

TOWN OF BARRINGTON PLANNING BOARD

Minutes of the January 2, 2013 Meeting
Town Council Chamber, Barrington Town Hall

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

Present: Michael McCormick – Chairman, Michael Carroll, Paul Dulchinos, Seth Milman, Christine O’Grady, Jean Robertson

Also Present: Solicitor Andrew Teitz and Town Planner Philip Hervey

Absent: Edgar Adams, Lawrence Trim

Consent Agenda. Ms. Robertson moved to approve the minutes of the December 4, 2012 regular business meeting as written. Mr. Milman seconded the motion and it carried unanimously (6-0).

Public Hearings

Item 4.1: Public Informational Meeting –Bluemead Farm Plat Master Plan Assessor’s Plat 10, Lots 3 and 8; R-25 and R-40 Zones

Application: Conventional Subdivision Plan

Ms. Robertson moved to continue the Bluemead conventional subdivision master plan to the February meeting. Mr. Dulchinos seconded the motion and it carried unanimously (6-0).

Alternative Application / Comprehensive Permit Application

Bruce Cox, attorney, said the revised application seeks relief from provisions of the Town’s Zoning Ordinance through the Comprehensive Permit process. The relief allows the applicant to respond to the board’s requests for reducing the impact of the development on the site, he said. The proposal provides an additional affordable unit, by changing a proposed single-family house to a duplex on a lot fronting on Chachapacasset Road, and utilizes a portion of a lot on Rumstick Road for access to one of the new house lots. Relief requested includes insufficient frontage and insufficient lot area for the two lots with the affordable units, located in the R-40 zone.

David Gardner of David D. Gardner & Associates submitted to the board a revised grading plan showing the change in grades required to develop Lots 6 and 7, including about a foot of fill in an area within the coastal floodplain. The revised design shortens the roadway by about 65 feet, with about three feet of fill required for the last 125 feet of the road to bring it to the required elevation, Mr. Gardner said. The applicant will submit a landscape plan at the Preliminary Plan stage.

Molly Lee, of the Housing Board of Trustees, said the Housing Board reviewed the site plan at a recent meeting. The Housing Board, she said, has concerns about the timing of construction of the affordable units. She said the smaller lots on the opposite (north) side of Chachapacasset Road provide an opportunity to create three smaller single-family house lots rather than one single family lot and one lot with a duplex. Utilizing smaller lots for those units is the Housing Board’s preference.

Mr. Gardner said the topography of the land by Chachapacasset would require substantial changes to the existing grades, and an additional house there would have a greater impact on the views of people across the street. He said the proposed lot sizes on Chachapacasset, between 21,000 and 37,000 square feet, are a good transition in density from the small lots on the north side of the street to the larger lots within the development on the new roadway.

Gary Morse, of Barrington, questioned whether the application is complying with the Town's requirements by locating the affordable units in one area. He also said timing of construction should be addressed. Henry DeWolf, of Rumstick Road, said he was concerned that the development would create a burden on the Town with maintenance of the culvert under the roadway.

Board members expressed support for the application, as it has reduced the impact on the land that would otherwise be required for the conventional subdivision plan. Several members said the two affordable housing lots might need to be separated rather than located side-by-side in order to comply with Town standards. Mr. Dulchinos said the board might want to consider placing the duplex on Lot 9 rather than Lot 2. Ms. O'Grady said she was concerned that the duplex would not be in keeping with the character of the area, preferring a single-family house instead.

The board discussed a letter from the RI Historical Preservation & Heritage Commission dated November 14, 2012, which said there is "no known archaeological site within this project area," but that it is "sensitive for archaeological resources." The Commission recommends that an archaeological survey "be conducted to determine if archeological materials are present, and, if such materials are found, to determine their extent and significance."

The board asked Town staff to provide at the next meeting information from the RIHPHC on what normally is involved in an archaeological survey.

Mr. McCormick said overall, it is clear the board supports the plan. He said the location of the affordable units can be determined at the Preliminary Plan stage when sketches and more information is provided about the units. He asked staff to draft a motion to approve for consideration by the board at the February meeting, to include conditions establishing architectural guidelines for the affordable units, and, for the Preliminary Plan stage, requiring a response to the DPW's memorandum commenting on the plans. The board will also have more information about the scope of an archaeological survey before making a decision on whether to require one.

On a motion by Mr. Milman seconded by Mr. Carroll, the board voted to continue the item to the February meeting (6-0).

**Item 4.1: Public Informational Meeting – 83 Rumstick Road Subdivision Master Plan
Plat 24, Lot 239, R-25 Zone**

Mr. McCormick asked for public comment. Kristin Pettey, attorney for an abutter, said the plan should include a drainage plan and provide additional buffer for the property to the north. Daniel Shedd, applicant, said he will be working with a landscape architect to look at screening options, including fencing. David Greenberg, of Jones Circle, said he would like the shared driveway shifted

more to the north, away from his property. In response to a question about the availability of water, engineer Kevin Morin said the new house will have public water.

On a motion by Mr. Carroll, seconded by Mr. Milman, the Board voted (6-0) to approve the following motion:

“The Barrington Planning Board hereby grants Master Plan approval for the “83 Rumstick Road 2-Lot Subdivision,” as depicted on plans for property located on Rumstick Road in the Town of Barrington, Rhode Island, Assessor's Plat 24, Lot 239, Residence 25 Zoning District. Plans by: DiPrete Engineering Associates, Inc., Two Stafford Court, Cranston, RI, dated October 24, 2012, scaled at 1"= 40'. Approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. The proposed subdivision is consistent with the Comprehensive Community Plan in that the site is zoned for residential development with a minimum lot size of 25,000 square feet each (Residence 25 zoning);
2. The proposed development is in compliance with the standards and provisions of the Barrington Zoning Ordinance, except that the proposed subdivision requires Zoning Board of Review approval of a dimensional variance for Lot 1, which would have approximately 50 feet of frontage on Rumstick Road, and for Lot 2, which would have no street frontage, with access provided via a cross easement on Lot 1.
3. There will be no significant negative environmental impacts from the proposed development as shown on the Master Plan, with all required conditions for approval, as the layout provides flexibility to preserve significant natural features, including specimen trees;
4. All proposed lots would have adequate and permanent physical access to Rumstick Road, with access for Lot 2 through a shared driveway located within an easement across Lot 1.

Findings of Fact - Waivers:

The Board grants approval of waivers from the following provisions of the Land Development and Subdivision Regulations:

1. All proposed lots within a development or subdivision shall front on an existing or proposed public street with the minimum frontage prescribed in the Barrington Zoning Ordinance for the applicable zoning district(s). (Section 47A)
2. Lots in residential developments or subdivisions shall have the minimum dimensions (conditioned upon Zoning Board relief for frontage) as prescribed in the Barrington Zoning Ordinance for the applicable zoning district(s). (Section 47E)
3. Interior angle of lot greater than 200 degrees (Section 200-47E)
4. Lot aspect ratio requirement of lot depth to width of no greater than 2 ½ to 1 for Lot 1 (Section 47E)

In accordance with Section 200-38, the Board makes the following finding of facts supporting the granting of the above waivers:

1. Literal enforcement of the above standards would exact undue hardship because of conditions pertaining to the land in question, as Town regulations would require construction of a paved street more than 600 feet in length to provide frontage for just one additional lot, within an area surrounded by developed residential lots. Construction of the street to Town standards would require at least 22 feet of pavement width, curbing, and the installation of storm water facilities, which, based on a previous proposed four-lot proposal for the property, would involve additional removal of trees and site disturbance in close proximity to a well serving a house on a neighboring parcel.
2. That the applicant has submitted a "Yield Plan" demonstrating the property could be subdivided meeting the Town's subdivision and zoning standards, with the platting of a cul-de-sac within a right of way of at least 40 feet in width. The right of way, if platted, would allow for the construction of a street providing sufficient frontage for both Lots 1 and 2.
3. That the proposed dimensional relief for lack of frontage would allow the subdivision of the property to proceed without construction of a paved street of approximately 600 feet within close proximity to adjacent houses. As the proposal is for the addition of just one additional lot, a less intrusive option would be to provide the necessary access to the new lot through a shared driveway within an easement across Lot 1.
4. That the hardship is not self-created. The Planning Board has reviewed both a conventional subdivision which would meet the zoning requirement for frontage by introducing a road with cul-de-sac and the proposed subdivision plan proposed here. The Planning Board prefers this subdivision plan due to the reduction in paved area that it will allow. The elimination of the roadway and related drainage infrastructure would reduce the potential impacts to adjacent houses in close proximity to the north and south, and allow for the preservation of significant natural features of the property.
5. The waiver is in the best interest of good planning practice and design as evidenced by consistency with the goals of protection of natural resources and reduction of impacts on the neighborhood, which goals are contained in both the Comprehensive Plan and the Zoning Ordinance.

Finding: Sidewalks

The Planning Board determines that the applicant shall submit a fee in lieu of providing a sidewalk, as the proposed subdivision, though in close proximity to a school, would not provide public access along a public street.

Conditions of Approval:

1. The Preliminary Plan shall show granite markers at the corners of the new property line, the corners of the easement area on Lot 1, and at the property corners of Lot 1 at Rumstick Road;
2. An easement agreement for the shared driveway and utilities on Lot 1 shall be submitted;
3. An easement shall be provided for the existing sewer line that crosses the property, continuing the easement that extends from Jones Circle;
4. The applicant shall provide a planting plan showing existing trees at least 12 inches in caliper, identifying specific trees to be removed and trees to remain with the construction

of the shared driveway. The plans shall include details of tree protection measures to be used during construction of the driveway;

5. A fee in lieu of providing the required sidewalk shall be calculated by the engineer for review by the Town. The fee, which shall be paid prior to the final plan approval, shall be based on the cost of constructing a sidewalk in accordance with Town standards, subject to approval by the Town's Public Works Director;
6. The applicant shall provide a draft deed restriction preventing further subdivision of either parcel;
7. The applicant shall receive the required dimensional relief from the Zoning Board of Review prior to submittal of the preliminary plan;
8. The applicant shall provide a landscape plan that provides additional buffer screening on the perimeter; and,
9. The applicant shall provide a drainage plan as required.

On a motion by Mr. Dulchinos, seconded by Ms. Robertson, the Board voted (6-0) to approve the following motion:

Recommendation to Zoning Board:

"The Barrington Planning Board hereby recommends to the Zoning Board approval of an application for dimensional variances for the 83 Rumstick Road 2-Lot Subdivision, as depicted on plans for property located on Rumstick Road in the Town of Barrington, Rhode Island, Assessor's Plat 24, Lot 239, Residence 25 Zoning District. Plans by: DiPrete Engineering Associates, Inc., Two Stafford Court, Cranston, RI, dated October 24, 2012, scaled at 1"= 40'. Approval is based upon the following findings of fact and conditions of approval: In support of this positive recommendation the Planning Board finds:

1. That the applicant has submitted a "Yield Plan" demonstrating the property could be subdivided meeting the Town's subdivision and zoning standards, with the platting of a cul-de-sac within a right of way of at least 40 feet in width. The right of way, if platted, would allow for the construction of a street providing sufficient frontage for both Lots 1 and 2.
2. That the proposed dimensional relief for lack of frontage would allow the subdivision of the property to proceed without construction of a paved street of approximately 600 feet within close proximity to adjacent houses. As the proposal is for the addition of just one additional lot, a less intrusive option would be to provide the necessary access to the new lot through a shared driveway within an easement across Lot 1.
3. That the hardship is not self-created. The Planning Board has reviewed both a conventional subdivision which would meet the zoning requirement for frontage by introducing a road with cul-de-sac and the proposed subdivision plan proposed here. The Planning Board prefers this subdivision plan due to the reduction in paved area that it will allow. The elimination of the roadway and related drainage infrastructure would reduce the potential impacts to adjacent houses in close proximity to the north and south, and allow for the preservation of significant natural features of the property."

Old Business

None

New Business

Item 6.1: Election of officers

Mr. McCormick said the election of officers is taking place now, as the Board did not hold the election in July 2012. Another election of officers will be held in July 2013, in accordance with the Board's by-laws.

On a motion by Mr. Carroll, seconded by Mr. Dulchinos, the Board voted unanimously to elect Mr. McCormick as Chair.

On a motion by Ms. Robertson seconded by Mr. Carroll, the Board voted unanimously to elect Mr. Trim as Vice Chair.

On a motion by Mr. Carroll seconded by Ms. Robertson, the Board voted unanimously to elect Mr. Adams as Secretary.

Item 6.2: Schedule pre-application meeting date (proposed date: January 15, 2013)

Mr. McCormick said he would allow questions from the public at the pre-application meeting. The Board agreed to schedule the meeting for January 15th at 7 p.m. Mr. McCormick said he would reach out to the Housing Trust Board Chair to see whether the Housing Board hold a joint meeting with the Planning Board for the pre-application review.

Reports & Special Items

Reports from Planning Board Members

Capital Improvement Program Committee

The committee consists of Ms. Robertson, Mr. Milman and Mr. Trim. The Committee will be meeting with Department heads soon to review CIP requests. A vote by the Planning Board on the Recommended CIP will be at the regular meeting in February.

Harbor Commission

Mr. Dulchinos said the Commission is discussing changing the location of moorings in the Barrington River to create a 50' clear passage. He believes just a handful of moorings would be affected.

Comments - Board Members, Council Liaison & Town Planner

No additional comments.

Adjournment

Upon a motion by Mr. Milman, with a second by Ms. Robertson, the Board unanimously (6-0) voted to adjourn the meeting at 9:20 p.m.