

TOWN OF BARRINGTON PLANNING BOARD

Minutes of the February 5, 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, Edgar Adams, Seth Milman, Christine O’Grady, Jean Robertson, Lawrence Trim

Also Present: Solicitor Andrew Teitz, Town Planner Philip Hervey, secretary Audra Raleigh, Council Liaison Kate Weymouth

Consent Agenda. Ms. Robertson moved to approve the consent agenda, which included approval of the minutes of the January 2, 2013 regular business meeting as written and, the January 15, 2013 joint meeting with TRC, Housing Board as written. Mr. Dulchinos seconded the motion and it carried unanimously (8-0).

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: Conventional Subdivision Plan, and Comprehensive Permit Subdivision Plan

The Board opened the public informational meeting on the comprehensive permit application.

Mr. Bruce Cox, attorney for the applicant, said the applicant has submitted additional information required for the comprehensive permit application, but is asking that Board allow them to submit at the preliminary plan stage the letter of eligibility and pro-forma, as they are not yet available. Additionally, he noted that the owner is soliciting bids from consultants on the cost of an archeological study that the Board is considering requiring. He said it appears, based on comments from one of the consultants, that a study could cost around \$20,000.

Mr. Cox asked the Board to add to the motion language that would clarify that the creation of the substandard lot on Rumstick Road, which would have insufficient frontage, would not be automatically merged with an adjoining lot per the Town’s Zoning Ordinance should an abutter acquire the property at a future date. Mr. Cox inquired whether the sequencing of the housing could allow the applicant to construct a market rate house first, prior to construction of any of the affordable housing.

Mr. Gary Morse questioned the Board on their authority to override the inclusionary zoning requirements of Zoning Ordinance Section 185-184C which states, in part, that the affordable dwellings need to be integrated throughout the development and compatible in scale and architectural style. He urged the Board to be consistent in their decisions, and asked that the

Board acknowledge that this is a work in progress. Mr. McCormick responded that the motion has conditions addressing that issue, adding that more detail will be required at the next stage, the preliminary plan phase. Mr. Teitz noted that timing is subjective, and it has to be worked out.

Board members discussed potential environmental impacts related to grating, as well as a RI Historic Preservation and Heritage Commission letter recommending the requirement of an archeological study due to potential Native American activity at the site. Mr. Cox asked for the Board to consider requiring a study during the preliminary stage, rather than making it a condition of master plan approval. Members of the Board felt that the item should be a condition, so that the results of a "Phase 1" archaeological study are submitted with the preliminary plan application.

Mr. Cox said he had reviewed the draft motion staff provided to the Planning Board for consideration. He suggested several with minor changes. The Board reached a consensus on several revisions to the original draft motion, including requiring results of a "Phase 1" archaeological study, and deleting the word "existing" from condition of approval 2a, to read "... in order to demonstrate architectural compatibility with the neighborhood. ..."

Motion: Mr. Carroll made the following motion:

"The Barrington Planning Board hereby grants Master Plan approval for the 'Bluemead Farm Plat,' as depicted on plans for property located on Chachapacasset Road, Beach Road and Rumstick Road in the Town of Barrington, Rhode Island, Assessor's Plat 10, Lots 3 and 8, Residence 25 and Residence 40 Zoning Districts. Plans by: David D. Gardner & Associates, Inc., 200 Metro Center Blvd., Warwick, RI 02886, dated December 2012, scaled at 1"= 50'. Approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. By providing 3 affordable units, including two within a duplex, or 30 percent of the total number of new units, the proposed development is consistent with local needs as identified in the local Comprehensive Community Plan, in particular the following affordable housing strategies:
 - a. The provision of a two-family building within the development is consistent with Housing & Neighborhoods Strategy 5-3, 'Identify areas that could support a mix of housing types,' including duplexes.
 - b. The proposed density bonus is consistent with Housing & Neighborhoods Strategy 5-8, as the overall units proposed within the development is consistent with the inclusionary density bonus available to comprehensive permit applications with less than 50 percent of the overall units designated to qualify as affordable housing.
2. The proposed development is in compliance with the standards and provisions of Barrington's zoning ordinance and subdivision regulations, and where expressly varied or

waived, local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing, as described below.

- a. The waivers for dimensional variances allow for development of the affordable units on lots smaller than required. Overall, the density of the development, at approximately one unit per acre, is less than the density contemplated in the Affordable Housing Plan for projects proceeding under Strategy 8: Strongly negotiate new comprehensive permits.
 - b. The variance requested for Lot 4, for insufficient frontage on Rumstick Road, allows for the reduction of land disturbance that otherwise would be required to provide access from the new roadway through construction of a driveway into a hillside.
 - c. The requested Subdivision and Land Development Regulations waiver, for a 22-foot-wide street within a major subdivision, allow for reduced impacts in an environmentally sensitive coastal site that features a pond and some significant trees, by reducing the amount of impervious surface and allowing for less land disturbance required for grading and drainage than would be required under a conventional subdivision plan.
3. The applicant will be required at the Preliminary Plan stage to demonstrate that all low- and moderate-income housing units will be architecturally compatible with the neighborhood.
 4. There will be no significant negative environmental impacts from the proposed development as shown on the Master Plan, as the plan will avoid disturbances within the 100-foot wetland buffer, be required to comply with storm-water standards such that there will be no net increase in runoff from the development, and, in comparison to the conventional subdivision plan, reduce the amount of fill required within the floodplain, with all required conditions for approval and with completion of CRMC freshwater wetland review, as required prior to the Preliminary Plan stage. It is noted that additional plantings will be identified on a landscape plan to be submitted at the Preliminary Plan stage in order to comply with Town standards, including the provision of street trees to offset the loss of trees removed for development of the site.
 5. 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 traffic, provision of emergency services, sewage disposal, provision of sufficient off-street parking, availability of potable water, and adequate surface water runoff.
 6. The proposed development will have adequate and permanent physical access to a new public street extending off Chachapacasset Road and, for Lot 4, Rumstick Road.
 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.
 8. In the case of the Bluemead subdivision, a walkover of the project by RIHPHC archaeologists determined that although there has been some disturbance within the project area, a large part of it may well contain Native American archaeological materials.

Findings: 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 Town recreational facility (the Town Beach), would not provide public access through the site to the beach. In addition, there are no sidewalks within the surrounding neighborhood.

Conditions of Approval:

1. All of the 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. For the Preliminary Plan submittal, the applicant shall:
 - a. Submit building elevation sketches and floor plans for the proposed affordable units, in order to demonstrate architectural compatibility with the neighborhood. To the extent that is practical given the topography, the driveways and off-street parking areas for the affordable units shall be located to the sides of the residential structures rather than the fronts, to achieve compatibility with the neighborhood.
 - b. Submit a landscape plan, as required to meet Town subdivision improvement standards and mitigate the loss of trees to be removed for development of the site. The landscape plan shall identify existing trees that would need to be removed for the development of the street and bioretention area, and the development of the affordable units.
3. The applicant shall provide supporting draft legal documents for the proposed conservation easement along and including the portion of the pond within the site, and for maintenance of the bioretention area handling runoff from the street.
4. Grading of Lots 6 and 7 shall be done to minimize impact on the grading.
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 100-foot wetland buffer edge shall be demarcated.
7. The applicant shall provide the results of a satisfactory Phase I Archaeological Survey.

The Planning Board waives the application fee."

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

M. McCormick – Yea
E. Adams – Yea
M. Carroll – Yea
P. Dulchinos – Yea

S. Milman – Yea
C. O'Grady – Yea
J. Robertson – Yea
L. Trim – Yea

Motion carried, 8-0.

Motion: Mr. Carroll made a motion to continue the public informational meeting on the conventional subdivision plan for a period of two months and to accept the applicant's agreement, as expressed by Mr. Cox, to extend the decision deadline also by two months.

Mr. Dulchinos seconded the motion, and it carried unanimously, 8-0.

Old Business

Item 5.1: Accept withdrawal of application: Preliminary Plan Submittal: Dziuba Minor Subdivision (Assessor's Plat 22, Lot 380).

The Board acknowledged receipt of a letter from Mr. Cox, attorney representing the applicant, stating that his client has instructed him to withdraw the application, Mr. Cox asked the Board to accept the withdrawal without prejudice.

Motion: Mr. Dulchinos made a motion to accept the withdrawal without prejudice; Ms. O'Grady seconded the motion, and it carried unanimously, 8-0.

New Business

Item 6.1: Discuss and make recommendation: Six-Year Capital Improvement Program

Mr. Milman, Chair of the Planning Board's CIP Subcommittee, described the subcommittee's recommended capital budget, as contained in Tables 1, 1A, 2 and 3. Mr. Hervey said the \$25,000 recommended for the Bay Spring Community Center is likely not needed, based on a reduction in scope for that project. However, he suggested that \$20,000 be included to update aerial photographs (item #GF28 on Table 1) in preparation for the full revaluation that will be required to take place in a couple years. Mr. Milman added that the amounts shown for the Library generator (item #GF37) in 2014-15 and 2015-16 should be deleted. Mr. Hervey said \$155,000 will be needed in 2014-15 for the full revaluation (item #GF 25 on Table 1).

A motion was made by Mr. Milman to recommend the six-year capital improvement program to the Town Manager with the changes as noted above. Mr. Adams seconded the motion and it carried unanimously, 8-0.

Reports & Special Items

Item 7.1: Presentation on historic designation of Allen-West House at 153 George Street

Mr. Nathaniel Taylor described efforts of the the Barrington Historical Society to research the history of the George Street area, which recently lead to the historic designation of the Allen-West House at 153 George Street, now owned by Mr. Jason Lawrence. The Preservation Society has been mobilized to investigate the historical significance of the house, in reaction to the proposed development of 27 housing units on a lot adjacent to 153 George Street. Mr. Taylor gave the background on the history of the First Baptist Church and the significance of the area in relation to the church's founding in the United States. It appears, for instance, that the first Baptist meeting house in the country was located on George Street, he said.

He handed out maps and other historical information on the house. The house, built prior to the Revolutionary War, is one of the oldest houses in Barrington. It is significant, he said, that the house is the only remaining one in Barrington that survives in a relatively undeveloped area, whereas other historic houses are within areas that subsequently developed over the years. The State Historical Preservation & Heritage Commission recently unanimously voted to approve the property as eligible for listing on the state and National Register of Historic Places. The BPS will be applying for designation on the National Register later this year.

Ms. Bonnie Warren spoke to the Planning Board about additional research completed on property in the vicinity of the Allen-West house. She presented maps and notes on the status of the George Street right of way. The recent survey of the area completed in conjunction with the master plan submittal for the "Residences at the Preserve" master plan application shows the street encroaching on two private parcels at the bend in the road, including a portion of the Allen-West House lot. She asked the Board to investigate and take steps to correct these discrepancies. Mr. Teitz stated that if a street has been used 20-plus years as a public street, it would make it a public street by law. Mr. McCormick said the item would be added to the next agenda for action by the Planning Board.

Reports from Planning Board Members

Committee for Renewable Energy in Barrington

Ms. Weymouth said the Committee is considering a solar installation atop closed landfills on Upland Way; the Committee plans to present the concept to the Town Council in March.

Police Cove Park Committee

Mr. Hervey said the Town has applied to State agencies, including CRMC and RIDEM, for the required permits. He expects the project to be bid in the spring, with construction starting in June.

Comments - Board Members, Council Liaison & Town Planner

No additional comments.

Adjournment

Upon a motion by Ms. Robertson, with a second by Mr. Trim, the Board unanimously (8-0) voted to adjourn the meeting at 9:50 p.m.