

CITY OF WOONSOCKET, RHODE ISLAND
Planning Board Meeting
Tuesday, July 10, 2018
Harris Hall, 3rd Floor of Woonsocket City Hall
169 Main Street

Present: Stephen R. Crisafulli, Secretary
Kenneth A. Finlay, Chairman
Jonathan R. Pratt, P.E., Member Ex-Officio

Absent: Rebecca Capwell, Vice Chairman

Also Present: Ian McElwee, City Planner
Joel D. Mathews, Director of Planning & Development
Pauline Washington, Recording Secretary

I. Call to Order

Chairman Finlay called the meeting to order at 6:00 P.M.

II. Attendance Review

Attendance was taken Chairman Finlay that identified the above members as present; and Vice-chairman Capwell absent.

III. Approval/Correction of Minutes

- Regular Meeting of Tuesday, April 3, 2018 - MOTION by Mr. Crisafulli, seconded by Mr. Pratt, to TABLE the April 3, 2018 minutes until the August 7, 2018 meeting.

Member Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

- Regular Meeting of Tuesday, June 5, 2018 - MOTION by Mr. Pratt, seconded by Mr. Crisafulli to approve the June 5, 2018 minutes as corrected.

Member Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

- Executive Session Meeting of Tuesday, June 5, 2018 - MOTION by Mr. Pratt, seconded by Mr. Crisafulli to approve the Executive Session minutes of June 5, 2018 as submitted.

Member Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

IV. **2018-MjS-01 - Combined Preliminary Plat and Final Plan Review** for Morgan Funding I, LLC, for the Major Subdivision/Major Land Development Phase III construction of 14 residential lots and Phase IV construction of 29 residential lots (Woonsocket Assessor's Plat 45, lot 1 near Danielle Drive, Fieldside Drive, and Louise Street)

Joelle Rocha, Esq. (KSRP Law, 128 Dorrance Street, Suite 300, Providence, RI) - representing the applicant, stated that this application was before this board in June 2018 regarding Phase III and Phase IV; 14 lots for Phase III and 29 lots for Phase IV. Atty. Rocha stated that both the Design Engineer and Traffic Engineer are present for any questions/clarifications from the board.

Atty. Rocha noted that there are restrictions on Master Plan Approval on all phases of the development,

Chairman Finlay asked Mr. Mathews if the development's performance bonds current? Mr. Mathews stated that he will check; he stated that the board should be aware that this project has been under review the past two months by the City's Engineering Division. He noted that he's very disappointed that the review has not been completed to date. Chairman Finlay stated that during the June board meeting Member Capwell had questions regarding the curbing and lighting.

Daniel Campbell, Level Design Corp. (249 South Street, Unit #1, Plainville, MA) - Mr. Campbell stated Mr. Debrousse, Superintendent of Waste/Engineering, did send an email to the Planning Department and the applicant's attention stating that he didn't have any questions currently on the review (has not done a thorough review yet), but his comments on the review were not intended to stop approval of the project. Mr. Debrousse expects to continue the review through to the responding process, and do not plan to hold up the project as evidenced by his June 5, 2018 letter.

Chairman Finlay stated that we're all aware that there were issues with the original project; the board's duty is to make sure that the City is protected. Mr. Campbell noted that the current developer "Morgan Funding" is not the original developer. Mr. Campbell noted that this developer has taken care of issues as they come up - during the last public hearing a question arose regarding minor erosion on the existing roadway which they reviewed with Mr. Debrousse. Subsequently Mr. Debrousse inspected the work and reported back to the applicant and Planning Department that he was all set with the erosion repair work, it had been fixed to the Engineering Division's satisfaction.

Regarding curbing and lighting, Mr. Campbell stated that its as he expressed during the June meeting, curbing will be throughout the development similar to what's there today, and lighting will continue along the same pathway every 200 to 300 ft. Residential lighting style will change slightly.

Mr. Pratt asked what's the status of DEM permitting? Mr. Campbell stated that Atty. Rocha's office submitted a letter stating that DEM's permit is still valid. He stated that there's also a question as to "phase development" - well past the phases as they were in the original court case.

Mr. Mathews stated that the Dept. of Public Works will set the bond amount once the project has been thoroughly reviewed; we don't know what that amount will be at that time, but a stipulation of the board's approval should include the posting of adequate performance bond. Atty. Rocha was in agreement with Mr. Mathews.

MOTION by Mr. Crisafulli, seconded by Mr. Pratt to open the meeting to public comment regarding the above-mentioned development project.

- *Jordan & Tami DeHaven, 47 Danielle Drive* - Mr. DeHaven stated that his family lives in a house built in Phase I, next door to Phase II of the development. Mr. DeHaven stated that his concerns are that he has not seen any new curbing in the development, and secondly the quality of homes being built. He stated that two houses have already had to replace their roofs after only two years, and one homeowner is experiencing severe drainage problems with his front yard. He also noted that one neighbor is selling his home. Mr. DeHaven stated that there were restrictive covenants on Phase I of the development that did not pass onto Phase II. He stated that if the new homes are built poorly, his property value could go down.

Ms. DeHaven stated that when they purchased their home they saw great potential for the development; beautiful home, beautiful neighborhood in Woonsocket; sometimes difficult to find. Great potential for young people, business owners and young folk. She noted that Phase I of the development is beautiful, Phase II not so much, the homes and lots are smaller, which is okay, however the quality of construction is very poor. *Ms. DeHaven* stated homeowners have had to replace roofs, heating issues, drainage, etc. She has been hearing rumors about a class action lawsuit.

Ms. DeHaven stated that the City has an opportunity to build a wonderful development with beautiful homes that families with children will support. Why allow such shoddy construction in our City; why allow any developer to destroy what could be the City's development.

Chairman Finlay stated that he hears and understand the DeHaven's concerns, however the board do not have the legislative authority to follow the building codes; the Building Official is the person that follow those codes - plans must be submitted, if plans meet the basic codes there's no reason/lawn that prohibits the Building Official from approving the plans. Chairman Finlay stated that the board will notify the Building Official of the concerns expressed tonight by Mr./Mrs. DeHaven, perhaps there's something that he will be able to do.

Chairman Finlay stated that he's not sure about the covenants in place, perhaps Atty. Rocha can enlighten us as to what covenants Phase I is bound by that the other phases aren't.

Chairman Finlay stated that tonight the board is charged with determining if the proposal is acceptable according to the City's planning standards and zoning regulations.

Mr. Mathews suggested that Mr./Mrs. DeHaven contact the Building Official, Brad R. Ward, regarding their concerns. He suggested that it might be especially helpful if all the homeowners were to contact Mr. Ward and explain their specific issues/concerns. Mr. Mathews stated that perhaps there's nothing that can be done about existing homes, but moving forward Mr. Ward can certainly ensure that our building codes are met.

Atty. Rocha stated that the plan before the board tonight is based on the subdivision regulations, once approved a permit must be pulled for the project and a bond put in place by this board after approval. A building permit must be applied for each house lot under the City's building code; plans are reviewed and inspections done in the normal course; a separate process from what's before the board tonight.

Regarding restrictive covenants, Atty. Rocha stated that she's not familiar with the covenants regarding Phase I, usually these covenants are applied by the builder.

Chairman Finlay asked Atty. Rocha if her houses are significantly smaller than Phase I. Atty. Rocha replied that the lots are about the same size. Mr. Campbell stated that there are no large discrepancies in the lots, but there are discrepancies in the style of house. They went from large colonials in 2008 when Morgan Funding purchased the subdivision to more of a ranch-style house with a one-car garage instead of a two-car garage. And as time went on house slowly began to increase in size; most recent five building permits were issued had a slightly larger footprint closer to the footprint of a colonial with a two-car garage (L shape structure). He noted that it's not a big two-story colonial but a 1½ story to 2 story. He stated that earlier houses built were definitely ranches, some were 1½ story raised ranches, smaller houses.

Chairman Finlay asked if Morgan Funding is the builder of any of the homes and associated problems we heard about tonight. Mr. Campbell stated that Morgan Funding has not necessarily built any houses. The house lots themselves have been sold to individual builders over a period of time; Morgan Funding did not actually build the houses. Mr. Campbell stated that he know of six individual builders that have built houses in the second phase. He stated that Morgan Funding is responsible for the bond, the roadway, curbing, lighting, etc.; this work and the remainder of the houses in Phase II should be finished by the end of the summer.

Mr. Mathews suggested that it might be beneficial to the City to use whatever leverage it can to put pressure on the developer to discourage him from selling lots to just any builder.

Acknowledging that no other member of the public wished to speak before the Board; MOTION by Mr. Pratt, seconded by Mr. Crisafulli to close the public hearing. The MOTION carried.

MOTION by Mr. Pratt, seconded by Mr. Crisafulli that the Petition for **Combined Preliminary Plat and Final Plan Review** for Morgan Funding I, LLC, for the Major Subdivision/Major Land Development Phase III construction of 14 residential lots and Phase IV construction of 29 residential lots (Woonsocket Assessor's Plat 45, lot 1 near DanielleDrive, Fieldside Drive, and Louise Street) be APPROVED with stipulations:

STIPULATIONS:

1. Posting of appropriate bonds
2. Pending Engineering Review
3. Findings of Fact

VOTE ON MOTION:

Secretary Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

On Merrill Court, Cottage Street, and Park Avenue (received preliminary approval in 2006)

Mr. Mathews stated that he met with Mr. Ernest Nadeau, at his request, to discuss a hearing with the Planning Board to discuss the implementation of a subdivision plan than had been approved by the City on March 3, 2009. The plan was never recorded or acted upon due to the prevailing economic conditions at that time. Mr. Nadeau is now considering implementing that subdivision plan.

- *Ernest Nadeau, 727 Washington Street, South Attleboro, MA* - Mr. Nadeau stated that back in 2005 he purchased a property located at 63 Blakeley Street and converted it into the Red Mills Loft, which is comprised of 20 condominium units. Mr. Nadeau stated that he also obtained National Historic Register listing for the building, of which he is very proud. Mr. Nadeau stated that along with that land is a surrounding 2½ acre parcel bordering both Merrill Court and Cottage Street. Mr. Nadeau stated that he developed plans to subdivide that parcel into five buildable lots. He noted that it was a rather lengthy procedure - he began the process in 2006 and received Final Approval in 2009. Mr. Nadeau stated that he also received RI DEM Freshwater Wetlands Approval renewing the permit until March 8, 2020.

Mr. Nadeau stated that with the change in situations and conditions that now exist, he would like to resurrect this development.

- *Norbert Therien, National Land Surveyors, 42 Hamlet Avenue, Woonsocket, RI* - Mr. Therien stated that the board should have received a set of approved site plans. It was noted that the Final Approval Plans were stamped 2009.

Mr. Therien stated that he (National Land Surveyors) along with Joe Casali (Casali Engineering) did the typical boundary surveys, wetlands; Casali did the engineering in regards to building placement and drainage analysis. Mr. Therien stated that a Wetlands Permit No. 06-0384 has been extended to March 8, 2020.

Mr. Therien stated that due to the changing economy Mr. Nadeau is prepared to resurrect the project other than to meet and receive advice and recommendations from the Planning Department.

Mr. Mathews suggested that the application be TABLED in order to give the newly hired City Planner an opportunity to research and verify the DEM Permit and whether the plans have been altered in any way. He stated that by the next meeting in August we should have an indication and recommendation from the Planning staff on those issues. And hopefully have comments from the Public Works Department on whether or not they have issues with the plans as they pertain to current regulations. He also stated that it would be helpful to prepare the bond that is required by this board in place once the project has been approved.

MOTION by Member Pratt, seconded by Secretary Crisafulli to TABLE the above-referenced subdivision proposal until the August 7, 2018 Planning Board meeting.

VOTE ON MOTION:

Secretary Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

Special Permit Decision regarding the approval of a Bulk Storage and Scenic Road Special Permit. The decision approves the request to construct a 7,483 sq. ft. industrial Office and storage building, rear contractor's yard and associated improvements located at 187 Farm Street in Bellingham, MA, Assessor's Map 07-07-01.

MOTION by Member Pratt, seconded by Secretary Crisafulli to receive and place on file the above-referenced public notice.

VOTE ON MOTION:

Secretary Crisafulli	YES
Member Pratt	YES
Chairman Finlay	YES

VII. **Next Meeting**

Scheduled for Tuesday, August 7, 2018

VIII **Adjournment**

There being no further business before the Planning Board at this time, a MOTION was made by Secretary Crisafulli, seconded by Member Pratt to adjourn. The MOTION carried, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Pauline Washington
Recording Secretary