TOWN OF BARRINGTON PLANNING BOARD

Regular Business Meeting
Minutes of the October 1, 2013 Meeting
Council Chamber, Barrington Town Hall

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

Present: Larry Trim – Acting Chair; Edgar Adams, Mike Carroll, Paul Dulchinos, Anne Galbraith, Jean Robertson

Absent: Michael McCormick – Chairman, Seth Milman, Christine O'Grady

Also Present: Assistant Solicitor Andrew Teitz, Town Planner Phil Hervey, Secretary Audra Raleigh

Consent Agenda

Item 3.1: Approve Minutes: September 12, 2013 Regular Business Meeting

Motion: Mr. Carroll moved to approve the minutes with the change of "Service Matter" be changed to "Surface Matters" in the September 12, 2013 Regular Business Meeting, Ms. Robertson seconded the motion and it carried unanimously (8-0).

Public Hearings

Item 4.1: Public Hearing on Bluemead Farm Plat Amended Master Plan/Preliminary Plan Comprehensive Permit Submission (Assessor's Plat 10, Lots 3 and 8). Mr. Bruce Cox, attorney for the applicant, said his client is requesting master plan and preliminary plan approval for phases 1 and 2, and asked for Phase 1 (proposed Lot 4 and Lot 8 on Assessor's Plat 10) final to be approved administratively. He noted the CRMC assent has been issued and said the archaeology report showed no findings. Mr. Cox has provided a draft motion for master and preliminary approval of the amended plan.

The following audience members came forward:

- Theresa Sarli, 27 Beach Road, inquired about the drainage plan for the project.
- Michael Underwood, 51 Talcott Street, stated there are no two-family homes in this area.
- Anna Flag, 5 Beach Road, does not want multi-unit housing in the neighborhood.
- Peter Neibert, 49 Chachapacasset Road, said that the pond does overflow, and that multi-family units to do fit in with the character of the neighborhood.
- Arthur Richter, 47 Lorraine Street, worried about setting a precedent for multi-family units.
- Jeff Machado, 15 Beach Road, asked about the proposed sewer line for the project.

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The applicant and applicant's consultants provided the following in response to the questions raised:

- Susan Capasso, PE, engineer at David Gardner Associates, explained that they will use an existing low-lying area on site to collect water and infiltrate it into the ground. There is an emergency outlet near the pond. The plan is designed to comply with stormwater regulations. The home to the west will drain into the infiltration basin; drywells on the other side of the road will address rooftop runoff.
- The lot size can accommodate a two family home (lots 1 & 2).
- RI Housing was concerned that the original layout of lots proposed for affordable housing were too large because maintenance would be a burden.
- Any multi-unit building can be turned into condominiums for the purpose of selling the units.
- The project will tie into the public sewer system.
- Beth Davis, clarified that there will be two lots lot for affordable housing, one with a single-family house, the second with a duplex. Both front on Chachapacasset.

Mr. Cox reiterated that they are asking for this to be approved in phases. He noted that 18 trees will be removed, but 25+ trees will be replanted and Lot 3 will be responsible for the stormwater management. They are asking for approval of Lot 4 in Phase 1.

The Board said they felt uneasy approving a new market rate lot, Lot 4, without knowing what will happen with the remainder of the project, and that relief would be granted for insufficient frontage for that lot under the comprehensive permit process. The Board discussed alternatives, including shifting Lot 4 into Phase 2, with only the reconfigured Lot 8 on Plat 10 in Phase 1. This would enable the applicant to sell the existing house on Rumstick Road, once final plan is granted, while working out the details of the Phase 2 preliminary plan. The affordable housing lot layout and design/housing type of these units would not be included in the master plan approval of the revised Phase 2.

Motion: Member Anne Galbraith made the following motion:

"The Barrington Planning Board hereby grants Amended 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 August 5, 2013, scaled at 1"= 50', Phase I and Phase II. Approval is based upon the following findings of fact and conditions of approval:

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Findings of Fact:

1. By providing 3 affordable 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.
    c. The addition of market rate lot 10 still complies with the Housing & Neighborhoods Strategy 5-8 which allows the applicant one added market rate lot proximate to the affordable dwelling units.
    d. The Applicant originally filed a fully compliant conventional subdivision, which is still pending, subject to this Comprehensive Subdivision Application. The eastern portion of the Application, Proposed Lot 4, fronts on Rumstick Road. Lot 4 is disconnected geographically from Lots 1 to 3 and 5 to 10 the land to the west. Historically, Lot 4 stood as a free-standing lot and not as part of Assessor's Lot 3, until the operation of the Zoning Laws of Merger forced it to become excess land attached to Assessor's Plat 10, Lot 8 or Assessor's Plat 10, Lot 3. By permitting the phasing of the approval process and allowing the Final Approval of Phase I – being Lot 8 on Assessor's Plat 10, as depicted on the plan –to be administrative, the Board will enable the Applicant relief which it needs to better be able to comply with the affordable unit compliance obligations of Phase II.
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

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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. The three 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.

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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.
8. The configuration of the affordable housing lots and affordable housing dwelling unit types (single family or duplex) is not approved at this time and is subject to Preliminary Plan approval.
9. Following Master Plan approval, Lot 4 shall be made a part of Phase II.
10. Following Master Plan approval the applicant shall withdraw its Conventional Plan application.
11. The applicant's landscape plan shall be made to conform to the Conservation Commission's comments in an e-mail from Conservation Commission Chair Cyndee Fuller dated September 27, 2013.

The Planning Board waives the application fee for the amended Master Plan as part of the municipal subsidy."

Member Edgar Adams seconded the motion, and a vote was held:

E. Adams – Yea
M. Carroll – Yea
P. Dulchinos – Yea
A. Galbraith – Yea
J. Robertson – Yea
L. Trim – Yea

Motion carried, 6-0.

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The Board revised the draft motion provided by the Mr. Cox granting approval of the Phase I preliminary plan.

Motion**:** Member Edgar Adams made the following motion:

"The Barrington Planning Board hereby grants Preliminary Plan – Phase I approval for the 'Bluemead Farm Plat – Phase I,' as depicted on plans for property located on Chachapacasset Road, Beach 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 July 26, 2013, with revisions through 8/5/13, scaled at 1"= 50'. Approval is limited to Phase I only, as depicted on Sheet 2 of the plan set and as amended below, based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. The Applicant originally filed a fully compliant conventional subdivision, which is still pending, subject to this Comprehensive Subdivision Application. The eastern portion of the Application, Proposed Lot 4, fronts on Rumstick Road. Lot 4 is disconnected geographically from Lots 1 to 3 and 5 to 10 the land to the west. Historically, Lot 4 stood as a free-standing lot and not as part of Assessor's Lot 3, until the operation of the Zoning Laws of Merger forced it to become excess land attached to Assessor's Plat 10, Lot 8 or Assessor's Plat 10, Lot 3. By permitting the phasing of the approval process and allowing the Final Approval of Phase I – being Lot 8 on Assessor's Plat 10, as depicted on the plan –to be administrative, the Board will enable the Applicant relief which it needs to better be able to comply with the affordable unit compliance obligations of Phase II.
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.
   a. The variance requested for Lot 4, for insufficient frontage on Rumstick Road, which will be addressed in Phase II, 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.
3. There will be no significant negative environmental impacts from the proposed development as shown on the Master Plan – Phase II, as the plan will allow for a 20-foot access directly to Rumstick Road servicing Lot 4 and only Lot 4, reinstating a condition which had existed prior to the operation of the merger ordinances of the Town of Barrington.
4. 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.
5. The proposed development will have adequate and permanent physical access to Rumstick Road.

6. 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.

Conditions of Approval:

1. Phase I shall consist of only Assessor's Lot 8 on Assessor's Plat 10, minus the strip of land located in its north east corner measuring twenty (20') foot by two hundred ninety point two nine (290.29') feet that is being combined with Assessor's Lot 3 on Assessor's Plat 10, which is included as Phase II.
2. Proposed Lot 4, with the strip of land from Lot 8 on Assessor's Plat 10, as described above, shall be part of Phase II.
3. Final Plan Approval is delegated to the Administrative Officer."

Member Paul Dulchinos seconded the motion, which passed unanimously (6-0):

E. Adams – Yea
M. Carroll – Yea
P. Dulchinos – Yea
A. Galbraith – Yea
J. Robertson – Yea
L. Trim – Yea

The following motions were made:

Motion: Mr. Carroll made a motion to extend the deadline for approval of the Phase II preliminary plan, as amended, to March 2014. Ms. Robertson seconded the motion and it carried unanimously (6-0).

Motion: Mr. Carroll made a motion to continue the hearing for Phase II to December 3, 2013. Mr. Dulchinos seconded the motion and it carried unanimously (6-0).

Item 4.2 (continued) Public Informational Meeting: Major Subdivision: Bluemead Farm Plat Conventional Master Plan Proposal (Assessor's Plat 8 minus 20 foot strip to the north).

Motion: Mr. Carroll made a motion to accept the applicant's withdrawal of the Bluemead Farm Plat conventional subdivision plan, at the request of Mr. Cox. Ms. Robertson seconded the motion and it carried unanimously (6-0).

Item 4.3 Public Hearing on 83 Rumstick Road – Preliminary Plan (Plat 24, Lot 239)**.**

- Kevin Morin, DiPrete Engineering, presented the plans, adding that the lot layout plan will comply with Class 1 survey standards. The proposed sewer easement will be 20 feet, as requested by DPW.
- Hali Beckman, landscape architect, noted that the meandering driveway was designed that way in order to save the existing trees on the property. She described the plantings in the proposed landscape plan.

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- Steven Littwin, attorney for Dr. Greenberg, stated that the sewer is passing through Dr. Greenberg's property, and questioned whether the applicant has a legal right to make a new sewer service connection into that line.
- Mr. Teitz said this issue is not in the jurisdiction of the Planning Board, which could require that a house on the new lot connect to municipal sewers.

Mr. Trim closed the hearing.

Motion: Mr. Carroll made a motion to continue Item 4.3, the 83 Rumstick Road preliminary plan submission, to the November 5, 2013 Planning Board meeting and to allow Mr. Hervey to direct. Ms. Galbraith seconded the motion and it carried unanimously (6-0).

Committee reports from the Planning Board

Energy/Circulation Subcommittee for Comprehensive Plan – Ms. Galbraith noted that the committee has held its first meeting.

Police Cove: They have not received State approval yet allowing the project to be put out to bid.

Technical Review Committee: There were a few signage proposals for the next mixed used buildings on Anoka, including awnings and a sign for a new restaurant.

Wayfinding and Streetscape: The public walkabout held on Saturday, September 21st was not very well attended.

Adjournment

Upon a motion by Mr. Dulchinos, with a second by Ms. Robertson, the Board unanimously (6-0) voted to adjourn the meeting at 10:30 p.m.

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