

CHARLESTOWN TECHNICAL REVIEW COMMITTEE

Meeting Minutes

**Wednesday, November 13, 2024, at 2:30 p.m.
Charlestown Town Hall, Council Chambers
4540 South County Trail, Charlestown, RI 02813**

1. **CALL TO ORDER:** Ms. Weidman called the meeting to order at 2:35 P.M.
2. **ROLL CALL:** Jane Weidman (Town Planner), Alan Arsenault (Director of Public Works), Don Rathbone (Charlestown Fire Chief), Grace Murray (Zoning/Code Enforcement Officer), Matt Dowling (Wastewater Manager), Ruth Platner (Planning Commission), Sarah St Laurent (Planning Commission), and James Bobola (Dunn’s Corners Fire Marshal)

Members absent: Joseph Warner (Building Official) and Keith Kenyon (Dunn’s Corners Fire Chief)

Others in attendance: Attorney James Callaghan, Jonathan and Michael Kent, KREG New Homes, LLC, Samuel Hemenway, P.E., Garofalo and Associates, Tom Santilli, Green Hill Builders, and Evelyn Smith, property owner.

3. **MINUTES APPROVAL**

Discussion and/or potential vote(s) concerning:

A. **Minutes from August 7, 2024**

The August 7, 2024 meeting minutes were reviewed.

**A motion was made by Ms. Murray to approve the meeting minutes as written.
Seconded by Mr. Rathbone and carried by unanimous vote.**

4. **APPLICATION REVIEW**—Review, Discussion and/or Potential Action and/or Vote on an Advisory Opinion to the Administrative Officer and/or Planning Commission concerning the following application(s):

A. Carolina Farms (Owner Beechwood Enterprises, Inc., Applicant, KREG New Homes. LLC), Pre-Application Discussion for a Comprehensive Permit to construct eighty-three (83) units on the site, twenty-one the units to be low- and moderate-income housing units; AP 28, Lot 82-1, 427AB Carolina Back Road.

Ms. Weidman began the discussion by stating that this application will go before the Planning Commission for a pre-application discussion on Wednesday, November 20, 2024. She explained

the purpose of the TRC meeting was to start a dialog between the applicant and town staff to address some of their possible site concerns or issues. This will allow the applicant to review and address some of those issues prior to the meeting next week with the Planning Commission.

Attorney Callaghan introduced himself and the other members of the applicant's team to the TRC: Jonathan and Michael Kent, KREG New Homes, LLC, Samuel Hemenway, P.E., Garofalo and Associates, Tom Santilli, Green Hill Builders, and Evelyn Smith, property owner. He began by explaining that the application was a comprehensive permit. They have submitted to RI Housing and are waiting to hear back from them. They are proposing to construct eighty-three (83) units; forty-one (41) single-level two-bedroom units and forty-two (42) two level three-bedroom units. In total twenty-one (21) of the units will be affordable. This will all be dependent on the yield plan and density bonuses.

Attorney Callaghan turned the discussion over to Mr. Hemenway, the engineer. Mr. Hemenway explained that as this was only at the pre-application stage, not a lot of the engineering aspects of the project have been started. He stated that he has reviewed the history of the property and some of the subsurface excavation data that was done with the previous application years ago. He has walked the site both as an engineer and a biologist. The concept for the project was developed aligning the development with the original plan in mind, but at a considerably higher density. It was his opinion that the conditions on the site are suitable for a more intense development, but they are still early in the process. Mr. Hemenway added that the regulations for OWTS and the wetlands regulations have changed since the information was developed. Therefore, a lot of it will need to be redone, but they are confident from the information that they have seen that it will work out favorably as they move toward developing a detailed design.

Ms. Weidman asked if they would be submitting a yield plan for a conventional subdivision. Mr. Hemenway responded that they didn't feel that it would be required as this proposal was considerably different from the previous subdivision that was submitted years ago. He did say that he would be willing to develop one. Ms. Weidman commented on the calculation of the density bonus. She said that if 25% of the houses were affordable, that would allow for three units per acre, but that could only be calculated using only the portion of the acreage that could be developed. She expressed her concern that the project is quite dense for the Carolina Village area. She stated that it would be useful to determine the total footprint of the buildings, and the Commission would want to know how the applicant intends to handle the stormwater. In addition, she stated that if they were intending to use private wells, they would have to limit the number of people/ bedrooms on each well.

Ms. Weidman also asked if the applicant had developed a prototype for the type of look of the houses.

Mr. Arsenault asked if the roads would be private or town roads. Mr. Michael Kent answered that they would be private roads. Mr. Arsenault stated that in that area, there are outcroppings of ledge. He said when looking at the plan there is a lot of roadway, roofs of the buildings, and the driveways that results in a lot of impervious areas. He stated that it is important that the stormwater management plan is adequate for the conditions as well as the subsurface drainage for the OWTS. He discussed the depth of the proposed detention ponds and offered his advice based on his

experience. He expressed his concern with snow removal with the number of driveways being proposed.

Attorney Callaghan clarified that the state law has changed and following the preapplication discussion with the Planning Commission, they would then move onto the preliminary plan phase and then onto the final plan phase. The master plan phase is no longer included in the comprehensive permit process. He said that they will have the information the Committee was requesting for the preliminary plan phase of the application.

Mr. Dowling said Section 2.45 of DEM's rules addresses septic systems and the number of bedrooms in areas that are serviced by private wells. It stipulates that three bedrooms per 20,000 square feet is allowed. After he reviewed the proposed plan and did the calculations, he found that they are over the three-bedroom limit set by DEM, so they will have to do some reconfiguring. He continued by stating that typically when they see density similar to what the applicant is proposing, there is some cause for concern. Mr. Dowling stated they have analyzed individual groundwater wells and some of their data has indicated that when you hit densities of 3 dwelling units per acre groundwater nitrogen concentrations tend to be in the category of high risk for potable water pollution. He said that when designing subdivisions, they often recommend that a portion of the land be set aside for groundwater recharge to mitigate nitrogen pollution from septic systems relative to that density. Studies have been done in Charlestown where they have seen that relationship between density and nitrogen pollution. He added that any level over 2 mg/liter in drinking water is a high-risk scenario. He stated that at three dwellings per acre they typically see groundwater nitrogen concentrations of between 2 and 5 mg/liter, which is considered high risk for potable water sources.

Ms. Weidman asked Mr. Dowling if that data was independent of DEM. Mr. Dowling responded it was their own published research within Charlestown.

Ms. Weidman explained that typically, when designing a subdivision, you do a yield plan and then you pull the lots closer and leave a portion of the land undeveloped in the form of a cluster.

Mr. Hemenway stated that he recognized the concerns and would make an effort to mitigate them as they move forward with the project.

Ms. Murray discussed her concerns from a zoning standpoint. She began by explaining that she could not give the applicant a full list of the waivers that would have to be applied for because there isn't a finalized plan at this stage in the process. She continued by stating that multi-family units are not allowed in the R40. In R2A and R3A, it is permitted by a special use permit. She referred them to Section 218.51 in the Zoning Ordinance, that specifically spells out standards for multi-family dwellings. One consideration would be a buffer; there is a 100-foot buffer required for all property lines, so a waiver would be required. She said that according to the plans, some of the structures may be closer than the 30 feet required between them. Ms. Murray stated that based on the information provided, the applicant will want to be mindful of the parking requirements for the occupants and guests as well as temporary parking.

Mr. Hemenway questioned whether multiple single-family detached units on a lot is construed to be a multi-family development? Ms. Murray responded affirmatively, whether they are attached or detached they are all located on one lot.

Chief Rathbone asked about the road width of 22 feet. He questioned if the 22 feet was the hard surface width or the right of way width. Mr. Hemenway answered that it was the hard surface width.

Ms. Weidman asked Chief Rathbone if the Fire Department would require onsite fire suppression units to be located on the site. Chief Rathbone said that the Charlestown Fire Department does not require onsite storage tanks or dry hydrants. He said that in addition, should the applicant install cisterns, the Fire Department would not be responsible for any inspections or maintenance. The entire responsibility would fall on the Homeowner's Association.

Ms. Weidman stated that she could not speak for the Planning Commission, but it was her opinion that asking for a waiver for the buffer of a development that is so dense would not be well received. The development is being pushed right up to the setbacks. She said that by not providing any buffering or on-site open space, encroachment onto the Town owned open space would likely occur and that was of concern.

Ms. Weidman said that from a planner's perspective she would like to see the housing in Carolina to be consistent with the village. There is a plan to create a village overlay for that area with a mixture of uses. Design standards have been developed that they would like to see utilized to make the development fit in with the surrounding village area.

Ms. Weidman asked if the applicant would consider some other type of layout other than what is currently proposed.

Mr. Michael Kent said that at this point they are not looking to do anything that requires waivers. They will follow state regulations and mandates. He stated that reducing the density will obviously affect the viability of the project. Mr. Kent said that he did want to incorporate the "village look" by incorporating some of the guidelines in the Commercial and Village Design Standards report. He said that there would be no push back on their part to incorporate the architectural design into the plans. He added that one of the concepts that they are considering is to make a multi-generational development. In previous projects, they found compatibility works very well. The benefit to the multi-generational idea is there would be less impact to the school system.

Ms. Weidman stressed that the "village look" is not just the architecture, it is the setting as well. Mr. Kent said that villages are not country settings. There is much higher density in villages.

Ms. Weidman questioned if each unit would have their own individual yard space and if so, how much. She asked about garbage removal and how that would be handled. Mr. Kent said that the rubbish would be handled in limited common element. Each house, even though they are all on one lot, but within that "landominium" will have a designated space in the backyard for each individual unit.

Mr. Arsenault commented that the responsibility for the upkeep will rely upon the viability of the HOA because it is going to be private. He said it will be important to guarantee participation, funding, and the structure of it because all the maintenance will rest with the HOA. He said as they work through preliminary plan and final plan, the applicant will have to provide documentation to the Town that defines the HOA, how it will continue throughout time and how it will be funded. Everything rests on the HOA continuing through perpetuity. Mr. Kent clarified that all the maintenance and repairs are the responsibility of the condominium complex, not the HOA.

Ms. Weidman asked how the 25% affordable housing units would be distributed throughout the site. Mr. Kent answered they will be somewhat integrated within the site. He added from the front they will be smaller units but will have a very similar look.

Ms. Weidman asked if there would be a playground for children. Mr. Kent stated that it was not planned.

Mr. Kent said that even though it is not required, they will likely install cisterns on the property so there would be an additional water supply in the event of a fire. Mr. Kent said the responsibility for maintenance and upkeep will be on the condo association. Chief Rathbone stated that he will confirm with his board, but it is his belief that the Fire Department will not want to have anything to do with the inspection, maintenance, or filling, but the Fire Department will always want the cistern(s) full and workable, should the need ever arise.

Ms. Weidman explained that there was one neighbor that would be significantly impacted by this project. She requested the applicant look at buffering for that particular house lot. It is the Sprague family property, the same family that sold the preserve to the Town.

Ms. Platner confirmed the affordable homes would consist of both rented and owned. She said that it sounded like if they could not sell them, they would rent them. Mr. Kent responded that she was correct. Ms. Platner was surprised that there was not a market for affordable homes to be purchased. Mr. Kent said there is a large market for homes of this type, but the problem is getting the buyers qualified, which has been an issue in the past. Ms. Platner asked the period of affordability. Mr. Kent said it would be thirty years. Ms. Platner questioned why the project was not proposing a public well. Mr. Kent said they have not decided that they will not. That determination will be left to the engineer to determine if that should be the route they go. There was some discussion about community wells vs. private wells and the different criteria for each.

Ms. Platner explained that Carolina Village is on the National Register of Historic Places. This demonstrates the importance of the design of the houses and the placement of them on the property with respect to what can be seen from the village.

Ms. Platner stated that the public access to the Sprague Preserve is from Railroad Ave. She said the property abuts the preserve, but it must be noted that their access would be from the Railroad Ave entrance. She expressed her concern with property owners making trails and gaining access from their backyards to utilize it as an area for children to make forts, build trails, etc. It will be difficult to enforce, but it is not a part of the development.

Ms. St Laurent asked if a public well would be able to service all the houses in the development and if there would be room to do it. Mr. Hemenway stated that they would have to determine the yield of the land before he could answer that question.

Ms. St Laurent said that it would be beneficial if the applicant could address some of the issues discussed today and have some answers for the Commission at the November 20th Planning Commission meeting.

Ms. Weidman requested that Mr. Hemenway come up with calculations for footprint, lot coverage and total lot coverage prior to the November 20th meeting. She asked if there would be sidewalks. Mr. Hemenway said they would be on one side.

Ms. Weidman felt that there would be some sensitivity pertaining to the Preserve. She said with this project there is going to be some impact and questioned whether it should be handled with fencing or signage. People are going to want to walk the Preserve if there are no amenities on the site itself. Access should only be from the entrance on Railroad Avenue. There was some discussion as to how to prevent access to the Preserve from the individual lots.

5. ADJOURNMENT

**A motion was made by Mr. Arsenault to adjourn the meeting at 3:40 P.M.
Seconded by Mr. Rathbone and carried by unanimous vote.**

Respectfully submitted,

Janet Lombardo

Planning Assistant