



City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Tue, March 3, 2020 | 6 p.m.
Location: Harris Hall (3rd Floor of City Hall)
169 Main St, Woonsocket, RI 02895

I. Call to Order:

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

II. Attendance Review

Members in Attendance:

1. Ken Finlay, Chairman
2. Roji Eappen, Vice-Chairman
3. Ron Miller, Secretary
4. Wendall Gardner
5. Jon Pratt

Others in Attendance:

1. Kevin Proft, Administrative Officer/City Planner
2. Theresa Dunigan, Recording Secretary
3. Carl Johnson, Zoning Official

III. Correction/Approval of Minutes:

Motion to APPROVE the February 4, 2020 meeting minutes: Member Pratt

Second: Vice-Chairman Eappen

Discussion: None

Vote: Passed 5-0-0

IV. **Informational Meeting** | Master Plan Review | Major Land Development Application | Applicant: Bohler Engineering & GREP 1099 Social LLC | Owner: Mann Family Nominee Trust (Marc Mann, Trustee) | Project Location: 1099 & 1139 Social Street, Lots 35-24 & 35-22 | The applicant proposes to alter lot lines, demolish a multi-family home, and build two single-tenant, single-story retail buildings of 7,225 and 9,180 sq ft and associated parking. Based on the plans submitted at the time the agenda was drafted, the application requires waivers from the City's Subdivision Regulations, including 8.2.20 - Pedestrian Crosswalks, 8.5.2 - Lot Depth, 8.8.1 - Street Trees, and 9.4.5 - Driveway Aprons. The application also requires variances from the City's Zoning Ordinance.

Messrs. Richard Nadeau (Partner at the law firm Partridge Snow & Hahn, LLP, 40 Westminster Street, Suite 1100, Providence, RI 02903) and Randy Miron (Project Manager at the engineering firm Bohler, 352 Turnpike Road, Southborough, MA 01772) spoke to the Board as representatives of the Applicant.

Mr. Miron presented an overview of the plans for the properties at 1139 and 1099 Social Street. Currently 1139 Social St. contains a multifamily residence with a driveway and 1099 Social St. is a demolished site previously containing a large 57,000 sq ft two-story industrial building and 2,000 sq ft retail building. The proposed Master Plan would adjust the lot lines to create two new parcels. Lot A will be made by combining 1139 Social Street with the Western portion of 1099 Social Street (approximately 39,000 sq ft) with the remaining portion of 1099 Social Street becoming Lot B (approximately 36,000 sq ft). The new proposed property line dividing Lots A & B would be an extension of the existing property line between 1139 and 159 Social Street. Two single-tenant buildings are proposed. The tenants are O'Reilly Auto Parts in Lot A (with 33 parking spaces) and a Family Dollar in Lot B (with 26 parking spaces). Each lot would have its own parking field, requiring new curb cuts. The project would decrease impervious areas by approximately 24,000 sq ft while also adding new landscaping, sidewalks, pedestrian connections, street trees, and a buffer for the abutting residential properties. The applicant also provided pictures of the proposed buildings (subject to change).

Chairman Finlay opened the floor for questions from the Board.

- i. Member Pratt asked for more details regarding possible retaining walls at the back of the lots.
Mr. Miron said they have looked at the grades and will need a retaining wall to create a level area for the parking areas. He said any wall would be at most 10' high, but neither the height nor the material has been determined at this time.
- ii. Member Pratt asked if both buildings would face Diamond Hill Road.
Mr. Miron explained the O'Reilly Auto Parts entrance on parcel A faces Diamond Hill Road, and the Family Dollar entrance on Parcel B faces Social Street.
- iii. Member Pratt asked if the applicant considered the existing conditions on the site 100% impervious when calculating the reduction in impervious area resulting from the proposal.
Mr. Miron responded that they did consider the site to be mostly impervious in its existing state.
- iv. Chairman Finlay asked for more information regarding the curb cuts.
Mr. Nadeau said they are currently working with the Department of Transportation regarding the curb cuts and sidewalk. He said he will provide that information once DOT gives further guidance.
- v. Chairman Finlay asked what type of fence would be used along the property line abutting the residential properties on Adams Street
Mr. Miron stated that has not yet been determined. There will also be greenery along the fence.
- vi. Chairman Finlay asked for the proposed delivery truck route.
Mr. Miron stated that deliveries for O'Reilly Auto Parts will require trucks to enter the site via the Social Street driveway, pull forward, and back into a delivery bay while trucks for Family Dollar can enter and exit via the Diamond Hill Road curb cuts without needing to turn around.
Chairman Finlay stipulated there be no deliveries allowed prior to 7:00 AM. Mr. Proft asked about delivery hours for the proposed tenants. Mr. Nadeau said he discussed it with his clients earlier in the day. He plans to present proposed time frames for deliveries during the preliminary plan phase. He stated they are aware of the potential noise issue, but he will need to speak more with the proposed tenants before providing any time frame.
- vii. Chairman Finlay expressed concern regarding the location of the dumpster for the O'Reilly Auto Parts. The overall area serves as a gateway to the City. He acknowledged the plan currently shows it as being screened by evergreens, but he is concerned about the image presented by having a dumpster potentially visible.
Mr. Miron answered the dumpster will be screened with arborvitae to block the view while also creating a huge improvement in greenspace compared to the current building.
Chairman Finlay responded, "If it's done tastefully and hidden, we will be ok."

- viii. Chairman Finlay asked if bollards will be used in front of the buildings and if so, if they could be of a decorative variety.

Mr. Miron said there hasn't been any decision yet made regarding the type of bollards.

Mr. Proft reminded the room that the purpose of the Master Plan Review phase is to get a understanding of the overall intention of the proposal. The more detailed aspects will be covered at the Preliminary Plan stage and Design Review meeting. With that in mind, he limited his comments to larger concerns he addressed in his staff report and draft Findings of Fact and Decision.

Comprehensive Plan Conformity

- i. Mr. Proft stated he finds the project is generally consistent with the City's Comprehensive Plan and the economic goal to attract new businesses to the city.

Subdivision Regulation Compliance

- ii. Mr. Proft stated that the plan fails to meet some subdivision regulations. For some of these, the applicant will need to ask for a waiver from the Planning Board. Others will require reasonable changes prior to the Preliminary Plan stage without too much trouble or additional cost.
 - a. Section 8.2.20 – Pedestrian Crosswalks are required to be 10-feet wide. The applicant is proposing narrower crosswalks.
 - i. Pedestrian crosswalks are proposed within the parking areas to provides safe pedestrian access from the sidewalk to the structures. The proposed crosswalks are equal in width to the sidewalks to which they connect. Having a wider crosswalk would offer little benefit in this instance in the opinion of the Administrative Officer. As proposed, the plan aligns with the comprehensive plan, which states, “Woonsocket enjoys a safe, adequate, and efficient circulation network that meets the varied needs of its residents, businesses, and visitors” (Circulation Goal C-1).
 - b. Section 8.2.20 – Wheelchair ramps are required. The applicant does not propose wheelchair ramps in some locations.
 - i. The inclusion of wheelchair ramps is not impracticable and the exclusion of wheelchair ramps does not better align the project with the comprehensive plan and zoning ordinance. A waiver from this requirement should not be granted.
 - c. Section 8.5.2 – Lot Depth is required to be deeper than the lot is wide. Lot B is wider than it is deep.
 - i. Because the proposed development features two large lots, it is inevitable, given the shape of the project site, that Lot B would be wider than it is deep. If the proposed development featured smaller lots in the area currently proposed as Parcel B the lots could be configured in such a way that the lots would be deeper than they were wide, but given the developers project goals, such a configuration is undesirable. If the Planning Board finds the overall project to be acceptable, it could argue that the literal enforcement of this provision is impracticable and would exact undue hardship because of the peculiar conditions pertaining to the land in question.
 - d. Section 8.8.1 – Street Trees. A street tree is required for every 50 feet of street frontage. This equates to 17 street trees, but only 13 are proposed.
 - i. Planting 17 instead of 13 street trees is not impracticable. Planting 13 instead of 17 street trees does not better align the project with the comprehensive plan. In the opinion of the Administrative Officer, a waiver for fewer street trees should not be granted.

- ii. That said, a modification to allow the applicant to located some of the additional required street trees within the parking area instead of along the street frontage would be in the best interest of good planning practice as evidenced by consistency with Section 5.1-8 of the Zoning Ordinance, which recommends, but does not require, trees be included within the parking area's green space.
- e. Section 8.2.7-6 – Sidewalk construction and repair is determined by the board on a case-by-case basis for Major Land Developments. The existing conditions include curb cuts that will no longer be used, and some existing sidewalks panels need repair/replacement. The proposed plan does not detail what sidewalk work will be completed.
 - i. The closing of unused curb cuts and repair/replacement of some parts of the existing sidewalk is not impracticable. Not addressing sidewalk concerns does not better align the plan with the comprehensive plan or zoning ordinance. A waiver from this requirement should not be granted.
 - ii. Mr. Nadeau stated that the curb cut and sidewalk requirements would be contingent on getting approval from RIDOT.
- f. Section 9.4.5 – Driveway aprons are required to be cement. Cement aprons are not proposed.
 - i. The inclusion of cement driveway aprons are not impracticable. Bituminous driveway aprons do not better align the project with the comprehensive plan or zoning ordinance. A waiver from this requirement should not be granted.
- iii. As this is the Master Plan phase, Mr. Proft feels it is appropriate for the Planning Board to approve the Master Plan provided there is a stipulation stating all the above subdivision regulations must be met or waived before preliminary approval is granted.
- iv. Mr. Nadeau said the Applicant would like to request two waiver from the subdivision regulations prior to the vote to approve the Master Plan: Section 8.2.20 – Pedestrian Crosswalk width requirement and Section 8.5.2 – Lot Depth requirement. The rest of the sections of the subdivision regulations with which the plan does not comply he wished to be deferred to the Preliminary Plan stage as suggested by Mr. Proft, when the regulations would either be met or additional waivers would be requested.

Zoning Ordinance Compliance

- v. Mr. Proft stated that the property in question is in an MU-1 (mixed-use residential/commercial) district. The proposed uses for both lots (retail sales) are allowed uses. The proposed structure on Lot A meets all setback requirements. The proposed location of the Dumpster on Lot A is within the front yard setback, which is disallowed by the Zoning Ordinance. The building on Lot A exceeds the allowable gross floor area (5,000 square feet allowed, 7,225 square feet proposed). It does not meet the minimum parking requirement (36 spaces required, 33 proposed). The proposed structure on Lot B does not meet the rear setback requirement (25 feet required, 12.5 feet proposed). The building on Lot B exceeds the allowable gross floor area (5,000 square feet allowed, 9,180 square feet proposed). It does not meet the minimum parking requirement (45 spaces required, 26 spaces proposed). The two proposed loading zones do not meet the dimensional requirements of the zoning ordinance (10 feet x 60 feet required), and the loading zone on Lot B is not properly screened from the residential property to the east (see 5.2-6 of the zoning ordinance).
- vi. Mr. Proft stated that for the Planning Board to approve a subdivision, the proposed development must comply with the standards and provisions of the zoning ordinance. Therefore, the applicant will either need to address these concerns by altering their proposal, or by seeking the appropriate variances from the Zoning Board.

- vii. Mr. Proft referred to Mr. Carl Johnson, the Zoning Official for further information. Mr. Johnson said that any potential dimensional variances will be discussed at the next Zoning Board meeting on Monday, March 9.

Other Concerns

- viii. Mr. Proft stated that if the developer's intention is to allow Lot A and B to share curb cuts, access easements will need to be included on the site plan and descriptions of said easements drafted.
- ix. Mr. Proft stated that while the proposed uses (retail sales) on the site are allowed under the Zoning Ordinance, by requesting a variance from the gross floor area, the applicant is expanding the type of retail uses the Zoning Ordinance is targeting for MU-1 Zones. MU-1 Zones allow a maximum of 5,000 square feet of gross floor area in order to encourage the development of small businesses compatible with residential neighborhoods. By proposing a 7,000+ and 9,000+ square foot building, the applicant is instead able to propose national box stores that could be considered out of character with the surrounding mixed-use, residential/commercial neighborhood and are more traditionally located in C-2 districts.
- x. The City has experienced and is experiencing complaints in circumstances where larger-scale retail uses abut residential properties. This project will build two retail structures that require trash collection and deliveries by large trucks. The project's parcels abut existing residential properties. To avoid conflicts between these abutting uses, the retail uses should be required to agree to hours-of-operation that limit when deliveries and trash collection may occur. Other points of potential conflict should also be considered and addressed, such as after-hours light intensity.

Mr. Proft read through the Recommended Conditions of Approval. After discussing with Messrs. Nadeau, Miron, and Johnson, the final Conditions of Approval as read by the Chairman are as follows:

1. The applicant shall amend their proposal to align with the Subdivision Regulations or formally request, in writing, waivers from the sections of the regulations it does not comply with prior to preliminary plan approval.
2. The applicant shall amend their proposal to align with the Zoning Ordinance or shall obtain variances from the sections of the Zoning Ordinance it does not comply with prior to preliminary plan approval.
3. If the intent of the developer is to allow, in perpetuity, traffic circulation between the parking areas on Lot A and Lot B, the applicant shall show access easements that allow Lot A to access Diamond Hill Road via the western driveway on Lot B and that allow Lot B to access Social Street via the parking area and driveway on Lot A on the plan, provide metes & bounds of said easements, and provide legal descriptions of the purpose of the easements prior to preliminary plan approval.
4. The applicant will add a note to the plan stating that the project will comply with Chapter 7½ - Erosion and Sediment Control and 7¾ - Post Construction - Storm Water Control Ordinance of the City's Code of Ordinances subject to approval by RIDEM prior to preliminary plan approval.
5. Ramps will be added to the plan where required by ADA prior to preliminary plan approval.
6. Site and building design will be reviewed by the Design Review Commission concurrent with preliminary plan approval.
7. The applicant shall provide the fire department with a plan or document that references fire code requirements associated with the project and documents how said requirements are met prior to final plan approval.

8. The applicant will propose constraints, especially concerning delivery schedule, garbage collection, and after-hours light intensity to avoid negatively impacting abutting residential neighbors prior to preliminary plan approval. Said constraints will be a significant factor in the Planning Boards decision at the preliminary plan stage.
9. The applicant shall address, to the satisfaction of the Planning Board, all staff comments regarding this project, including those sent to the applicant by the Administrative Officer by email on February 12, 2020, prior to preliminary plan approval.

Chairman Finlay opened the floor for questions from the Public.

Ms. Dorothea Goulet (of 150 Adams Street, Woonsocket, RI 02895) spoke in front of the Board to voice the following concerns:

- i. Dumpster on Lot A directly impacting her quality of life – odor, emptying time/access
 - a. There should be minimal odor due to the dumpster contents predominately being generated by an auto-parts store.
 - b. Member Gardner previously addressed noise concerns as part of his earlier questions to ensure minimal negative impact for abutting residential neighbors. Condition 8 directly addresses this concern.
- ii. Lack of full-length wall along the Adams Street side of Lot A (behind the proposed O'Reilly Auto Parts) potentially encouraging illegal and undesirable activities
 - a. Criminal activity is outside the Applicant's control. The applicant stated that the increase in general activity on the parcels could help reduce loitering.

Mr. Roland M. Trudeau (of 159 Adams Street, Woonsocket, RI 02895) spoke in front of the Board to voice the following concerns:

- i. Potential impact to his driveway along the north-south fence at the property line between Lot A and his property
 - a. Impact to the driveway should be minimal due to the wall and landscaping that will create a buffer between Lot A and Mr. Trudeau's property.
- ii. Erosion at the east-west wall at the rear of Lot B
 - a. Mr. Miron responded there will be a retaining wall as well as shrubs to help combat erosion. In addition, the project will comply with the requirements as laid out by the City's Code of Ordinances as well as the DEM as stated in Condition 4.
 - b. The board noted that retaining walls of the height proposed are required to be designed and stamped by an engineer, so there is high confidence that the wall will not fail.
- iii. Security lights at nighttime leading to light pollution specifically in his bedroom
 - a. The applicant plans to use dimmable LED lighting to avoid creating light pollution for the abutting properties and neighborhood.
 - b. No lighting is proposed for the east wall – the wall facing M. Trudeau's property – of the auto-parts store.

After a call for any additional comments from the Public, the Board Members, and Mr. Johnson, Chairman Finlay closed the floor at 7:36 pm.

Motion to APPROVE THE MASTER PLAN with the stipulated requested waivers and conditions: Secretary Miller

Second: Member Gardner

Discussion: The Chair entered the draft Findings of Fact and Decision into the record noting alterations made as a result of discussion at the meeting and read aloud Sections VII. – *Waivers from the Subdivision Regulations* and VIII. – *Conditions of Approval*. The Final Findings of Fact and Decision are included as an addendum to these minutes.

Vote:

Chairman Finlay	Yes
Vice-Chairman Eappen	Yes
Secretary Miller	Yes
Member Gardner	Yes
Member Pratt	Yes

Motion Passed 5-0-0

Mr. Johnson requested a recommendation for the Zoning Board from the Planning Board regarding this project.

Motion to RECOMMEND THE PROJECT to the Zoning Board: Secretary Miller

Second: Member Gardner

Discussion: Mr. Proft asked for clarification. Mr. Johnson replied he would like a motion stating that the Planning Board has approved the project at this current stage. Mr. Proft suggested the following possible wording: “The Planning Board does not have reservations about the project.”

Vote: Passed 5-0-0

VI. Administrative Officer’s Report

Mr. Proft provided the following updates for the Board:

- i. 74 Broad Street Administrative Subdivision
 - a. More documents are needed from the land developers. The proposal is to adjust lot lines to give two (2) pieces of property areas to park in their yards and grant an access easement to those areas.
- ii. Simonne Avenue 5 Lot Subdivision
 - a. There have been some complaints from neighbors about the contractor going too far onto the Lydia Street side of the project, but those abutters previously signed letters that gave permission for this. Also, the City is not involved as it is a dispute between property owners.
 - b. National Grid asked the owner, Ron Lemieux, to provide plat number for the subdivision, but there is no record the plat was recorded. The subdivision was approved by the Technical Review Committee administratively for final plan review in March 2010. There was a condition with the Preliminary Plan approval that stated the plan could not be recorded until the bond was posted, and the bond was not posted until after Mr. Lemieux’s appearance in front of the Planning Board at the January 2020 meeting to request a bond reduction. Mr. Proft notified Mr. Lemieux that he will need to provide a copy of the final plans for the subdivision to be properly recorded.
- iii. Grants
 - a. Brownfield
 - Mr. Proft met with the Mayor, Building Official, and the contractor Fuss & O’Neil to identify specific properties to prioritize. Two properties, 719 River Street and 20

Privilege Street, are the primary properties with further properties being considered as funds become available. These include the mill at the Mendon Road/Ayslworth Avenue intersection and the Rhode Island Trust building across from City Hall.

- There is a limited planning study for the River Street area to determine the best use of the properties in that area. The results may lead to rezoning some of the parcels.
- b. HUD Lead, \$4 million
 - The Planning Department needs to hire three (3) staff to move forward. The job descriptions are completed, and Mr. Proft will soon advertise the positions.
- c. 2020 Census from RI Foundation to improve the Census count
 - This involves hiring a part time staff member to table at events, use social media, and spread awareness of the upcoming Census.
- d. Municipal Resilience Program Awarded
 - This program includes one (1) year of training and developing a resiliency plan followed by another year to implement the plan after applying for funding.
 - Mr. Proft recently spoke with the individual administering the training.
- iv. Comprehensive Plan
 - a. Mr. Proft has sample RFPs for contractors to model Woonsocket's RFP off of.
- v. Solar
 - a. The Mayor recently published a press release in support of rooftop solar parking lot arrays.

Chairman Finlay said the City has begun advertising for a new Director for the Planning Department. He also informed the Board that the Mayor is in favor of a mural on the bike path, near the Jersey barrier.

Following up a previously mentioned idea to help mitigate high traffic around Highland Industrial Park, Vice-Chairman Eappen said the self-driving shuttles in Providence are currently too small for his original idea, seating only six (6) per vehicle.

- VII. Next Meeting Dates:
Regular Meeting: Tuesday, April 7, 2020 (Harris Hall)

- VIII. Adjournment
Motion to adjourn (8:15 p.m.): Secretary Miller
Second: Member Gardner
Discussion: None
Vote: Passed 5-0-0

Addendum: Findings of Fact & Decision, master plan stage, for the proposed
Major Land Development at 1139 and 1099 Social Street