

2 **TOWN OF HOPKINTON**
4 **PLANNING BOARD**

6 **March 4, 2015**

7 **7:00 P.M.**

8 **Hopkinton Town Hall**

9 **One Town House Road, Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER**

11 The March 4, 2015 meeting of the Hopkinton Planning Board was called to order at 7:00
12 p.m. by Chairman Alfred DiOrio.

14 **MEMBERS PRESENT**

15 Alfred DiOrio, Howard Walker, Donald Simmons, Carolyn J. Doyle, Amy Williams and
16 Frank Sardone were present. Hazel Douthitt was absent.

18 Also present were: James Lamphere, Town Planner; Scott Levesque, Town Solicitor;
19 Barbara Capalbo, Town Council Liaison; and, Harvey Buford, Conservation
20 Commission.

22 **APPROVAL OF MINUTES**

23 MR. SIMMONS MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 5, 2014 MEETING AS
24 RECORDED.

25 MS. WILLIAMS SECONDED THE MOTION.

26 MESSRS. DIORIO, SIMMONS AND SARDONE AND MS. WILLIAMS APPROVE.

27 MR. WALKER AND MS. DOYLE ABSTAIN. MOTION PASSES.

28 **OLD BUSINESS**

30 **Comprehensive Permit – Brushy Brook – Plat 32, Lots 1 through 71, Dye Hill Road,**
31 **LR 6-A Owners, LLC, applicant. Discussion of Proposed Development in Light of the**
32 **Planning Board Master Plan Decision of November 23, 2010. No vote will be taken.**

34 Mr. Levesque reminded the Board that we have been through Master Plan for this
35 application. Tonight should be similar to a Pre-application with no vote taken. The
36 applicant has opted to get their concept before the Board.

38 Attorney William Landry represented LR 6-A Owners. Also present was the owner,
39 David Allen, and Christopher Duhamel of DiPrete Engineering.

40 Mr. Landry started with details of the decision. The site is 358 acres. The initial
41 proposal was for 300 units, changed to 270 units, all single, three bedroom units with an
42 average lot size of 24,000 square feet and with a well and septic for each. 187 acres were
43 open space. The developed area had a density of .76 people per acre for the 358 acres, 60
44

2 of which were low to moderate income. They were to return with a different plan at
Preliminary. The decision approved 93 to 116 units to be tested at Preliminary stage
4 with 25% for affordable housing for 116 to 142 units. He said there was no specific
reference to open space, which at the time, was 30%. The earlier plan had units close to
6 Arcadia that the Board wanted moved further away. The applicant said they did not
appeal the common wells and septic. The Master Plan decision also required lot size
8 allowed by cluster or 20,000 square feet. Mr. Landry said the new concept plan is a
cluster with units at least 300 feet from Arcadia, and is a more compact design with 112
10 lots. The 25% affordable component will be through live-in units attached to some of the
market rate units, over the garage and completely independent, not requiring additional
12 lots. They are asking the Board to approve the Master Plan concept so they can continue
engineering. He added that the low to moderate housing would be deed restricted.

14
16 Mr. Walker asked that if the affordable units are separate, but above market rate units, if
that complies with the legal requirements for affordable housing.

18 Mr. Landry said the integration requirement is flexible. They will be one bedroom units.
All affordable will be the same, with the same look from the street. They will appear as
20 a single family house and will be dispersed throughout the development.

22 Mr. Walker asked what is the legal ownership of the property: separate or tenants of the
owners?

24 Mr. Landry said he did not know. He thinks there would be a lease, but subsidized. If
26 they sold them, they would be condominiums, on the same lot.

28 Mr. Walker said they are proposing one bedroom units when affordable housing says
we have a shortage of family rentals.

30 Mr. Landry responded that the Board felt land use was more important than family
32 housing.

34 Mr. DiOrio asked if there was any precedent for the mechanics of how this works.

36 Mr. Landry said one-fourth of the units will be duplexes, in more of a village, to save
open space.

38 Mr. DiOrio asked for examples.

40 Mr. Landry said he does not know of any.

42 Mr. Duhamel said there is one in Warwick.

44 Mr. DiOrio said family is not an issue but does not know if unrelated parties will work.

2 Mr. Duhamel said the property will be kept up with the landlord on site.

4 Ms. Williams asked why they would charge less than market value.

6 Mr. Landry said they will be paying less than market rate for a single family home. This is a moderate income house.

8 Ms. Doyle asked if the typical dwelling with the affordable unit is on a larger lot.

10 Mr. Duhamel said all units are on 30,000 square foot lots or not significantly larger.

12 Ms. Doyle said the unit over the garage is not attractive to an elderly couple.

14 Mr. Duhamel said they could work on the architecture and make it one level.

16 Mr. Simmons said, regarding commercial viability, this is an incredible amount of housing for this town that would take an immense amount of time to fill.

18 Mr. Landry said it will be built in three phases with each phase a couple of years. They will not build the infrastructure all at the same time.

20 Mr. Walker said there is a precedent in our town regarding what Mr. Simmons has said, as example, Canonchet Woods. What is the market for affordable housing now? Real estate prices are depressed.

22 Mr. Landry response was that that is a marketing issue, not a planning issue.

24 Mr. Walker disagreed as there were both market rate and affordable units at Canonchet Woods.

26 Mr. Duhamel said he was the engineer at Canonchet Woods. It was the recession that slowed that project down.

28 Mr. Walker said he is not opposed to the project but is raising an issue that needs to be dealt with.

30 Mr. Landry said there is a long waiting list for affordable housing. In Hopkinton you can get a market rate unit for the cost of affordable. There is a very high differentiation on these units.

32 Ms. Williams asked if the closest lot to Arcadia is 300 feet and if that the same on the other side?

34 Mr. Duhamel said the other side is over 100 feet.

2 Mr. Walker asked about the red line on the plan.

4 Mr. Duhamel said that is the walking trail.

6 Mr. Levesque said the rental units will have a lease associated with it regarding part of the yard the tenant can use. Is there any division of the property for each?

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10 Mr. Landry thinks that is a good idea. On Block Island, the lease has to be filed annually with the Building Official. He sees it working like a condo.

12 Mr. Levesque asked who decides to evict. The owner?

14 Mr. Landry responded, the owner.

16 Mr. Levesque asked if the affordable housing would be dispersed as a percent of phase one.

18

Mr. Landry said each phase will have 25% of low to moderate.

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22 Mr. Buford asked if there will be a septic for the two units, in one house, on the same property. He would like to see the old plan with the new plan superimposed.

24 Mr. Duhamel said they can do that.

26 Mr. Buford asked if a portion of the property could be transferred to the state as a buffer that the state could control.

28

30 Mr. Landry said there will be a homeowners association. They want the residents to use the walking path and the land. Private property will have no cut buffers with signage on the perimeter. They want the residents to use the land for passive recreation.

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Mr. Buford asked if they have considered preservation of the whole property with DEM.

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Mr. Landry said no one has come forward with proposals.

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Mr. Buford asked what the shortage of tax impact is financially.

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40 Mr. Landry said they have not recalculated the cost to the town. That is not a factor with a comprehensive permit.

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Mr. Lamphere said this is a unique form of affordable units. Condos have a fee. Is there an out if the owner no longer wants to rent? He would like to see more detail on how it will run. He wants the 28 affordable units to stay affordable forever, with the units counted even if vacant.

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2 Mr. Walker requested a sample that has worked out in another community.

4 Ms. Capalbo commented that this is a novel approach. She sees someone living in the one bedroom affordable and renting out the house as affordable.

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8 Andrea Gardiner, resident, asked what guarantees are there that the land stays in open space? She said this is deforestation and gave the Board the book, “Nature’s Fortune” for their review. She said the Town spends money for water control and we will pay the price for not taking care of our environment.

10

12 Mr. Landry said the town has a cluster ordinance. There are deed restrictions of a natural vegetative state that are a condition of approval.

14

16 Michael Friel, 116 Dye Hill Road, is an abutter. He said the previous approved plan had a 350 foot buffer in the rear of his property. The new plan has a 100 foot buffer. As before, his concern is nitrogen stacking with contamination of his well. He would like the Board to get a consultant.

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20 Captain Bader, Hope Valley-Wyoming Fire Department, asked if it would be a 2000 foot long road and was told it would be considerably longer. He said the fire department will need a hammerhead to turn trucks around and cisterns for water.

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24 Mr. Buford asked if the applicant can show the steep slopes and how water will move from septic to well.

26

Mr. Duhamel said that during Preliminary they will show the grading across the site.

28

Mr. Buford said the Master Plan approval needed calculation of the yield plan.

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Mr. Duhamel said that is current and on the plan.

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34 Mr. Landry said there are four alternatives of the plan: 1) individual private wells and septic on each lot; 2) individual private wells on each lot and community septic for each phase; 3) community wells for each phase and individual septic on each lot; and 4) community wells for each phase and community septic for each phase. There is a need to contact Rhode Island Housing. They will need answers to leases and common areas. He asked to be on the next agenda to fill in the gaps or go back to the original project.

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40 **NEW BUSINESS**

Discussion of Comprehensive Plan Update

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Mr. Lamphere said we are amending the existing plan regarding natural hazards and will have a public hearing with the Board and the Town Council. Our State approved Comprehensive Plan expires July 1, 2016, but is valid locally indefinitely. Our choices will be: minimally edit the existing plan; or, do due diligence and survey the public and

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2 town boards. We can send the survey out now, compile it, present the results to the
4 public and the Board, submit a rough draft to Statewide Planning, and get an RFP for a
consultant.

6 **SOLICITOR’S REPORT:** None

8 **PLANNER’S REPORT**

10 Mr. Lamphere has a copy of the book referred to by Ms. Gardiner. Mr. Buford took the
copy for review.

12 **CORRESPONDENCE AND UPDATES:** None

14 **PUBLIC COMMENT:** None

16 **DATE OF NEXT REGULAR MEETING:** April 1, 2015

18 **ADJOURNMENT**

MR. WALKER MOVED TO ADJOURN. MR. SIMMONS SECONDED THE MOTION. ALL APPROVE.

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The meeting was adjourned at 9:45 P.M.

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Attest: _____

24

Lynda St. Amour, Planning Board Clerk

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Approved: April 1, 2015