

City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Tuesday, September 1, 2020 | 6:00 PM
Location: Teleconference via Zoom, Meeting ID: 825 4273 6944

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. Jon Pratt
5. Wendall Gardner (arrived 6:32 PM)

Others in Attendance:

1. Kevin Proft, Administrative Officer/City Planner
2. Theresa Dunigan, Recording Secretary
3. Cassidy St. Sauveur, Vikon Properties
4. Norbert Therien, National Survey
5. Jason Gold, ESS Group

III. Remote Meeting Announcement:

The chairman read the following remote meeting announcement aloud:

General Proceedings

1. Each agenda item will be read in-full to ensure it is clear what matter is before the board.
2. Members should request permission to speak from the Chair prior to speaking. The Chair should recognize the Member by name.
3. Members will identify themselves each time before they speak.
4. All votes should be conducted by roll call.

Public Comment

1. The public will be muted by the meeting administrator until the Chair opens the floor to public comment, at which point all members of the public will be unmuted.
2. Members of the public wishing to comment should use the “raise hand” tool on their zoom screen so they may be called on by the chair to speak. If this method proves to be too challenging, the meeting administrator will mute all members of the public, and then unmute each member of the public one-by-one and ask if they have a comment.
3. Members of the public wishing to comment should state their first/last name and address for the record, then state their comment.

Documentation

1. Documents associated with the items being discussed at the meeting are available to the public on the Planning Board's webpage on the Woonsocket website. <https://www.woonsocketri.org/planning-board/pages/meeting-files>

Technical Difficulties

1. If remote access is interrupted for all participants and cannot be restored within 10 minutes, the remainder of the meeting items will be continued to the following meeting.
2. The board will preemptively vote to continue items not addressed due to potential technical difficulties to the next meeting to avoid the need to re-advertise said items. The date of said meeting must be included in the motion to continue.

IV. Vote to continue agenda items not completed due to technical difficulties to the next regularly scheduled Planning Board Meeting on October 6, 2020:

Motion to CONTINUE AGENDA ITEMS UNTIL OCTOBER 6, 2020 IF NEEDED: Secretary Miller

Second: Vice-Chairman Eappen

Discussion: None

Vote:

Chairman Finlay	Yes
Vice-Chairman Eappen	Yes
Secretary Miller	Yes
Member Gardner	Not present
Member Pratt	Yes

Motion Passed 4-0-0

V. Correction/Approval of Minutes:

Motion to APPROVE the July 9, 2020 meeting minutes: Secretary Miller

Second: Vice-Chairman Eappen

Discussion: None

Vote:

Chairman Finlay	Yes
Vice-Chairman Eappen	Yes
Secretary Miller	Yes
Member Gardner	Not Present
Member Pratt	Yes

Motion Passed 4-0-0

VI. Old Business:

None

VII. New Business:

- a. **Bond Approval:** Per section 11 of the subdivision regulations, Eric Yegian of Vicon Properties has requested that the Planning Board approve a bond for Phase IV of the Oak Grove subdivision. The Planning Board will review the matter and may vote on a motion to approve the bond.

Mr. Eric Yegian did not appear before the Board. Real Estate Agent Cassidy St. Sauveur attended as his representative. Chairman Finlay stated that Level Design Group and the City's Engineering Division agreed to a bond amount of \$650,000 for Phase IV improvements.

The Engineering Division raised concerns via a memo to the Planning Board that Phase II's roadway remained incomplete six years after the bond for Phase II was issued. Drainage structures protrude from the road, which makes snow removal challenging and potentially harmful to the City's equipment. The memo also stated that the sloping behind some Phase II lots into the open space portion of the subdivision has not been completed. Finally, he noted that there are issues with grading between Phase II & III that have resulted in flooding on lots and in dwellings that are now owned and occupied. Mr. Kevin Proft relayed these concerns to the Planning Board at the meeting. Mr. Proft also noted that a City Building Inspector expressed concerns about these issues.

Chairman Finlay asked Ms. St. Sauveur if there is any update on Phases II & III. She informed the Board she was not authorized to speak on Mr. Yegian's behalf, but would relay the Board's concerns to him.

Vice-Chairman Eappen said he was not comfortable with the Board moving forward with this item until the board had an opportunity to discuss the project with Mr. Yegian or his representation. He recommended tabling the issue until October 6, 2020. Member Pratt echoed the Engineering Division's concerns and supported tabling until Mr. Yegian was present.

Motion to TABLE the Bond Approval until the October 6, 2020 meeting: Vice-Chairman Eappen

Second: Member Pratt

Discussion: None

Vote:

Chairman Finlay	Yes
Vice-Chairman Eappen	Yes
Secretary Miller	Yes
Member Gardner	Not present
Member Pratt	Yes

Motion Passed **4-0-0**

Chairman Finlay requested Ms. St. Sauveur inform Mr. Yegian the Board has concerns about Phases II & III and that this item will be discussed at the October 6, 2020 meeting.

b. Applications

- i. *Administrative Subdivision | Applicant & Owner: Richard P. & Darlene R. Casavant | Project Location: 0 & 62 Eleventh Ave, Lots 2-229 and 2-220 respectively | The applicant proposes to alter the lot line between the two subject parcels to allow for construction of a single-family dwelling fronting on the paper street segment of Eleventh Ave. Permanent access between parcel 2-229 and an improved public street will exist via a perpetual access and utility easement crossing a portion of lot 2-220. Because the application requires a waiver from Section 8.2.2 – Paper Streets of the subdivision regulations, the Administrative Officer referred the application to the Planning Board.*

Chairman Finlay stated the applicants began the application process earlier in 2020 prior to the

pandemic and shut down of City Hall. He apologized to the applicant for delays.

Norbert Therien, the land surveyor who drew the subdivision plan, reviewed the proposed subdivision, which would alter the property line between two properties (one developed, one undeveloped) to allow for the construction of a new single-family dwelling on the undeveloped parcel. Due to the steep slope of the Eleventh Ave right-of-way, the road cannot be extended to offer the undeveloped parcel street frontage. Instead, an access and utility easement across the developed parcel would allow access to the undeveloped parcel. The Legal Department determined the proposed perpetual access and utility easement would meet the Planning Board's required finding that all new lots have permanent access to a public street.

Chairman Finlay clarified that an Administrative Subdivision would typically be approved by the Administrative Officer. Due to a need for a waiver from the subdivision regulations (section 8.2.2 Paper Streets) this application was referred to the board. The planning board agreed that no further improvement of Eleventh Ave should be undertaken due to the topography of the site.

Mr. Proft said the zoning ordinance requires street frontage on an improved roadway so the applicant will need a zoning variance, and the applicant is aware of this requirement.

Mr. Proft suggested the Board add a Condition of Approval that the applicant/Mr. Therien and the Fire Marshal's Office discuss how to ensure the proposed plan will conform with fire code regulations prior to the plan being recorded. Mr. Therien consented to this condition.

Mr. Therien said the owners are investigating pre-fab house options to allow for quicker construction.

At 6:32 PM, Member Wendall Gardner joined the meeting.

Vice-Chairman Roji Eappen asked who would be responsible for maintaining the shared driveway. Mr. Proft said the easement will be between the property owners and not involve the City. The easement language will need to be submitted to Mr. Proft and the Engineering Division for review prior to the plans being recorded. Mr. Therien said the applicant's attorney will draft the easement.

Chairman Finlay read the Findings of Fact & Decision with the proposed waiver and Conditions of Approval. Mr. Proft informed the Board that the applicant has already met Condition #3 with documents provided by Mr. Therien earlier in the day.

Motion to REMOVE Condition #3 and update the subsequent Condition numbers: Secretary Miller

Second: Member Pratt

Discussion: None

Vote:

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

Motion Passed	5-0-0
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Following the removal of Condition #3, the waiver and Conditions of Approval were as follows:

1. Waiver: 8.2.2 Paper Streets
2. Conditions of Approval
 - a) A legal description of the purpose of the access and utility easement shall be provided to the Administrative Officer prior to the subdivision plan being recorded in the land evidence record.
 - b) The Engineering Division shall review and approve the legal description of the purpose of the access and utility easement prior to the subdivision plan being recorded in the land evidence record.
 - c) The applicant shall obtain all necessary relief from the Zoning Board prior to the subdivision plan being recorded in the land evidence record.
 - d) The applicant shall address the concerns of the Fire Department prior to the subdivision plan being recorded in the land evidence record.
 - e) Prior to the plan's recording, the Planning Board permits minor modifications to the configuration of the plan in order to address the requirements of the City's Planning and Engineering Divisions and Fire Department without the need for further approval by its members.
 - f) The Planning Board delegates the responsibility of ensuring these conditions are met to the Administrative Officer.

Motion to APPROVE the administrative subdivision with a waiver and conditions: Vice-Chairman Eappen

Second: Member Gardner

Discussion: None

Vote:

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

Motion Passed 5-0-0

- ii. *Public Hearing | Combined Master & Preliminary Plan Review | Major Subdivision Application | Applicant: Centrica Business Solutions | Owner: Mizner Holdings, LLC. | Project Location: 85 Fairmount Street, Lot 8-24 | The purpose of the public hearing is to consider a Major Subdivision for combined Master and Preliminary Plan approval. The applicant proposes to divide a 327,545 square foot industrially zoned parcel into two parcels of 189,194 and 138,351 square feet. The City's Zoning Board and Design Review Commission previously approved a solar energy system on the proposed north parcel. No development is proposed on the proposed south parcel. The Planning Board may vote on a motion to approve the application at this meeting.*

Mr. Jason Gold of ESS Group provided an overview of the project.

- Divide the 7.5-8-acre property into two lots
- Property is zoned I-2 heavy industrial and in the River Corridor Overlay District
- Solar development project approved on the proposed northern lot by Design Review Commission on November 5, 2019 with special use permits and a variance from the Zoning Board issued on December 9, 2019

- No Development is currently proposed for the proposed southern lot.
- Requesting to defer sidewalk and landscaping improvements to the southern lot until the time of development.

Member Pratt stated that the City must maintain access to a sewer easement on the property. There is debris and fencing that make access challenging. Mr. Gold said there were no current plans to remove the fence. Chairman Finlay said a gate would be needed to allow access. Mr. Proft confirmed he will add a condition stating that access be maintained from Fairmount Street to the sewer easement.

The subdivision conforms to the Comprehensive Plan.

The subdivision requires modifications to the subdivision regulations. Mr. Proft recommended the Board defer the implementation of sidewalk improvements and street trees until future development.

The project complies with the zoning ordinance. The new property line required the applicant to adjust the site plan for the solar energy system to show a five-foot setback and five-foot vegetative buffer. The applicant elected to place the buffer inside the solar energy system's fence. The twenty-foot vegetative buffer required by the Solar Energy System section of the Zoning Ordinance was previously waived by the Zoning Board.

The Engineering Division said there is a shed on the sewer easement and would like to see the shed moved if possible. Mr. Gold said the existing shed could be moved if needed. Member Wendall Gardner stated the shed was connected to utilities so could be difficult to move. Member Pratt said the plans show that the manholes are not covered by the shed, so it could remain in place.

Mr. Proft's recommended the Board grant permission for the Administrative Officer to conduct Final Plan approval.

Member Pratt asked for an update on the solar development project. Mr. Gold believed construction was due to start in a month or two.

Chairman Finlay read the Findings of Fact & Decision with the proposed modification to the subdivision regulations and Conditions of Approval.

- Modifications: Section 8.6 Sidewalks & Section 8.1.1 Street Trees
 - Defer compliance to the time that development(s) are proposed.
- Conditions of Approval
 - The lot number for 85 Fairmount shall be changed from #008-024-000 to Map D2/D3 Lot 8-24 prior to Final Plan approval.
 - Lot 2 shall comply with Subdivision Regulation 8.6 Sidewalks when a development project(s) for said lot is proposed in the future. At that time, the Engineering Division will assess the condition of the sidewalk and identify sections that require repair and/or replacement. Sidewalk repair and/or replacement shall be detailed on the site plans submitted to the Design Review Commission for the future development project(s).
 - Lot 2 shall comply with Subdivision Regulation 8.8.1 Street Trees when a development project(s) for said lot is proposed in the future. Street trees shall be included on the site plans submitted to the Design Review Commission for the future development project(s).
 - That the parcel will be current in the payment of real estate taxes prior to Final Plan approval.

- A reference to the Woonsocket Vertical Datum shall be included on the plan prior to Final Plan Approval.
- Clear access for DPW trucks and equipment will be maintained by the property owner from Fairmount Street to the sewer easement.

Motion to OPEN the public hearing: Secretary Miller

Second: Member Gardner

Discussion: None

Vote:

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

Motion Passed 5-0-0

After several calls for public comment with no response, Chairman Finlay asked for a motion to close the hearing.

Motion to CLOSE the public hearing: Member Gardner

Second: Vice-Chairman Eappen

Discussion: None

Vote:

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

Motion Passed 5-0-0

Motion to approve the combined Master and Preliminary Plans for the Subdivision at 85 Fairmount Street, Lot 8-24 with the waivers and conditions as stated above: Secretary Miller

Second: Member Gardner

Discussion: None

Vote:

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

Motion Passed 5-0-0

c. **Other**

- i. *Selection of two Municipal Resiliency representatives from the Planning Board.*

The City of Woonsocket applied for and was accepted into a two-year program created by Nature Conservancy and RI Infrastructure Bank. The first year is spent working to create a list of priority projects to deal with natural hazards like flooding. During the second year, RIIB offers funding to help implement items on the list. There will be a workshop at the end of September [editor's note: meeting since rescheduled to October 21, 2020], and Mr. Proft would like two members of the Board to attend. Member Gardner and Member Pratt were selected.

VIII. Administrative Officer's Report:

a. Administrative Subdivision Applications

- i. St. James & Armory – the application was withdrawn. The St. James church sold the Armory to a developer who plans to renovate the building and turn it into a cultural center.
- ii. 74 Broad Street – the application was approved in May 2020.
- iii. 793 and 805 Manville Street – the application was approved in August 2020.

b. Projects

i. Grants

- a. HUD Lead Hazard Reduction Grant – The City received a large, multi-year grant from HUD to reduce lead in homes, particularly where there are children. Joseph Ferri, previously in the Inspections division, was hired as the program manager.
- b. RI Foundation Census Grant – The 9/30/2020 deadline is approaching. The City will continue implementing outreach through social media and other low-contact methods. Due to COVID-19, original plans had to be modified.
- c. RI Foundation Community Garden Grant – The Planning Division secured a grant in partnership with Riverzedge Arts. Riverzedge and the Department of Public Works will work to construct a community garden at Riverzedge property in Fairmount.
- d. RIEMA Pre-Disaster Mitigation Grant – The funding originally comes from FEMA so the City is a sub-grantee. The grant provides \$92,000 to engineer, design, and plan for improvements of culverts that cause flooding in East Woonsocket.
- e. RIIB Municipal Resiliency Program – previously discussed. Members Gardner and Pratt will participate in the workshop meeting later in September [editor's note: meeting rescheduled to October 21, 2020].
- ii. Comprehensive Plan Update – Vice-Chairman Eappen helped the Planning Department select Horsley Witten as the firm for updating the plan. Horsley Witten predicts it will be a 15-month process followed by one month of approvals so the update is on schedule to be completed in 2022.
- iii. NEA "Our Town" Grant Application – Riverzedge applied for this grant in partnership with the City. If awarded the money would be spent on beautifying and activating the Bikeway along Truman Drive.
- iv. Brownfields Assessment Grants – EPA grant of \$300,000, focused on 719 River St., 20 Privilege St., 162 Main St., and 1265 Mendon Rd. The City will be applying for more funding from RIDEM to address First Ave/Seville Dye and Sunnyside Ave.
- v. URI Landscape Architecture Department Collaboration – The Planning Department will be partnering with URI on a class for the fall term to develop conceptual plans for landscape interventions at select sites in downtown Woonsocket (River Island Park, River Street Park, public parcels along the Truman Bike Path, and outside the train depot). Ideas generated by the partnership could spark future planning efforts to improve these sites.

c. **Other**

- i. Simone Avenue – Neighbors have reported dust control issues due to an unfinished road in the subdivision currently being developed. On windy days, the dust gets on and into their houses. The

Engineering Division sent a request to the owner to resolve the issue, and there have not been further complaints since then. Future Decisions of the Planning Board should include dust control as a Condition of Approval

- ii. Elm Street Zone Change (Lot 35-76) – The Council held a Public Hearing on and passed the ordinances relating to this zone change on September 14 2020. The ordinances require second passage by the City Council.

IX. Next Meeting Dates:

Tuesday, October 6, 2020 | Online via Zoom

X. Adjournment:

Motion to adjourn (7:52 PM): Vice-Chairman Eappen

Second: Member Gardner

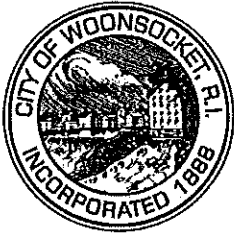
Discussion: None

Vote:

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

Motion Passed	5-0-0
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Addendum: Findings of Fact & Decision, Casavant Subdivision



City of Woonsocket, RI

Planning Board: Findings of Fact & Decision

September 1, 2020

I. Owner/Applicant

Property Owner's Name:	Darlene and Richard Casavant
Property Owner's Address:	62 Eleventh Avenue, Woonsocket, RI 02895
Applicant's Name:	Same as Owner
Applicant's Address:	Same as Owner
Designated Representative:	None

II. Property

Assessor's Plat(s):	Lot 2-220 & Lot 2-229
Address(es)/Location(s):	62 Eleventh Avenue & 0 Chapel Street, Woonsocket
Zoning Designation:	R-3
Surveyor Name:	National Land Surveyors & Developers Inc.
Surveyor Address:	42 Hamlet Ave, Woonsocket, RI 02895

III. Application

Type:	Administrative Subdivision
Proposed Development Type:	Single-family residential
Description:	Adjust lot line between lots so Lot 2-220 is reduced from 15,000 to 11,000 sq ft and Lot 2-229 is enlarged from 10,000 to 14,000 sq ft. Develop single-family home on Lot 2-229.

IV. Statement of Review & Authority

The above matter was reviewed by the Woonsocket Planning Board under the provisions of the *Subdivision Regulations of the City of Woonsocket, Rhode Island* (the Subdivision Regulations), and Title 45, Chapter 23 § 37 of the Rhode Island General Laws (R.I.G.L.), entitled *The Land Development and Subdivision Review Enabling Act of 1992: General Provisions – Administrative Subdivision*

V. Exhibits

The following exhibits were used to inform the decision of the Planning Board: subdivision application; administrative subdivision plan (February 2020, last revised August 26, 2020); staff comments (Planning, Zoning, Engineering, Fire, Legal) (August 11, 2020); legal opinion on access

to public street (July 23, 2020); Staff Report (August 27, 2020); Draft Findings of Fact & Decision (September 1, 2020).

VI. Findings of Fact

Pursuant to such hearing and testimony by appropriate representatives of the landowner and/or proposed developer and interested others, including remonstrants for and/or against the proposal, the Woonsocket Planning Board, upon careful deliberation and in accordance with the provisions of the Subdivision Regulations and Title 45, Chapter 23 § 60 of the R.I.G.L entitled *The Land Development and Subdivision Review Enabling Act of 1992: Procedures – Required Findings*, has arrived at and agreed upon the following findings of fact by majority vote:

1. That the proposed development is consistent with the *2012 Comprehensive Plan of the City of Woonsocket, Rhode Island* (the Comprehensive Plan), as amended and as approved by the Woonsocket City Council and the Director of the Rhode Island Department of Administration and/or has satisfactorily addressed the issues where there may have been inconsistencies.
 - a. The proposal is consistent with the Comprehensive Plan. The Comprehensive Plan states that the City should "diversify housing options for present and future City residents" (Housing Goal H-1), in part, by "encouraging the construction of 'workforce' housing for middle-income residents" (Housing Policy H-1.1). The proposed project would result in the construction of a modest-sized three-bedroom dwelling likely to be priced within reach of middle-income earners.
 - b. The Comprehensive Plan states that the City should "preserve the City's existing housing stock in order to protect the health safety and financial well-being of residents" (Housing Goal H-2), in part, by "promoting small-scale development that enhances and supports the existing economic and social fabric of the City's neighborhoods" (Housing Policy H-2.1). The proposed project would result in small-scale development that is incorporated into an existing neighborhood.
2. That the parcels comply with the standards and provisions of the *Zoning Ordinance of the City of Woonsocket, Rhode Island* (the Zoning Ordinance) enacted December 19, 1994, amended as of November 2019.
 - a. Lot 2-220 has existing zoning nonconformities, but none are exacerbated by the proposed subdivision. At 11,000 square feet lot 2-220 will meet the lot area requirement for the existing two-family home in an R-3 district.
 - b. Lot 2-229 complies with the requirements of the Zoning Ordinance except for section 7.4-3 which requires the lot to have 70 feet of street frontage. Frontage on paper streets is not included in the calculation of street frontage. The applicant shall obtain relief from this section from the Zoning Board prior to the subdivision being recording in the land evidence record.

3. That there will be no significant negative environmental impacts from the proposed subdivision's development.
 - a. No wetlands were found on the site and the site is not located in a flood zone.
 - b. New stormwater generated by development of Lot 2-229 will be infiltrated on-site.
 - c. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
4. That the proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical.
 - a. Lot 2-220 complies with the Zoning Ordinance or does not exacerbate existing non-conformities. Lot 2-229 complies with the Zoning Ordinance except for section 7.4-3 which requires the lot to have 70 feet of street frontage. A waiver from this requirement from the Zoning Board shall be obtained prior to the subdivision being recorded in the land evidence record.
 - b. While steep slopes exist to the south and east of Lot 2-229, the proposed location of the new structure is on a flatter portion of the property.
 - c. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
 - d. The Fire Department reviewed the plans and provided comments. The applicant shall adequately address the comments prior to the subdivision being recorded in the land evidence record.
5. That the proposed land development and lots will have adequate and permanent physical access to a public street.
 - a. Lot 2-220 will have adequate and permanent access to Eleventh Avenue. The Legal Department rendered the opinion that the proposed access and utility easement from Eleventh Avenue across Lot 2-220 to Lot 2-229 constitutes adequate and permanent physical access to a public street in a memo to the Administrative Officer dated June 29, 2020.
6. That the proposed subdivision meets the general purposes of the Subdivision Regulations as enumerated in subsection 1.2 of said regulations, where applicable.
 - a. That the project protects the health, safety, and welfare of the community.
 - i. New stormwater resulting from the development of Lot 2-229 will be infiltrated on-site.
 - ii. A fence will be erected along the steep slopes on Lot 2-229 to mitigate the risk of falls.
 - iii. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.

- iv. The Fire Department reviewed the plans and provided comments. The applicant shall adequately address the comments prior to the subdivision being recorded in the land evidence record.
- b. That the project received orderly, thorough, and expeditious review and approval from the Department of Planning and Development and the Planning Board.
 - i. Review of the application was delayed while awaiting a complete application and an opinion from the Legal Department regarding Lot 2-229's street access. Upon securing the opinion and receiving a complete application, the application was added to the next Planning Board agenda on September 1, 2020.
 - ii. The application was reviewed by the Planning Division, Zoning Official, Fire Department, Engineering Division, and Legal Department. Each Division/Department provided comments to the applicant. The comments were or will be adequately addressed prior to the subdivision being recorded in the land evidence record.
- c. That the project exhibits high-quality and appropriate design.
 - i. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
 - ii. The Fire Department reviewed the plans and provided comments. The applicant shall adequately address the comments prior to the subdivision being recorded in the land evidence record.
- d. That the project protects existing natural features and the built environment.
 - i. See Finding of Fact 3 above.
- e. That the project is well integrated with the surrounding neighborhoods with regard to natural and built features and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
 - i. The proposed single-family home is an appropriate use and characteristic of the neighborhood which is a mix of single- and two-family homes.
 - ii. The project is proposed in an area served by sewer, gas, and electric utilities and will not require the development of new roads. The site will be served by a well as the City cannot provide water service. Water pressure to the site is low due to its relative elevation compared to the water supply.
- f. That the project reflects the intent of the City's design and improvement standards with regard to the physical character of the various neighborhoods and districts of the city.
 - i. The Administrative Officer has reviewed the plan compared to Section 8 - Physical Design Requirements and Section 9 - Public Improvement Standards of the Subdivision Regulations and is satisfied that the applicant has or will comply with the regulations prior to the subdivision being recorded in the land evidence record, with the exception of a waiver to Section 8.2.2 of the Subdivision Regulations included below.
 - ii. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.

- g. That the project underwent thorough technical review by appropriate local officials.
 - i. The application was reviewed by the Planning Division, Zoning Division, Fire Department, Engineering Division, and Legal Department. Each Division/Department provided comments to the applicant. The comments were or will be adequately addressed prior to the subdivision being recorded in the land evidence record.
- h. That the dedication of public land was deemed not applicable.
 - i. The proposed Administrative Subdivision is small in scale with no obvious opportunity for the dedication of public land to the City.
- i. That record-keeping for this application was consistent with the requirements of City and State regulations.
 - i. That all records relating to this application are available at the Department of Planning & Development at City Hall.

7. That the parcel is current in the payment of real estate taxes as of August 28, 2020.

VII. Waivers to the Subdivision Regulations

The Planning Board has the authority to grant modifications from the subdivision regulations per § 2.5.2 of said regulations. The applicant has requested a waiver from the following Subdivision Regulation:

- 1. 8.2.2 Paper Streets
 - a. The literal enforcement of the regulation is impracticable and would exact undue hardship because of the peculiar conditions pertaining to the land in question. The slope of the land within the right-of-way is too great to affordably extend the roadway.

VIII. Conditions of Approval

- 1. A legal description of the purpose of the access and utility easement shall be provided to the Administrative Officer prior to the subdivision plan being recorded in the land evidence record.
- 2. The Engineering Division shall review and approve the legal description of the purpose of the access and utility easement prior to the subdivision plan being recorded in the land evidence record.
- 3. The applicant shall obtain all necessary relief from the Zoning Board prior to the subdivision plan being recorded in the land evidence record.
- 4. The applicant shall address the concerns of the Fire Department prior to the subdivision plan being recorded in the land evidence record.
- 5. Prior to the plan's recording, the Planning Board permits minor modifications to the configuration of the plan in order to address the requirements of the City's Planning and Engineering Divisions and Fire Department without the need for further approval by its members.
- 6. The Planning Board delegates the responsibility of ensuring these conditions are met to the Administrative Officer.

IX. Approval/Denial

Based upon the testimony and evidence gathered by the Woonsocket Planning Board in written and oral form at and before the above-referenced hearing, the following motion is hereby recorded as the official action of the Woonsocket Planning Board in the above-cited matter:

Motion by Member Eappen and seconded by Member Gardner that the Petition for Administrative Subdivision review requested by Richard and Darlene Casavant for their properties at 62 Eleventh Avenue (Lot 2-220) and 0 Chapel Street (Lot 2-229) in Woonsocket be approved with the waiver to the Subdivision Regulations and conditions of approval included in the Findings of Fact & Decision.

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

Motion	Passes	5-0-0
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X. Appeal of Decision

This decision may be appealed within 20 days of its recording in the City's Land Evidence Record under Section 13 of the Subdivision Regulations.

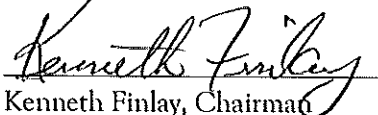
XI. Vesting of Decision


According to Section 4.3 of the City's Subdivision Regulations, the approved administrative subdivision shall expire 90 days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in section 12 of the Subdivision Regulations.

XII. Certification

This is to certify that the above statement of Findings of Facts & Decision reflects the action of the Woonsocket Planning Board at their regularly scheduled meeting of September 1, 2020, a quorum being present throughout, in accordance with the *Subdivision & Land Development Regulations of the City of Woonsocket, Rhode Island*, as amended. This is a true and accurate recording of such action and is intended to be a part of the official records of the Woonsocket Planning Board and duly recorded in the Land Evidence Office of the Woonsocket City Clerk as attested hereinafter.

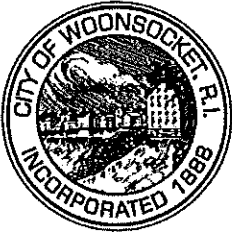
Certified:


Kenneth Finlay, Chairman
Woonsocket Planning Board


Kevin Proft, City Planner
Administrative Officer

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Christina Harmon, CITY CLERK

Addendum: Findings of Fact & Decision, 85 Fairmount Street



City of Woonsocket, RI

Planning Board: Findings of Fact & Decision

September 1, 2020

I. Owner/Applicant

Property Owner's Name:	Mizner Holdings, LLC
Property Owner's Address:	1200 Reservoir Ave, Cranston, RI 02902
Applicant's Name:	Centrica Business Solutions
Applicant's Address:	7484 Candlewood Road, Suite T-W, Hanover MD 21076
Designated Representative:	None

II. Property

Assessor's Plat(s):	Lot 8-24
Address(es)/Location(s):	85 Fairmount Street, Woonsocket
Zoning Designation:	I-2 (Heavy Industrial)
Surveyor Name:	Design Professionals
Surveyor Address:	21 Jeffrey Dr, PO Box 1167, South Windsor, CT 06074

III. Application

Type:	Major Subdivision
Review Stage:	Combined Master & Preliminary Plan Review
Proposed Development Type:	No new development proposed.
Description:	The applicant proposes to divide a 7.5-acre parcel into two parcels of 4.3 and 3.2 acres. The City's Zoning Board and Design Review Commission previously approved a solar energy system on proposed Lot 1. No development is proposed on proposed Lot 2.

IV. Statement of Review & Authority

The above matter was reviewed by the Woonsocket Planning Board under the provisions of the *Subdivision Regulations of the City of Woonsocket, Rhode Island* (the Subdivision Regulations), and Title 45, Chapter 23 § 40 & 41 of the Rhode Island General Laws (R.I.G.L.), entitled *The Land Development and Subdivision Review Enabling Act of 1992: Major Subdivision – Master & Preliminary Plan*.

V. Exhibits

The following exhibits were used to inform the decision of the Planning Board: major subdivision application; project radius map (August 10, 2020), major subdivision plan (December 17, 2018, last revised August 7, 2020); approved solar energy system site plan (October 15, 2019), revised solar energy system site plan (October 15, 2019, last revised June 12, 2020), Planning Division, Zoning Division, Engineering Division, and Fire Department comments (August 21, 2020); applicant's response to staff comments (August 25, 2020); Zoning Official's memo to the Planning Board (August 21, 2020), Administrative Officer's Staff Report (August 26, 2020); Draft Findings of Fact & Decision (September 1, 2020).

VI. Findings of Fact

Pursuant to such hearing and testimony by appropriate representatives of the landowner and/or proposed developer and interested others, including remonstrants for and/or against the proposal, the Woonsocket Planning Board, upon careful deliberation and in accordance with the provisions of the Subdivision Regulations and Title 45, Chapter 23 § 60 of the R.I.G.L entitled *The Land Development and Subdivision Review Enabling Act of 1992: Procedures – Required Findings*, has arrived at and agreed upon the following findings of fact by majority vote:

1. That the proposed development is consistent with the *2012 Comprehensive Plan of the City of Woonsocket, Rhode Island* (the Comprehensive Plan), as amended and as approved by the Woonsocket City Council and the Director of the Rhode Island Department of Administration and/or has satisfactorily addressed the issues where there may have been inconsistencies.
 - a. The Comprehensive Plan states that the City should "grow Woonsocket's economy in a balanced and beneficial manner" (Economic Development Goal ED-2), in part, by "attracting new businesses to the City" (Economic Development Policy ED-2.1). The proposed project would create a new parcel of developable land and makes efficient use of the City's limited industrially-zoned land.
2. That the parcels comply with the standards and provisions of the *Zoning Ordinance of the City of Woonsocket, Rhode Island* (the Zoning Ordinance) enacted December 19, 1994, amended as of November 2019.
 - a. The property in question is in an I-2 (Heavy Industrial) district.
 - b. Lot 1's proposed use (Section 4.7-9 – Solar Energy System-Large Com./Industrial) requires a special use permit from the Zoning Board. The applicant obtained the special use permit in December 2019. No use is currently proposed for Lot 2.
 - c. Lot 1's proposed use meets the I-2 zoning district requirements of Section 10.3 for lot area, lot coverage, yards and open spaces, height and number of stories, and performance criteria. No use is currently proposed for Lot 2.
 - d. Lot 1's proposed use meets the perimeter buffer requirement of Section 12.1-6.2 (2) and the vegetative buffer included along the street meets the intent of Section 12.1-6.2 (3) while avoiding potential shading of the solar array by street trees. No use is currently proposed for Lot 2 so buffers have not been proposed at this time.

- e. The proposed solar energy system on Lot 1 was granted a variance from the 20-foot vegetative buffer required by Section 6.15 of the Zoning Ordinance along its north, west, and south property lines.
3. That there will be no significant negative environmental impacts from the proposed subdivision's development.
 - a. The property abuts the Blackstone River, but is insignificantly impacted by the 100-year flood zone.
 - b. RIDEM issued an "insignificant alteration permit" to the proposed solar energy system project on Lot 1 on July 1, 2019. Additional RIDEM permits may be required when development is proposed on Lot 2.
 - c. Wetlands boundaries and the 200-foot riverbank buffer have been delineated on the plans. These boundaries must be considered when development is proposed on Lot 2.
 - d. The property is a disturbed site with little to no habitat value.
 - e. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
4. That the proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical.
 - a. Proposed Lots 1 & 2 meet the dimensional requirements of the Zoning Ordinance. A solar energy system is already approved for Lot 1. Lot 2 can be developed in a manner that complies with the Zoning Ordinance.
 - b. While a significant portion of Lot 2 is within the 200-foot riverbank buffer, there is enough land east of the buffer for development.
 - c. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
5. That the proposed land development and lots will have adequate and permanent physical access to a public street.
 - a. Lots 1 & 2 have adequate and permanent physical access to Fairmount Street.
6. That the proposed subdivision meets the general purposes of the Subdivision Regulations as enumerated in subsection 1.2 of said regulations, where applicable.
 - a. That the project protects the health, safety, and welfare of the community.
 - i. The proposed solar energy system on Lot 1 is a relatively benign use and is adequately set back and screened from nearby residential properties. The site is adequately secured by a fence. No development for Lot 2 is proposed at this time.

- ii. No new impervious surface is proposed as a result of this subdivision. The solar energy system approved for Lot 1 will incorporate some new vegetative buffers which will decrease stormwater generated on the site.
 - iii. Sidewalks and the streetscape will be improved at the time of development of each lot.
 - iv. RIDEM issued an "insignificant alteration permit" to the solar energy system approved for Lot 1 on July 1, 2019. Additional RIDEM permits may be required when development is proposed on Lot 2.
 - v. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
 - vi. The Fire Department reviewed the project and had no concerns at this stage.
- b. That the project received orderly, thorough, and expeditious review and approval from the Department of Planning and Development and the Planning Board.
 - i. The applicant submitted an application package on July 28, 2020 and the application was reviewed by the Planning Board at the September 1, 2020 meeting.
 - ii. The application was reviewed by the Planning Division, Zoning Official, Fire Department, and Engineering Division. Each Division/Department provided comments to the developer, which were adequately addressed.
- c. That the project exhibits high-quality and appropriate design.
 - i. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
 - ii. RIDEM issued an "insignificant alteration permit" to the solar energy system approved for Lot 1 on July 1, 2019. Additional RIDEM permits may be required when development is proposed on Lot 2.
 - iii. Lot 1's solar energy system was previously approved by the Zoning Board and Design Review Commission of the City of Woonsocket. No project has been proposed for Lot 2 at this time.
- d. That the project protects existing natural features and the built environment.
 - i. See Finding of Fact 3 above.
- e. That the project is well integrated with the surrounding neighborhoods with regard to natural and built features and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
 - i. The proposed solar energy system on Lot 1 is a relatively benign use and is adequately set back and screened from nearby residential properties. The site is adequately secured by a fence. No development for Lot 2 is proposed at this time.
 - ii. Sidewalks and the streetscape will be improved at the time of development of each lot.
 - iii. The project is proposed on a previously disturbed site that is already served by roads and utilities.
- f. That the project reflects the intent of the City's design and improvement standards with regard to the physical character of the various neighborhoods and districts of the city.

- i. The Administrative Officer has reviewed the plan compared to Section 8 - Physical Design Requirements and Section 9 - Public Improvement Standards of the Subdivision Regulations and is satisfied that the applicant has or will comply with the regulations prior to Final Plan approval, with the exception of the modifications to the Subdivision Regulations stated below.
 - ii. The Engineering Division reviewed the plans, provided comments to the applicant, and the applicant adequately addressed said comments.
 - g. That the project underwent thorough technical review by appropriate local officials.
 - i. The application was reviewed by the Planning Division, Zoning Division, Fire Department, and Engineering Division. Each Division/Department provided comments to the developer, which were adequately addressed.
 - h. That the dedication of public land was deemed not applicable.
 - i. No new development has been proposed at this time. Therefore no dedication of land is proposed.
 - i. That record-keeping for this application was consistent with the requirements of City and State regulations.
 - i. That all records relating to this application are available at the Department of Planning & Development at City Hall.
7. That the parcel will be current in the payment of real estate taxes prior to Final Plan approval.

VII. Modifications to the Subdivision Regulations

The Planning Board has the authority to grant modifications from the subdivision regulations per § 2.5.2 of said regulations. The applicant has requested modifications to the following Subdivision Regulation:

- a. Section 8.6 Sidewalks.
 - i. For Lot 2, the applicant requests this section of the Subdivision Regulations be modified to defer compliance to the time that development(s) are proposed.
 - ii. The modification is in the best interest of good planning practice as it helps the City achieve the economic development goals and policies stated in the Comprehensive Plan.
- b. Section 8.8.1 Street Trees.
 - i. For Lot 2, the applicant requests this section of the Subdivision Regulations be modified to defer compliance to the time that development(s) are proposed.
 - ii. The modification is in the best interest of good planning practice as it helps the City achieve the economic development goals and policies stated in the Comprehensive Plan

VIII. Conditions of Approval

1. The lot number for 85 Fairmount shall be changed from #008-024-000 to Map D2/D3 Lot 8-24 prior to Final Plan approval.
2. Lot 2 shall comply with Subdivision Regulation 8.6 Sidewalks when a development project(s) for said lot is proposed in the future. At that time, the Engineering Division will assess the condition of the sidewalk and identify sections that require repair and/or replacement. Sidewalk repair and/or replacement shall be detailed on the site plans submitted to the Design Review Commission for the future development project(s).
3. Lot 2 shall comply with Subdivision Regulation 8.8.1 Street Trees when a development project(s) for said lot is proposed in the future. Street trees shall be included on the site plans submitted to the Design Review Commission for the future development project(s).
4. That the parcel will be current in the payment of real estate taxes prior to Final Plan approval.
5. A reference to the Woonsocket Vertical Datum shall be included on the plan prior to Final Plan Approval.
6. Clear access for City trucks and equipment shall be maintained by the property owner from Fairmount Street to the sewer easement depicted on the site plan.

IX. Approval/Denial

Based upon the testimony and evidence gathered by the Woonsocket Planning Board in written and oral form at and before the above-referenced hearing, the following motion is hereby recorded as the official action of the Woonsocket Planning Board in the above-cited matter:

Motion by Member Miller and seconded by Member Gardner that the petition for a combined Master & Preliminary Plan Review of a Major Subdivision proposed by Centrica Business Solutions, 7484 Candlewood Road, Suite T-W, Hanover, MD 21076, on behalf of Mizner Holdings LLC, 1200 Reservoir Ave, Cranston, RI 02930, for property located at 85 Fairmount Street (Lot 8-24) in Woonsocket be approved with the modifications to the Subdivision Regulations and conditions of approval included in the Findings of Fact & Decision.

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

Motion	Passes	5-0-0
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X. Appeal of Decision

This decision may be appealed within 20 days of its recording in the City's Land Evidence Record under Section 13 of the Subdivision Regulations.

XI. Vesting of Decision

According to Section 6.4.5 of the City's Subdivision Regulations, the approved preliminary plan shall be vested for a period of two (2) years with the right to extend for two (2) one-year extensions and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable and approved by the planning board. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.


XII. Final Plan Review

Final Plan review and approval was delegated to the Administrative Officer by the Planning Board at the September 1, 2020 Planning Board meeting.

XIII. Certification

This is to certify that the above statement of Findings of Facts & Decision reflects the action of the Woonsocket Planning Board at their regularly scheduled meeting of September 1, 2020, a quorum being present throughout, in accordance with the *Subdivision & Land Development Regulations of the City of Woonsocket, Rhode Island*, as amended. This is a true and accurate recording of such action and is intended to be a part of the official records of the Woonsocket Planning Board and duly recorded in the Land Evidence Office of the Woonsocket City Clerk as attested hereinafter.

Certified:


Kenneth Finlay, Chairman
Woonsocket Planning Board


Kevin Proft, City Planner
Administrative Officer

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