 4.2 Public Informational Meeting: Major Subdivision: Bluemead Farm Plat Conventional Master Plan Proposal**

Mr. McCormick said the applicant is asking to continue the conventional subdivision application to September.

**Motion:** A motion was made by Ms. Galbraith to continue the conventional subdivision application to the September 12, 2013 meeting. Ms. Robertson seconded the motion and it carried unanimously, (6-0).

## **New Business**

**Item 6.1 Final Plan: Dziuba Minor Subdivision. Proposal to subdivide Lot 380 on Assessor’s Plat 22 into four lots with frontage on South Street and Maple Avenue. R10 and NB zones. Existing two-family structure on Maple Avenue to be renovated to provide two affordable housing units.**

Present: Stephanie Federico, Anthony DeSisto Law Associates  
Alfred Almeida, developer

Mr. Almeida provided details for the two-family building on Maple Avenue that is to include two deed-restricted affordable housing units, explaining that the inside was going to be gutted and completely renovated. He distributed drawings showing additional windows, and added landscaping. He noted that he has also adjusted the proposed locations of the single-family houses and driveways based on feedback from the neighbors. He noted that sidewalks are not necessary or even wanted on the South Street side, citing comments by Housing Trust Board, Public Works Director Alan Corvi, and Phil Hervey, Town Planner. He stated he will replace the sidewalk on Maple Avenue in front of the project up to the corner of Maple and South. East Bay CDC is the monitoring agency.

The applicant is requesting relief for insufficient the lot frontage for the two-family lot, and a waiver for the sidewalk fee-in-lieu for the required sidewalk on South Street, which would represent a local subsidy in addition to the zoning relief requested.

There was no one in the audience to speak for or against this application.

Motion: Mr. Dulchinos motioned to adopt the draft motion as written by the Town Planner, revised to require submittal of a payment-in-lieu equal to the cost of constructing a sidewalk on the South Street frontage, less a credit for the sidewalk built in front of the abutting parcel on Maple Avenue to South Street. The motion, as revised, is as follows:

“The Barrington Planning Board hereby grants Final Plan approval for the ‘Dziuba Minor Subdivision Plan,’ as depicted on plans for property located on South Street and Maple Avenue in the Town of Barrington, Rhode Island, Assessor's Plat 22, Lot 380, Residence 10 and Neighborhood Business Zoning Districts. Plans by: Waterman Engineering Co., 46 Sutton Ave., East Providence, RI, dated 7/24/12, last revised 4/17/13, scaled at 1"= 20'.

*A. Relief Approved*

In accordance with Article XXVI Low- and Moderate-Income Housing, of the Barrington Zoning Ordinance, the Planning Board in approving the master plan and preliminary plan grants the following relief from the following provisions of the Zoning Ordinance:

- a. Dimensional variance for insufficient frontage for Parcel “A”; 60 feet of frontage is provided; a minimum of 72 feet is required per the density bonus provisions of Mandatory Inclusionary Zoning.

*B. Findings of Fact and Conditions of Approval.*

Approval is based upon the following findings of fact and conditions of approval

Findings of Fact

1. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies, In particular, the proposal is consistent with Housing & Neighborhoods Strategy 5-8 – Aggressively negotiate new comprehensive permits, as more than 25 percent but less than 50 percent of the units would qualify as affordable, and the density increase is consistent with the density bonus available under mandatory inclusionary zoning. Further, the proposal provides two affordable housing units within an existing building, which is consistent with Housing & Neighborhoods Strategy 5-7 calling for the Town to capture existing affordable units.
2. The local zoning or land use ordinances, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.
3. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, except where expressly varied or waived the local concerns that have been affected by the relief granted – for lack of frontage for Parcel “A” and relief for the amount of sidewalk required – do not outweigh the state and local need for low and moderate income housing.
4. The low and moderate income housing units are located on a lot with frontage on the same street as the market-rate units, such that the units are integrated within the neighborhood; with the proposed revisions to the façade, the 2-family structure is compatible in scale and architectural style to the market rate units within the project and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units, with the conditions of approval.
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, with the provision of drywells to capture runoff from the new houses.
6. There will be (no) significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, availability of potable water, adequate surface water runoff, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community, as the development utilizes an existing 2-family building. All lots will have adequate and permanent physical access to a public street – South Street and Maple Avenue.
7. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, as all new construction will be required to comply with existing minimum setbacks.

Conditions of Approval:

1. The two proposed low- to moderate-income dwelling units shall be restricted as low- and moderate-income housing in accordance with R.I. General Laws 45-53, for a period of no less than 30 years.
2. Prior to recording of the final plans:
  - a. The applicant shall submit a letter of eligibility from RI Housing for the affordable units;
  - b. Deed restrictions for the affordable units shall be recorded, subject to review by Town legal counsel;
  - c. The monitoring agreement shall be executed with East Bay CDC or another approved monitoring agency; and,
  - d. The title block of the plan shall be revised as follows: "Dziuba Comprehensive Permit Subdivision Plan – Final Plan Submission."
3. The renovation of the two-family building and site work on Parcel "A" shall be completed in accordance with the plans and description of the work to be completed, as submitted, prior to issuance of a certificate of occupancy for the units.
4. The low-moderate income units shall be built concurrently with the market-rate units; certificates of occupancy for no more than two of the three market-rate houses shall be issued prior to certificates of occupancy for both low-moderate income housing units.
5. An improvement guaranty in an amount established by the Administrative Office, in consultation with the DPW Director, in the amount of the cost of the required sidewalks to be built within the public right of way shall be submitted to the Town prior to recording of the final plan.
6. The applicant shall submit a fee in lieu for the length of sidewalk on the South Street frontage less the sidewalk to be built along the frontage of Lot 619 on Plat 22.

Ms. Robertson seconded the motion, and it carried unanimously, (7-0) (Mr. Milman abstained).

**Item 6.2 Concept Review: Administrative Subdivision, Street Abandonment – properties located to east of Sowams Road between Oak Grove Ave. and Charles Street. Plan would shift lot lines and involve the abandonment of the "Stella Road" right of way.**

Tom Billups, 20 Oak Grove Ave., Barrington, explained that the request for the "Stella Road" right of way abandonment between Oak Grove Avenue and Charles Street had been before Town Council the previous night. The new owner of a lot with frontage on Sowams Road and is situated on the "Stella Road" right of way between Charles Street and Oak Grove Avenue would like to build one house on the property, and sell the back portion of the parcel to the abutting lots to the north and south. The parcel is currently a non-conforming lot that has sufficient setbacks to build a house with no zoning variances.

Waterman Engineering has surveyed the abutting lots to provide the necessary information to show setbacks, etc., for the administrative subdivision reconfiguring the lot lines. Abandonment of the 30-foot-wide "Stella Road" right of way is needed so that the excess land to the rear of the Sowams Road lot can be combined with properties on Oak Grove Avenue. Mr. Billups said neighbors have expressed agreement to purchase the land from the applicant and request abandonment of the right of way. If the right of way abandonment is granted, it will resolve encroachments and make existing lots more conforming, Mr. Billups said. The Town Council will decide the value of the land. They would like the opinion of the Planning Board on this issue before they proceed.

The following people were in the audience were in favor of the right of way abandonment:

- Donna Merlino, 17 Charles Street. She said she is in favor of the right of way abandonment; she believes it will reduce Towns costs, as the right of way will not have to be maintained by the Town.
- Ramona Skelly, 18 Oak Grove Ave, said she supports the right of way abandonment but also wants to see site plan at the same time to consider mitigation of impact of abutters. She feels putting just one house on the lot in the center is a good use of the property. She asked whether the abandonment of the right of way would make it possible for lots to be subdivided or developed further.

There was unanimous support from the Planning Board for the right of way abandonment and the administrative subdivision, as presented.

**Item 6.3 Concept review: Subdivision of lot located at 256 Sowams Road (Assessor's Plat 31, Lot 19), creating a new buildable lot and an open space lot. Property zoned R-25. Proposal would require a dimensional variance for insufficient frontage.**

Present: Peter May, 15 Opeeche Drive, Barrington, owner of 256 Sowams Road  
Mohamed Freij, MJF Engineering Associates  
Jeff Kirby, Contractor

Mr. May explained that he would like to donate 1.7 acres to the Town as part of a three-lot subdivision, to include the existing house at 256 Sowams; a new vacant house lot to the north of the existing house, though that lot would have insufficient frontage; and an open space lot to the rear, which abuts Town-owned conservation properties in the "Hampden Meadows Greenbelt." The proposed lot with the existing house and development on the proposed vacant lot would comply with all minimum dimensional standards except for frontage, he said. He will also comply with the Town's minimum 100' setback from wetlands. Mr. May stated that Mr. Hervey said the Town would be interested in obtaining that land because the Town owns the contiguous surrounding land.

The Board noted that they are concerned that subdividing the narrow lot could require a variance for encroachment into the minimum side yard setback. Board members said they are in favor of the open space donation, but have reservations regarding the subdivision due to insufficient frontage.

#### **Item 4.2 (continued) Public Informational Meeting: Master Plan: Palmer Pointe Neighborhood**

Present: Stephanie Federico, attorney, DeSisto Law Associates  
Frank Spinella, President, FJS Associates  
Shawn Martin, engineer, Fuss & O'Neil

Mr. Spinella responded to previously raised questions regarding the calculation of density of the proposed project. He stated Mr. Martin estimates 6.63 acres are outside of the Town's 100-foot wetland setback. Using that figure as developable acreage, the density equates to 7.2 units per acre, based on 48 units.

Ms. Federico went over Section 185-185, which outlines guidelines for approval of a comprehensive permit. Ms. Federico highlighted some sections of her memo which was submitted to the Planning Board prior to the meeting. She stated that she is confident that they have met all requirements set forth for approval of this application.

The following people from the audience addressed the Board with their comments following:

- William Harsch said he has been retained as of this evening as an attorney on behalf of CODDER 02806. He stated that he would like the opportunity to bring forward their experts to testify on behalf of CODDER 02806. Due to being retained late in the process, he stated his summary will be brief, but would appreciate the opportunity to be heard at a future meeting.
- Kevin Doyle, 33 Lillis Avenue, asked for a clarification of the buildable acreage of the proposed site.

It was noted that Lot 4 is 12,700 sq. ft., Lot 5 is 10,000 sq. ft, with 6.13 acres, rental units would be 8.15/acre.

- Chris Brady, 6 Jencks Garden Lane, said he does professional management of LMI housing and is in favor of the proposed development. He lives by Sweetbriar and says the people that live in Sweetbriar are very nice neighbors and he has no complaints.
- Ken Shamire, Seaview Drive, said he is concerned about the safety of pedestrian traffic to the bus stop with no sidewalks on Sowams Road.

There were no additional comments from the audience. There was discussion by the Board as to a date for a continuation of this application, as the decision deadline is in mid-August.

Bill LeMoult, 16 Hampden Street, spoke. He said that there was nothing in the agenda that stated that a vote would be taken on this matter and feels that the Board is being unfair in not allowing enough time for the community to rebut testimony from the applicants.

Mr. Milman told Mr. LeMoult that this matter has been going on for months and that it was noted several times during the meetings when a decision must be made. Mr. Teitz suggested having the Special Meeting of the Planning Board regarding this matter on July 16, 2013, as that is when the majority of the Board members are available to attend. If necessary, Mr. Teitz suggested that if more meetings were necessary to schedule them at a later date. The Board is under obligation by law to render a decision by August 22, 2013.

**Motion:** Mr. Milman made a motion to continue the special meeting to July 16, 2013. Mr. Adams seconded the motion, and the motion carried unanimously (9-0).

### **Item 7.1 Election of Officers**

Mr. McCormick stated that the current officers are as follows:

Mike McCormick, Chairman  
Larry Trim, Vice Chairman  
Edgar Adams, Secretary

Mr. McCormick said that it is fine for the officers to remain in their current position but that it is important that the perception is that it is a "Board of Equals". Mr. McCormick would like to talk about how to do that so that the perception is not that the Chair runs everything.

There was a motion for Mike McCormick to remain as the Chairman, the Board voted unanimously in favor of this election.

Next position was Vice Chairman. Mr. Trim stated he would be happy to take the position for another term as long as there wasn't someone else who would like it.

There was a motion for Larry Trim to remain as the Chairman, the Board voted unanimously in favor of this election.

The position of Secretary received interest from Mr. Milman.

There was a motion for Seth Milman to take the position of Secretary; the Board voted unanimously in favor of this election.

Mr. Teitz noted that he is currently working with the Town Council to be sure an up-to-date procedure is in place for this type of election.

### **Committee reports from the Planning Board**

Police Cove: There is a meeting coming up on July 22. The civil engineering plans are on their way to being bid. The meeting will focus on artist interviews for a public art installation.

Wayfinding and Streetscape: The Birchwood Design Group was selected to complete the plan, working with the committee.

Energy Committee: Council member Kate Weymouth noted that the committee is contemplating using the \$30,000 in the capital budget for energy projects to fund a solar-roofed carport to provide power to the DPW building. This is a highly visible and exciting new improvement, she said. The committee is drafting an RFP for the project.

Ms. Weymouth also noted that the Town Council has spent a lot of time discussing Gary Morse's letters on LMI, regarding the legality and constitutionality of the 8%. In the Town Council's special meeting on July 15, they will be talking with Mike Ursillo to discuss the legal issues around this mandate to better understand all the issues at hand before it is even asked of the Town Council to decide upon.

Ms. Robertson explained that she worked for Rhode Island Housing some time ago and explained the history of the LMI "mandate" and talked about the how the interpretation of the law has changed, creating many gray areas around this topic.

### **Adjournment**

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