

TOWN OF BARRINGTON PLANNING BOARD

Regular Business Meeting
Minutes of the June 4, 2013 Meeting
Council Chamber, Barrington Town Hall

Open Meeting: The meeting was called to order at 7:10 p.m.

Present: Michael McCormick – Chairman, Paul Dulchinos, Edgar Adams, Anne Galbraith, Christine O’Grady, Jean Robertson, Larry Trim, Mike Carroll (arrived at 7:45 p.m.), Seth Milman (arrived at 7:50 p.m.)

Also Present: Assistant Solicitor Nancy Letendre, Secretary Audra Raleigh

Consent Agenda

Item 3.1: Approve Minutes: May 7, 2013 Regular Business Meeting (CA) and the May 13, 2013 Special Meeting of the Planning Board

Mr. McCormick noted one change on the May 7 minutes to add who made the motion to approve the St. Andrews application. Mr. Carroll moved to approve the consent agenda, which included approval of the minutes of the May 7, 2013 regular business meeting as written with the one change as noted above. Ms. Robertson seconded the motion and it carried unanimously (7-0).

Public Hearings

Item 4.1 Master/Preliminary Plan: Dziuba Minor Subdivision Proposal

Mr. McCormick opened the public informational meeting on the Master/Preliminary Plan: Dziuba Minor Subdivision. Proposal to subdivide Lot 380 on Assessor’s Plat 22 into four (4) lots with frontage on South Street and Maple Avenue, zoned R10 and NB. Existing two-family structure on Maple Avenue is to be renovated to provide two (2) affordable housing units. Applicant is seeking relief under provisions of the comprehensive permit process.

Present: Stephanie Federico, DeSisto Law Offices
Richard Lipsitz, president, Waterman Engineering, East Providence, RI

Mr. Lipsitz described the site, which totals more than 38,000 square feet. The property has one structure - a duplex on Maple Avenue - and vacant land with frontage on South Street. The proposal calls for four lots. One lot would have frontage on both on Maple Avenue and South Street; this lot includes the existing duplex, which will be rehabbed and rented as two affordable units. The proposal would create three new lots for single-family homes fronting on South Street; these properties will be sold at market rate. It was noted that Fred Almeida, who is to develop the property, has walked the property with the Town Planner and the Director of the DPW, discussing sidewalks and options to tie into sewer and water.

Ms. Federico spoke to the criteria for the comprehensive plan permit for affordable housing, citing Rhode Island general laws as well as provisions of the Barrington Zoning Ordinance. Ms. Federico

stated that the client has met all provisions set forth by the Town under the comprehensive permit procedures. In addition, there are several items that should be conditions of the approval:

- A 30-year deed restriction agreement to be recorded on the parcel for the two LMI units;
- Developer shall issue a monitoring agreement to oversee the management of the low and moderate income units;
- A letter of eligibility or Rhode Island Housing for the affordable units is to be provided; and,
- Detailed plans of duplex are to be submitted.

Ms. Federico said the applicant is requesting a waiver of the application fee for both the master plan and preliminary plan stages, to be considered a municipal subsidy.

A letter from an abutter, Lucy Wright, 29 South Street, Barrington, was read into the record.

Susan Serio, Roffee Street, asked about Parcel A and the square footage of the market rate homes and the rental properties.

Mr. Almeida stated the size of the market rate homes has not been determined, but all properties will be consistent with each other and the neighborhood. The two rental units consist of 950 square feet for the first-floor unit and 950 square feet on the second floor and 600 square feet on the third floor for the upper-level unit. He noted that his plan is to keep the rental unit as his property and to rehab the entire interior including new electrical, plumbing and roof. He also intends to have a landscape plan to provide green space. Mr. Almeida also stated that he will meet with neighbors to see what they want and will address any concerns around aesthetics of the outside of the house.

It was noted that the Housing Board of Trustees is in favor of this application.

Rabbi Moshe, 311 Maple Avenue, Barrington, RI, addressed the Board and said he would like the proposed driveway to be moved farther away from his property as it is big and too close.

Motion: A motion was made by Mr. Dulchinos to combine the master and preliminary plans, Ms. O'Grady seconded the motion and it carried unanimously, (9-0).

Motion: A motion was drafted by Town Planner Philip Hervey that included a suggested agreement regarding provision of sidewalks, with site details to be worked out with Alan Corvi, Director, DPW. Mr. Trim motioned to accept the motion as written by the Town Planner, striking only the last sentence. The motion, as revised, is as follows:

“The Barrington Planning Board hereby grants Master Plan and Preliminary 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 4/2/13, scaled at 1"= 20'. 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 development; 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, sewerage disposal, 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 and the waiver for the provision of a sidewalk on South Street is justified per the findings below.

7. All lots will have adequate and permanent physical access to a public street – South Street and Maple Avenue.
8. 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.

Findings: Sidewalks

The Planning Board hereby determines that the applicant shall be required to build the sidewalk as proposed on Maple Avenue, but not on South Street, as South Street is not located within an area with high vehicular traffic volumes where there would be a likelihood of potential danger to pedestrians or cyclists.

Municipal Subsidy

Further, the Board approves the applicant's request for a waiver of the application fee for the master plan submittal, as the master plan stage has been combined with the preliminary plan stage. The granting of this waiver constitutes a municipal subsidy in the amount of \$1,000.

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.
2. The following shall be submitted:
 - a. Detailed floor plans with a list of finishes for the renovation of the two units in the two-family structure and specifics as to changes to the exterior and site, such as fencing and landscaping.
 - b. Revise the floor plans and other details submitted per condition 2b, if needed in order to address comments by the Housing Board of Trustees, which shall review the material prior to submittal to the Planning Board for final plan review.
3. 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.
4. Deed restrictions for the affordable units shall be recorded, subject to review by Town counsel.

5. The monitoring agreement shall be executed with East Bay CDC or another approved monitoring agency.
6. Submit letter of eligibility from RI Housing for the affordable units.
7. Install the proposed sidewalk and curbing on Maple Avenue, or submit an improvement guaranty to the Town in the amount sufficient to cover the cost of the improvements, the amount subject to approval by the Director of Public Works.
8. A landscape plan for the lot that includes the two-family with the address 305 Maple Avenue shall be included in the final plan submission.
9. Additional sidewalk on Maple Avenue east of 305 Maple Avenue shall be added to the final plan, and a payment in lieu fee shall be worked out with input from the Town Planner and Alan Corvi, with credit given for the proposed sidewalks at the corner of Maple Avenue and South Street lot as well as in front of 305 Maple Avenue.”

Ms. Galbraith seconded the motion, and it carried unanimously, (9-0).

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

Mr. McCormick opened the public informational meeting on the Palmer Pointe Neighborhood comprehensive permit master plan application. The parcels involved are Assessor’s Plat 28, Lots 72, 73, 246, 248, 249 and 263 (the Sowams Nursery property on the east side of Sowams Road). 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, to be sold at market-rate. The applicant is seeking relief from provisions of Zoning Ordinance and Land Development & Subdivision Regulations under the comprehensive permit process.

Mr. McCormick said the purpose of this meeting is to allow the public to address any remaining questions they have regarding the project.

Ms. Letendre explained the criterion that needs to be met in order to approve the comprehensive permit.

Mr. McCormick invited public comment.

People who addressed the board included:

- Bill LeMoult, CODDER representative, 16 Hampden Street, Barrington
- Les Costa, 3 Colonial Avenue, Barrington
- Betsy Restitullo, 17 Sweetbriar Road, Barrington
- Kevin Doyle, 33 Lillis Avenue, Barrington
- Ann Callan, 42 Charles Street, Barrington

John Spadaro, 136 Washington Road, Barrington
Pam Fuller, 23 Belvedere Avenue, Barrington
Pam Van Ness, 30 Lillis Avenue, Barrington
David Morris, 35 Orchard Avenue, Barrington
Tim D'Allesandro, 69 Orchard Avenue, Barrington
Paul Mainella, 32 New Meadow Road, Barrington
Vicki Margarita, 69 Sowams Road, Barrington
Louise Mainella, 32 New Meadow Road, Barrington

Comments included:

- Disagreement regarding the interpretation of the law; memorandum submitted into the record.
- The project does not meet the Town's Comprehensive Plan.
- Two obligations to the state: best effort to comply with affordable housing "charter" (not mandated) and maintaining compliance with watershed plan and storm water control manual.
- Grateful for SweetBriar, which is similar to proposed development, beautiful place to live.
- What is the buildable acreage? Wants correct figure.
- Traffic is terrible on Sowams Road.
- Concerned about the safety of children walking on Sowams Road.
- Development is too dense.
- The proposed plan goes against the character of the town, which consists of mainly single family homes, not high density housing.
- How will the Town benefit from this development?
- Toxic fumes, noise level, traffic jams.
- Environmental impact.
- Impact on health and safety.
- Impact of the proposed development on property values.
- Runoff of storm water-all goes into the river.
- There are other ways to achieve affordable housing goals.

A letter from Abby Klieman, Mathewson Lane was read into the record and is attached herein.

Due to the late hour, Ms. Federico reserved the right to respond to any issues brought up tonight and to give final arguments until the July Planning Board meeting.

Motion: Mr. Carroll made a motion to continue the public informational meeting to July 2, 2013. Mr. Trim seconded the motion, and the motion carried unanimously (9-0).

The Chairman reminded the Board that July will be the election of Officers on the Board. Due to the late hour, Committee reporting was continued until the July meeting.

Adjournment

Upon a motion by Mr. Carroll, with a second by Mr. Trim, the Board unanimously (9-0) voted to adjourn the meeting at 11:00 p.m.