

BARRINGTON PLANNING BOARD

Regular Business Meeting Minutes

7 PM, Tuesday, September 5, 2023

Presentation Room 1402 – Barrington Middle School

261 Middle Highway, Barrington, RI

1. Call to Order.

Chair Roni Phipps called the meeting to order at 7:00 PM.

2. Roll Call and Determination of Quorum.

Present: Lawrence Bacher, Richard Godfrey, Bill Kurtz, Brian Morley, Roni Phipps (Chair), Brian Rua, and Rick Simms (arrived 8:41 PM).

Also Present: Teresa Crean, Town Planner; Isabelle Gillibrand, Planning/Zoning Assistant; Amy Goins, Assistant Town Solicitor

Absent: Alexander Mueller

3. Consent Agenda

3.1 and 3.2 Approve Minutes – August 1, 2023 Regular Business Meeting

Member Bacher noted a revision for the top of page three, second paragraph. It states “two years” and needs to be corrected to “thirty years.”

MOTION: Member Bacher, seconded by Member Godfrey, made a motion to approve the minutes of the August 1, 2023 Regular Business Meeting as amended. Motion carried unanimously.

4. Old Business

4.1 Discuss and Act: Comprehensive Permit Review, Preliminary Plan Submittal for 173R Maple Avenue, AP 23, Lot 325 in the Residence-10 and Neighborhood Business Zone. Applicant proposes creation of four units on the site: Unit 1 is a first-floor apartment that would result from renovation of the existing garage onsite to an accessible LMI unit (1,440 square feet); Unit 2 is the existing market rate unit, which will remain unchanged (1,440 square feet); Units 3 & 4 will be new market-rate dwelling units attached to the existing two-car garage to the south (1,064 square feet each). Master Plan approval for this application was granted in June 2021.

Present: S. Paul Ryan, attorney for the applicant

Town Planner Crean reviewed that this is a continuation from last month’s discussion and to allow more time for the applicant to provide clarification on several items. Crean noted the office received the elevation drawings on time, and revised covenants late last week. Crean reviewed that the application also heard by the Conservation Commission, read their motion into the record, and explained that the application had to go before the Conservation Commission as it is still a

requirement on the Town's ordinance and checklist. The 2015 Comprehensive Plan recommended the elimination of this requirement, but the Land Development and Subdivision Regulations were never updated. Crean handed out hardcopies of the late materials to the Board.

Chair Phipps noted she does not feel comfortable receiving materials at the meeting without time to review in advance. Crean noted there can be a requirement to go before the Board for Final Plan approval. Chair Phipps noted the Board's deadlines have been posted for some time and that the applicant needs to honor them. Members Bacher and Godfrey concurred. Attorney Ryan noted that the affordable housing agreement is about complete. Member Bacher responded that he still needs more time to review. Attorney Ryan noted how the applicant's engineer was unable to attend this meeting due to illness and the team would be agreeable to a continuance.

MOTION: Member Rua seconded by Member Bacher, made a motion to continue the application to the October 3, 2023 Regular Business Meeting. Motion carried unanimously.

5. New Business

5.1 Discuss and Act: Administrative Subdivision for 359, 361/363 Maple Avenue, AP 22, Lot 377 in the Residence-10 and Neighborhood Business Zone.

Present: Michael Jacobs, attorney for the applicant

Anthony DeSisto, attorney for Holy Angel's Church

Town Planner Crean reviewed that this application is to settle an adverse possession case and needs to go before the Board due to a jot in the lot line, referring to the Land Development and Subdivision Regulations. Assistant Solicitor Goins noted this is not a waiver.

Attorney Jacobs explained that the administrative subdivision is to avoid a court case, summarized it is to transfer 380 square feet, will conform to the existing conditions of the concrete, retaining fall, and fence.

The Board asked if Holy Angels Church is agreeable, and Attorney DeSisto, attorney for the church, said they are, and are willing to put their approval in writing upon request.

MOTION: Member Godfrey, seconded by Member Rua, made a motion to approve the application. Motion carried unanimously.

5.2 Discuss and Act: Minor Subdivision, Concept Review for 3 College Lane, AP 15, Lot 84, Residence-10 Zone. Applicant proposes to create one new residential lot for affordable housing.

Present: Julia Raimondi and Angelo Raimondi, Situate Surveys

Town Planner Crean reviewed the proposal, specifically noting the 2014 Planning Board decision that outlines the requirement of an affordable unit should the lot be subdivided again. Raimondi summarized Crean's recap and explained that the new lot would conform to the dimensional requirements for the R-10 District, noting a shed that would be moved or removed. Crean pointed to the two created lots in 2014 (214 and 215), the existing lot and the proposed new lots.

Member Bacher confirmed that the dimensional requirements would be met, specifically pointing to the lot coverage. Raimondi said she does not have that information yet but could look further into it. Crean reiterated that the preapplication is solely concept review and is for the applicant to receive feedback in preparation for an official submittal.

The Board confirmed that regardless of if owning or renting, the new lot must be affordable due to the deed restriction. Crean noted that Melina Lodge from the Housing Network of Rhode Island is aware of the potential application.

The Board confirmed with Raimondi that the owner is subdividing to sell, not to build. Member Bacher noted that by resolving the shed and confirming no lot coverage relief is needed, he believes an affordable housing lot is a fine proposal. Member Rua commented that the applicant should look at the financials before moving forward. Assistant Solicitor Goins and the Board discussed the process for determining if the affordable unit will be for sale or rent, the process for requesting dimensional relief, if needed, and engaged in further discussion about feasibility of someone buying the lot.

No motion was made.

5.3 Discuss and Act: Minor Subdivision, Preapplication Meeting for Comprehensive Permit Project at 89 Maple Avenue, AP 23, Lot 58, Business District. Applicant proposes to convert a business to a two-family dwelling for affordable housing.

Present: Anthony DeSisto and Mark Hartmann, attorneys for the applicant

Alphonse Macino, applicant

Attorney DeSisto provided details on the the history of the family's long ownership of the property and subject property itself. DeSisto explained that due to added curbing making it difficult for parking, the property is not viable as commercial property, and the owner wishes to convert the property to a two-family dwelling for two affordable units. DeSisto explained how a two-family is a not a permitted use in the Business District, which is why they are interested in a Comprehensive Permit Project. DeSisto noted that aside from a shed on the property everything else on the property conforms and would only need a waiver for the shed. He then referred to the Sweetbriar and Haines Park Village developments, both DeSisto stated were Business Districts when approved, and referred to 173R Maple Avenue application in the Neighborhood Business District. Attorney DeSisto referenced aspects that benefit the Town and meet goals of the Comprehensive Plan and noted that at this stage they are seeking feedback.

Member Morley confirmed with Attorney DeSisto that the first floor is currently commercial, and second floor is residential. DeSisto confirmed but noted that the commercial space has been vacant for quite some time. Macino added that only 25 percent was ever commercial, the front half of the first floor being commercial, with an apartment turned storage space in the back portion of the first floor. Attorney DeSisto reiterated that the problem the owner is running into is the property cannot be fully used, and that the space itself will stay the same but would be turned fully residential with an addition to the back.

Chair Phipps commented that she feels this is a wonderful proposal. Attorney DeSisto reiterated the idea of a scattered site, which meets the goals of the Comprehensive Plan. The Board concurred that they would rather have residential affordable housing than vacant commercial space. Attorney DeSisto reiterated the struggle with renting the commercial unit and the parking difficulties for a business at this location, but how this proposal would be a benefit to the Town. Member Kurtz concurred that getting two affordable units without a market unit is a boon. Member Godfrey concurred it is a balancing act of retail and residential spaces, and how this application would support that.

No motion was made.

5.4 Discuss and Act: Preapplication Meeting for Major Land Development Project at 33 Middle Highway (former Zion Bible College).

Present: Charlie Kalocsay, representative for Shineharmony

William Landry, attorney for the applicant

Joeseeph Lombardo, JDL Enterprises

Chair Phipps read more information about the purpose of a preapplication meeting into the record and for the audience.

Town Planner Crean reviewed a draft process and timeline, which is to serve as a placeholder to start to diagram out the process and procedures should a master plan submittal come in soon. Chair Phipps confirmed that this proposal is brand new and separate from the January 2023 presentation, and confirmed the Board is not voting this evening.

Member Godfrey noted there are items on the preapplication checklist, including wetlands, that he believes are essential to reviewing. Chair Phipps concurred. Member Bacher commented he believes that is on the applicant to provide if they want it reviewed in advance, and it is up to the Board to comment on what they did provide.

Kalocsay introduced the members of the team, and noted that they did not bring InSite Engineers, DPZ CoDesign, or Wetland Solutions who did the delineation to the presentation this evening; however, they noted they are within the guidelines for wetlands and would provide more information upon a formal submittal. Kalocsay went through the slide deck, which was provided as hardcopies and available digitally:

- Vision Statement and Design Guidelines.
- Summary of the proposed Master Plan.
 - 350 units, up to 20,000 feet of ancillary retail/commercial space, reviewing residential unit types. Twenty-five percent will qualify as affordable housing.
 - Would preserve the tower of Belton Court.
 - Recreation Center option for the Town to acquire a permanent easement for. Should the Town not exercise the option, the land would become additional amenity and greenspace.

- Depiction of the land plan. InSite Engineering has determined they follow wetland boundaries and buffers, a drainage system can be designed, and stormwater ponds would meet the requirements for the site, though subject to adjustment.
 - Depiction of the proposed greenspace, reviewing the intent is to distribute throughout the property rather than large backyards.
 - Depiction of vehicular circulation, including three points of entry. Main entrance by the proposed Town Recreation Center.
 - Depictions of renderings from different views.
 - Benefits of the proposed Master Plan, including mix of housing types and options, walkability and social interaction, greenspace, preserves portions of Belton Court, and contribution to affordable housing, minimal impact on school capacity, provides the Town the opportunity for a recreation center and positive fiscal impact, improved stormwater management system and energy efficiency of homes.
- Provided sample projects, including Acton's Landing and Habersham.

Chair Phipps commented that she believes 350 units is too many and is not in keeping with Barrington. Chair Phipps also commented that she believes the plan would result in more than 77 children entering the school system, as outlined on the report provided to the Board. Member Morley concurred with feeling skeptical about the report's calculation. Kalocsay noted a consideration with this proposal is the mix of townhomes and cottages with limited yard space, which would not attract families.

Member Rua asked how the 25-percent affordable units will be distributed, whether it is as a whole or per category, and Kalocsay confirmed it would be 25 percent for each of the categories. Member Rua asked about the roads, and Kalocsay noted that the plans are assumed as the created roads being public, Town-owned roads.

Member Kurtz asked about the three-bedroom, multifamily units, and commented that there is a market for older people and not necessarily all toward children. Member Kurtz also commented that there is an education component and buy-in from the surrounding neighborhood with this proposal. Member Kurtz noted the village concept is not a bad idea, but the site plan is not helpful at this point. Member Kurtz noted demographic changes, such as people having less children, and that more density is not necessarily bad, using San Diego as an example. Member Kurtz noted the process will likely take more time than the draft process schedule.

Member Morley continued Member Kurtz's comments, and asked who the one and two-bedrooms would be for. Member Kurtz noted how this being one large parcel makes it different from other locations and developments in Barrington.

Member Rua asked how involved DPZ CoDesign will be. Kalocsay noted DPZ's preference is to provide the land plan and maybe one architect on the project, but they never want to be the sole architect on the project. Member Rua concurred with Member Kurtz's comments on density.

Member Bacher made several comments on the concept, including:

- On the economic study, the pricing is higher than the average in Barrington by an estimated 20 percent over market. Looking further at the economic study, he commented that the development cannot market units more than a single-family house.
- In terms of density, Member Bacher noted he would expect this as a cluster development, estimating this parcel as an R-25 Cluster District. Even if this proceeded as R-10 Cluster Zoning (which would be the densest the Town allows given current zoning districts), that is four units per acre. Member Bacher referenced the 25 Watson Avenue proposal, which resulted in about 3 units per acre. This proposal works out to 9.4 units per acre, which is two or three times anything the Town has seen and would result in an increase of about 6 percent of the population. With this, he expressed concerns related to infrastructure.
- Member Bacher commented on the problem with averaging in the report, emphasizing Barrington's focus and priority on resources for children, noting that the Town is a family destination and not as attractive to seniors or singles. Member Bacher commented he believes the study needs revisiting and cannot accept what is presented, noting Census data and Rhode Island Housing data.
- The cost per student not aligning as it was based on 2019 data and noted the Town's recently approved budget. He recommends a third-party study to review the data provided by the applicant team.
- This development is far from the center of Town and does not believe it is walkable.
- There were concerns that they included wetlands in greenspace calculation, which is not usable space. Member Bacher then expressed concern with runoff and recommended a peer-review study on the runoff and impact study on the wetlands.
- Member Bacher commented that saving the tower and stables is not saving Belton Court and does not sell the project for him.
- Member Bacher noted the recreation center and that the team should be prepared that there is not a serious interest from the Town, and that the proposal may not go anywhere.
- Member Bacher asked if the applicant team will be developing or selling the property, and Kalocsay noted a bit of both – sell lots to individual builders and build some themselves. Member Bacher noted if they are not building, hard to control.
- Is not sold that the Town could support retail space in this location, and also noted concern about traffic, specifically noting schools, Willett Avenue and County Road. He recommended a peer-review of a traffic study.
- Concerns related to infrastructure and confirm it could hold up.
- Member Bacher then reviewed the affordable unit numbers from Sweetbriar and Palmer Pointe, how this proposal does not compare, and that the applicant team needs to show the community benefit.

Member Godfrey concurred with Member Bacher's comments, but there is so little information available at this time that many of the questions may be answered in a formal application submittal. Member Godfrey reiterated the concern about walkability and little to no connection to the rest of the Town and commented that this development being an island of sorts. Member Godfrey reiterated the number of affordable units at Palmer Pointe and Sweetbriar, and how this proposal is not near those numbers, and this concept proposes huge profits to developer and huge impact on the Town with limited affordability. Member Godfrey noted Shineharmony's limited experience

with community development. Member Rua concurred that there is a need for more affordable housing as part of the project.

Chair Phipps commented that she does not want the Town responsible for paying for any peer reviews. Assistant Solicitor Goins noted that the Town can impose a peer-review fee that the Town can select.

Member Kurtz commented that the cart may be before the horse in terms of the technical issues and noted that this is a policy discussion and decision. Member Kurtz also noted that the students entering the system are incremental. Member Bacher noted the current capital issues with the School Department. Member Kurtz commented that the problems that will arise if the housing stock does not grow in town. Member Godfrey concurred with the discussion putting the cart before the horse, and that it may be beneficial to have an informal discussion with Town Council on the development goals of the Town moving forward so decisions and discussions are not being done in a silo. Assistant Solicitor Goins responded that discussions with the Council is up to the discretion of the applicant, but the Board may request to have an informal discussion for the Council. Crean reviewed the proposed draft timeline. Member Godfrey noted the Board could be spinning their wheels without getting input from the Council.

Kalocsay asked about the process of a major land development project. Crean reviewed the draft process, reiterating that it is a draft with dates subject to change. Member Bacher noted that the process assumes rezoning the property.

No motion was made.

6. Reports from Planning Board Members: Housing Board liaison (Bacher); Economic Development Commission liaison (Rua); Resilience and Energy Committee liaison (Phipps); TRC member(s) (*vacant*); Harbor Commission liaison (Morley); Park and Recreation Commission (*vacant*); Zoning Board (Simms); Open Space Committee (Morley); Bike and Pedestrian Advisory Committee (Rua).

Member Bacher reported that Town Planner Crean requested the Housing Board of Trustees to reviewing the Housing Chapter of the Comprehensive Plan, which will be the topic of the next meeting.

Town Planner Crean reported on the Resilience and Energy Committee August meeting, which included a one-year check in on the Hazard Mitigation Plan and an update on the Town's progress with entering the Community Rating System (CRS). Crean also mentioned the Committee ensued in discussion on staff capacity to manage energy programs laid out in Resilient Future Resolution, and that there is a noise ordinance on leaf blower and trimmers to be introduced to at the next Town Council Meeting.

6.2 Discuss and Act: Appointments for vacant liaison positions.

Member Godfrey offered to serve on the Technical Review Committee. The Chair endorsed the nomination.

MOTION: Member Rua seconded by Member Bacher, made a motion to appoint Richard Godfrey as a member to the Technical Review Committee. Motion carried unanimously.

For the Technical Review Committee nomination, the solicitor clarified that the Subdivision Regulations (200-7B) state that the Planning Board representative to the Technical Review Committee is appointed by the Chair. Following that determination, Chair Phipps confirmed the election by appointing him for the record.

Member Morley offered to serve as the Harbor Commission liaison, though he noted he is hoping to become a member when a vacancy is available.

Discuss and Act: Election of a Vice Chair

When the Chair asked who would be willing to serve as the vacancy, Member Rua offered to serve as Vice Chair.

MOTION: Chair Phipps seconded by Member Kurtz , made a motion to appoint Member Rua as Vice Chair of the Planning Board. Motion carried unanimously.

7. Comments - Council Liaison & Director of Planning

Member Godfrey asked about Comprehensive Plan update, and Town Planner Crean noted the update is due in May 2025. Crean explained there is a Request for Proposals (RFP) in the works to get a consultant for January 2024 to allow 18 months to complete.

7.1 Recap and Update on August 30, 2023 Town Council Special Meeting on 25 Watson Avenue.

Town Planner Crean explained that there is a recording of the meeting available online of the Town Council Special Meeting dedicated to discussing the 25 Watson Avenue property. Renderings are also available that depicted Planning Board's recommendations and that the meeting felt less contentious than other 25 Watson Avenue related meetings. Crean then reviewed that Councilor Conway put a motion to explore grant opportunities compiled by the Councilor and others in the neighborhood, but the motion failed. Crean commented that it was not clear the direction of the grants and what they wanted to secure grants to do. The next step is that discussion on 25 Watson Avenue will be on the September 11, 2023 Town Council Meeting, and may be referred back to the Planning Board. The Board discussed the renderings further, and the modifications that were made from what they approved and what was presented with Town Manager Hervey's recommendations.

Member Kurtz brought in the potential of the former Zion property to impact development at 25 Watson Avenue. Assistant Solicitor Goins reviewed the major land development project process generally, and that in that the Board either says yes to both Master Plan and developer guidance/zoning ordinance amendments, or no to both. The Board discussed the potential for an appeal should they deny a plan for the former Zion Bible College property, and if there would be standing. Assistant Solicitor Goins noted as of January 2024, all appeals will go to a special land-use calendar of Superior Court. Crean noted the Town will be submitting a request for technical assistance for an infrastructure review for both 33 Middle Highway and 25 Watson Avenue. Vice Chair Rua noted it would not be a good look for the Town to put no affordable housing on 25 Watson Avenue where the Town owns the property, and the Town should show a good-faith effort to that goal. Chair Phipps noted the Town should not expend effort on the 33 Middle Highway property. There was further discussion on the potential process of major land development.

8. Adjourn

MOTION: Member Godfrey made a motion to adjourn at 9:45 PM and the meeting was adjourned.