

City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Tuesday, December 1, 2020 | 6:00 PM
Location: Teleconference via Zoom, Meeting ID: 861 9138 9441

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

Others in Attendance:

1. Kevin Proft, Administrative Officer
2. Theresa Dunigan, Recording Secretary
3. Garrett Mancieri
4. Nicholas Vas, KSR&P

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.
 - a. 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.

Motion to CONTINUE AGENDA ITEMS UNTIL JANUARY 5, 2021 IF NEEDED: Member Gardner

Second: Secretary Miller

Discussion: None

Vote:

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

Motion Passed **5-0-0**

IV. Correction/Approval of Minutes:

Motion to APPROVE THE AMENDED MINUTES for November 10, 2020 meeting: Vice-Chairman Eappen

Second: Member Gardner

Discussion:

Vote:

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

Motion Passed **5-0-0**

V. Meeting Business:

- A. *Administrative Subdivision* | Applicant: 77 Federal Street, LLC c/o John Messier | Owner: CYO of Northern RI Inc. | Project Location: 122 Clinton Street, 77 Federal Street & 0 Federal Street (Lots 14-403, 14-404 & 14-224 respectively). 0 Federal Street is the parking lot located at the southeast corner of Federal Street and Worrall Street. | Project Description: The applicant is seeking to merge the subject lots into a single lot via Administrative Subdivision in preparation for the conversion of existing buildings along Clinton/Federal Street into residential units. The Applicant has requested that the requirement for a Class I survey be waived. For this reason, the Administrative Subdivision has been referred to the Planning Board for review. The Planning Board may vote on a motion to approve the subdivision at the meeting.

Mr. Garrett Mancieri, the applicant's real estate agent, explained the proposed merger and potential project to the Board. He stated that the merger is required because the existing buildings are all connected and, therefore, should be on a single parcel. He stated that the intention of the applicant is to convert the existing structures into residential units with a parking garage at street level under 122 Clinton Street. He noted that a small number of hotel rooms may be included in the project. He stated that the applicant's reason for requesting the waiver to ask for a Class IV rather than the Class I survey is based on the timing of the real estate transaction that the applicant is going through with the existing owner. The Class IV survey could be completed about a month sooner than a Class I survey. He stated that he understood that a more complete survey with utility connections will be required prior to building permit approval. While the exterior of the building will be rehabilitated, no changes or additions are proposed.

Chairman Finlay read the drafted Finding of Fact. The following modifications and conditions of approval were included:

1. Section 4.1.1 requires subdivision plans shall be based on a Class I survey and utilities and building footprints shall be shown on the plan. The applicant has requested a modification to be able to base his subdivision plan on a Class IV survey. The applicant has requested waivers from the requirements to show utilities and building footprints on the plan as these items are not within the scope of a Class IV survey.
2. Conditions of Approval
 - a) The applicant shall secure the owner's signature on the subdivision application prior to the plan's recording.
 - b) The applicant shall address the comments from the Administrative Officer's email dated November 25, 2020 and any subsequent comments of the Administrative Officer that may arise prior to the recording of the subdivision.
 - c) The applicant shall address the comments from the Engineering Division dated November 25 and November 30 and any subsequent comments of the Engineering Division that may arise prior to the recording of the subdivision.
 - d) The sewer connection to 77 Federal Street shall be investigated at the direction of the City's Engineering Division prior to building permit approval for work relating to the redevelopment of the site. It appears 77 Federal Street may be served by the same sewer line serving 142 Clinton Street. The Engineering Division may set an alternate, later deadline for this condition at its own discretion without approval by the Planning Board.
 - e) Above and below ground utility lines in the public right of way and the associated laterals to the building must be identified prior to building permit approval for work relating to the redevelopment of this site. The Engineering Division may set an alternate, later deadline for this condition at its own discretion without approval by the Planning Board.

MOTION TO APPROVE the subdivision with waivers and conditions: Secretary Miller

Second: Member Gardner

Discussion:

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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- B. *Bond Reduction | Vikon Properties has requested that the Planning Board approve a reduced bond amount for Phase II of the Oak Grove Subdivision from \$54,285 to \$5,428.50. The Planning Board may vote on a motion to approve the bond reduction.*

Mr. Nicholas Vas stated that the agenda item was only for Phase II of the Oak Grove Subdivision.

Chairman Finlay read the Staff Report out loud. The report recommended:

1. Reducing the bond to \$9,428.50. The discrepancy between the applicant's proposed amount and the amount recommended in the staff report is due to the fact that the City's Engineering Division reported to the Planning Board that survey monuments still needed to be set (\$3,000) and loam and seed at 221 Daniel Drive needed to be improved (\$1,000).
2. Setting a period of time for road completion and acceptance by the City of three months.
3. Holding the reduced bond amount for 12 months following acceptance of the road to ensure its durability, and holding it beyond that time until grading behind 214, 230, and 252 Danielle Drive into the open space is corrected.
4. Ensuring proper dust and erosion control measures are implemented during the completion of the remaining Phase II work.

Mr. Vas stated that the survey monuments had been installed and the loam issue at 221 Danielle Drive had been addressed.

Regarding the loam, the Planning Board reviewed a recent image of the loam at 221 Danielle Drive and determined that a better grade of loam is needed. The loam used appeared stony, not topsoil quality. Member Gardner agreed, citing his experience with landscaping and excavation. Mr. Vas said Vikon will revisit the issue and will not dispute the \$1,000 listed for loam improvement. Mr. Proft explained the \$1,000 cost was from Vikon's engineer's estimate, but that the estimate was for all of Phase II. There was a discussion about lowering the amount since only a limited area needs correction. Mr. Pratt pointed out the line item states, "loam and seed." Because there is no way to tell if grass will grow in the spring or if the area will have to be reseeded, he felt \$1,000 was not too much to ensure the work is done.

Regarding the survey monuments, the Board said that the Administrative Officer, following the meeting, should confirm whether the survey monuments were set, and, if so, that the bond amount could be reduced by \$3,000. *[editor's note: most of the survey monuments had been set by the date of this meeting. Remaining monuments were set shortly after the meeting. The reduced bond amount was, therefore, further reduced by \$3,000 to \$6,428.50].*

Mr. Vas expressed concern that the 3-month timeline for roadway completion/acceptance was insufficient due to upcoming holidays and continuing COVID-19 pandemic. He asked for an additional month. The board agreed to a four-month deadline for Phase II work.

Mr. Vas said that it is improper for the Board to include a condition requiring the grading between 214, 230, and 252 Danielle Drive and the open space portion of the subdivision to be completed prior to the eventual release of the bond. Mr. Vas stated that this work was not stipulated in the estimate from when the bond amount was originally approved. He also said that the required work was on property the developer had already sold to homeowners, so was not the developer's responsibility and that gaining access to the property could present challenges.

Chairman Finlay responded that the plan originally presented to and approved by the Planning Board shows grading work in this area. Therefore, the developer is required to grade the land going into the open space.

Mr. Proft said the Engineering Division has informed him that the owners of the lots in question want the grading to be completed, so gaining access to the property should not be difficult.

Mr. Proft said the Engineering Division maintains that public improvement bonds cover all public improvements associated with a project, not just the improvements identified in the estimate used to set the bond amount. The Engineering Division said that identifying every improvement required of the developer is not realistic, but that the bond is understood to cover all public improvements shown in the approved plans.

Member Pratt confirmed that the developer will eventually turn the open space over to the City, so the grading into the open space can reasonably be considered a public improvement. Mr. Vas said that even if the land would eventually become public, the original bond did not pertain to this grading issue, so should not be included in discussions related to the bond reduction.

Member Pratt said the City may have an additional opportunity to require the grading to be completed at the time the developer attempts to turn the open space over to the City. The City could reject the open space until the grading was completed. The developer would then continue to own and pay taxes on the land until the issue was corrected.

Member Gardner suggested putting the issue on hold until the owner can be at the meeting. Vice-Chairman Eappen agreed and asked if the developer had any intention to address the grading issues at all. Mr. Vas said he could not answer that question. He said that delaying the reduction of the bond for improper reasons would also be improper and that only the work bonded under the estimate should be considered.

Chairman Finlay suggested the Board receive legal counsel from the City's Legal Department regarding whether including a condition about the grading into the open space was improper.

Mr. Proft recommended amending the proposed condition of approval to include the following:

"The City's Legal Department shall review this condition to determine whether the Planning Board has the authority to condition the release of the bond on the completion of said grading work. The condition shall be struck if the Legal Department finds the Planning Board does not have this authority."

Mr. Vas stated that he did not object to the City's plan to seek legal council following the meeting.
[editor's note: following review by the City's Legal Department, the condition requiring that grading into the open space be completed prior to the release of the bond was kept in the bond amount approval.]

The final proposed conditions of approval were as follows:

1. The applicant shall complete all outstanding Phase II improvements within four months – including acceptance of the utilities and roadway as public by the City Council. If the improvements are not completed within four months, the City may begin the process of closing on the bond.
2. The 12-month durability period shall begin following the acceptance of the roadway as public by the City Council. Following the 12-month period, the applicant may petition the Planning Board to release the bond in its entirety.
3. The bond shall not be released until grading between 214, 230, & 252 Danielle Drive and the open space is completed as detailed on the subdivision plan approved by the Woonsocket Planning Board. The City's Legal Department shall review this condition to determine whether the Planning Board has the authority to condition the release of the bond on the completion of said grading work. The condition shall be struck if the Legal Department finds the Planning Board does not have this authority.
4. The applicant shall ensure proper dust and erosion control measures are implemented during the construction of all outstanding Phase II improvements. Should proper controls not be implemented or maintained, the City may stop work on the project until the issue is corrected.

MOTION TO APPROVE the amended draft Conditional Approval Letter with potential changes to the bond amount based on the status of the installation of the survey monuments, and amendments to the Conditions of Approval: Member Gardner

Second: Secretary Miller

Discussion:

Vote:

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

Motion Passed **5-0-0**

- C. *Discussion on Amending the Subdivision Regulations | The Planning Board will discuss the necessity of requiring a Class I survey for lot mergers where no significant development is proposed.*

Mr. Proft provided an overview of the current administrative subdivision process for the Board members. The current process requires a Class I survey. He received feedback from a local surveying firm that a Class IV survey may better serve the purpose while greatly lowering the cost and increasing the speed of the process for the applicants.

After a brief discussion, Chairman Finlay requested Mr. Proft begin drafting an amendment

D. Election of Planning Board Officers | The Planning Board will elect its slate of 2021 officers.

The January meeting is the organizational meeting to elect officers.

Motion to TABLE this item until January meeting: Member Pratt

Second: Secretary Miller

Discussion:

Vote:

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

Motion Passed 5-0-0

E. Establishment of an Annual Schedule of Meetings | At its December board meeting, the Planning Board is tasked with establishing its schedule for Planning Board meetings in the upcoming year. The board will consider the draft meeting schedule developed by the Administrative Officer and vote on a motion to approve it.

After reviewing the proposed 2021 meeting calendar, Chairman Finlay suggested scheduling a week later for the July and September meetings due to conflicts with holidays.

Motion to ADOPT the proposed meeting calendar: Member Gardner

Second: Vice-Chairman Eappen

Discussion:

Vote:

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

Motion Passed 5-0-0

VI. Administrative Officer's Report:

There were no administrative subdivisions approved since the previous meeting. The consultant firm for the Comprehensive Plan update signed the contract, and there will be an introduction meeting in the coming week. The City applied for a tree planting grant from the Woonsocket Health Equity Zone that focused mainly on the area near Dunn Park and Veteran's Memorial Housing Development.

VII. Next Meeting Date:

Tuesday, January 5, 2021 | Online via Zoom

VIII. Adjournment:

Motion to adjourn (8:08 PM): Secretary Miller

Second: Member Gardner

Discussion: None

Vote:

Chairman Finlay	Yes
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Vice-Chairman Eappen	Yes
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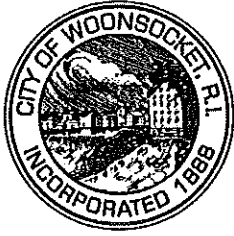
Secretary Miller	Yes
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Member Gardner	Yes
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Member Pratt	Yes
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Motion Passed	5-0-0
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Addendum 1:
Findings of Fact & Decision
122 Clinton Street and 77 & 0 Federal Street



City of Woonsocket, RI

Planning Board: Findings of Fact & Decision

December 1, 2020

I. Applicant

Applicant's Name:	77 Federal Street, LLC c/o John Messier
Applicant's Address:	122 North Main Street, Woonsocket, RI
Property Owners' Names:	CYO of Northern RI, Inc
Property Owners' Addresses:	PO Box 518, Woonsocket, RI

II. Property

Assessor's Plat(s):	Map C4 Lots 14-403, 404 & 224
Address(es)/Location(s):	142 Clinton St, 77 Federal St, and 0 Federal St (respectively)
Zoning Designation:	C-1 - Urban Commercial
Surveyor:	Marc Nyberg, InSite Engineering Services, LLC

III. Application

Type:	Administrative Subdivision
Proposed Development Type:	No development proposed at time of subdivision
Description:	Lot Merger
Plan Title:	Administrative Subdivision Lot Merger for Map C4 Lots 14-402, 14-404, 14-224...
Plan Date:	November 2020, revised November 30, 2020
	*note the plan will be revised again prior to recording based on the conditions of approval in section VIII below.

IV. Statement of Review & Authority

The above matter was reviewed by the Woonsocket Planning Board under the provisions 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 (certified complete: November 30, 2020) request for modifications and waivers (November 19, 2020, November 30, 2020) subdivision plan (revised November 30, 2020), metes & bounds (no date), Staff Comments (Zoning - November 25, 2020, Engineering - November 25, 2020, November 30, 2020, Planning - November 25, 2020), Staff Report (November 30, 2020), Draft Findings of Fact & Decision (December 1, 2020).

VI. Findings of Fact

The Woonsocket Planning Board, in accordance with the provisions of the Subdivision Regulations and R.I.G.L Title 45, Chapter 23 § 60, entitled "*The Land Development and Subdivision Review Enabling Act of 1992: Procedures – Required Findings*," has arrived at the following findings of fact:

1. That the proposed subdivision does not contradict 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.
 - a. The proposed merger does not change existing conditions or propose a new use.
 - b. The Comprehensive Plan states that the City should, "support residential conversion in select underutilized former mill buildings that are no longer practicable for commercial or industrial use" (Housing Policy H-1.4), and "focus redevelopment efforts on the adaptive reuse of vacant and underutilized historic structures, especially former mill buildings" (Natural and Cultural Resources Policy NRC-1.4). While not a mill building, the CYO complex includes historic structures with limited commercial potential. While the applicant has not submitted a redevelopment plan, his intention is to redevelop the structures as residential units and a limited number of hotel units.
 - c. The Comprehensive Plan states that the City should, "support Woonsocket's Main Street as an economic heart of the City" (Economic Development Goal ED-5). The potential conversion of the CYO building to residential and hotel units will expand the local consumer base within walking distance of Main Street, thereby improving overall economic conditions.
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. As no new structures or additions or new uses are proposed, the proposal does not exacerbate existing zoning nonconformities.
 - b. This application review did not consider the redevelopment plan expected to be proposed by the applicant – the structure's conversion into residential and hotel units. The proposed redevelopment plan shall be reviewed for zoning conformity when submitted, and, if necessary, the applicant shall obtain the appropriate relief.
3. That there will be no significant negative environmental impacts from the proposed subdivision's development.
 - a. The proposed merger does not change the existing conditions of the built environment. The potential redevelopment of the structure into residential units is expected to occur within the existing structure.
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. The proposed merger does not change the existing conditions of the built environment. The potential redevelopment of the structure into residential units is expected to occur within the existing structure.
 - b. If the applicant pursues the conversion of the structure into residential units, available parking - including the surface lot at 0 Federal Street and a potential garage in the basement of 142 Clinton Street - will provide adequate parking.
 - c. The proposal does not exacerbate existing Zoning Ordinance nonconformities.
5. That the proposed parcels will have adequate and permanent physical access to a public street.
- a. The proposed parcel will have adequate and permanent physical access to Federal Street and Clinton 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 subdivision will have little or no negative impact on the public. The proposed merger does not change existing conditions of the built environment.
 - b. That the project received orderly, thorough, and expeditious review and approval from the Department of Planning & Development.
 - i. The application was certified complete on November 30, 2020 and reviewed by the Planning Board on December 1, 2020.
 - c. That the project exhibits high-quality and appropriate design.
 - i. The subdivision does not change existing conditions.
 - ii. The proposed lot reduces a building code nonconformity and does not exacerbate existing zoning nonconformities.
 - iii. The subdivision meets the requirements of the Subdivision Regulations.
 - 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 merger does not change existing conditions.
 - ii. If the applicant pursues the redevelopment of the parcel, the redevelopment will occur in a location already served by existing infrastructure and services.
 - 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 complied with the regulations.
 - g. That the project underwent thorough technical review by appropriate local officials.
 - i. The subdivision plan was reviewed by the Planning Division, Zoning Division, and Engineering Division.
 - h. That the dedication of public land was deemed not applicable.

- i. The parcel is small with no obvious opportunity for the dedication of land to the municipality.
 - 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 Administrative Officer confirmed that the subject parcels are current in the payment of real estate taxes as of December 2, 2020.

VII. Waivers

The Planning Board has the authority to grant waivers from the subdivision regulations per § 2.5.2 of said regulations. The applicant requested the following waiver from the subdivision in writing:

1. Section 4.1.1 – Subdivision plans shall be based on a Class I survey and utilities and building footprints shall be shown on the plan.
 - a. The applicant has requested a modification to be able to base his subdivision plan on a Class IV survey.
 - b. The applicant has requested waivers from the requirements to show utilities and building footprints on the plan as these items are not within the scope of a Class IV survey.
 - c. The modification and waivers align with the comprehensive plan, which states that Woonsocket should be “business friendly” and build positive relationships with the business community (Economic Development Goal ED-4 and Policy ED-4.3). Allowing a Class IV survey for this merger reduces a burden on the applicant, without impacting the ability of the Planning Board to conduct a thorough review.

VIII. Conditions of Approval

1. The applicant shall secure the owner’s signature on the subdivision application prior to the plan’s recording.
2. The applicant shall address the comments from the Administrative Officer’s email dated November 25, 2020 and any subsequent comments of the Administrative Officer that may arise prior to the recording of the subdivision.
3. The applicant shall address the comments from the Engineering Division dated November 25 and November 30 and any subsequent comments of the Engineering Division that may arise prior to the recording of the subdivision.
4. The sewer connection to 77 Federal Street shall be investigated at the direction of the City’s Engineering Division prior to building permit approval for work relating to the redevelopment of the site. It appears 77 Federal Street may be served by the same sewer line serving 142 Clinton Street. The Engineering Division may set an alternate, later deadline for this condition at its own discretion without approval by the Planning Board.
5. Above and below ground utility lines in the public right of way and the associated laterals to the building must be identified prior to building permit approval for work relating to the redevelopment of this site. The Engineering Division may set an alternate, later deadline for this condition at its own discretion without approval by the Planning Board.

VIII. 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 review of an Administrative Subdivision proposed by 77 Federal Street, LLC, 122 North Main Street, Woonsocket, RI 02895, for property located at 142 Clinton Street, 77 Federal Street, and 0 Federal Street in Woonsocket be approved with the modification, waivers and conditions included in this document.

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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IX. Appeal of Decision

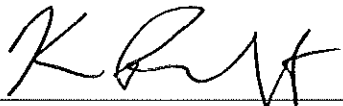
This decision may be appealed within 20 days of its recording in the City's Land Evidence Record under Section 13 of the Subdivision Regulations.

X. 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 December 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.

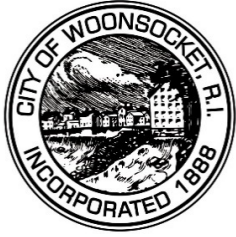
Certified:


Kenneth Finlay, Chairman
Woonsocket Planning Board


Kevin Proft, Administrative Officer
Woonsocket Planning Board

RECEIVED IN WOONSOCKET R.I.
DATE Dec 11, 2020 TIME 11:04:19A
Christina Harmon, CITY CLERK

Addendum 2:
Conditional Bond Reduction Approval
Oak Grove, Phase II



City of Woonsocket, RI

Planning Board

To: Eric Yeghian
Vikon Properties Corp.
678 Washington Highway
Lincoln, RI 02865

From: Kevin Proft, Administrative Officer
Woonsocket Planning Board
169 Main Street
Woonsocket, RI 02895

Date: December 11, 2020

Re: **Cover Letter regarding Conditional Approval of Oak Grove Phase II Bond Reduction Request**

Dear Mr. Yeghian

During the December 1, 2020 Planning Board meeting, the following condition of approval was added to the Oak Grove Phase II Bond Reduction Approval:

3. The bond shall not be released until grading between 214, 230, & 252 Danielle Drive and the open space is completed as detailed on the subdivision plan approved by the Woonsocket Planning Board. The City's Legal Department shall review this condition to determine whether the Planning Board has the authority to condition the release of the bond on the completion of said grading work. The condition shall be struck if the Legal Department finds the Planning Board does not have this authority.

The City's Legal Department has reviewed this condition of approval and determined that it will remain a part of the Phase II Bond Reduction Approval.

Sincerely,

Kevin Proft
Administrative Officer
Planning Board



City of Woonsocket, RI

Planning Board

To: Eric Yeghian
Vikon Properties Corp.
678 Washington Highway
Lincoln, RI 02865

From: Kevin Proft, Administrative Officer
Woonsocket Planning Board
169 Main Street
Woonsocket, RI 02895

Date: December 11, 2020

Re: Conditional Approval of Oak Grove Phase II Bond Reduction Request

Dear Mr. Yeghian,

Per Section 11.1.2 of the Subdivision Regulations, the Planning Board is responsible for approving the amount of improvement guarantees upon the advice of the Administrative Officer and Division Engineer. Said section also permits the Planning Board to “set conditions to secure for the City the actual construction and complete installation of all the required improvements.” Per Section 11.1.3 of the Subdivision Regulations, the Planning Board is also responsible for setting the period of time within which all improvements shall be completed.

Per Section 11.1.4 of the Subdivision Regulations, the Planning Board may consider a reduction in the amount of the improvement guarantee based on progress made towards the completion of improvements. Per section 11.1.3 of the Subdivision Regulations, the board is not obligated to release the guarantee until one year following the completion of the improvements in order to ascertain the durability or acceptability of the improvements.

At the request of the Vikon Properties, the Planning Board approved – with conditions – the reduction of the Oak Grove Phase II bond from \$54,285 to **\$6,428.50** at its December 1, 2020 meeting. The reduced bond amount was calculated as follows:

- | | |
|---|------------|
| 1. 10% of existing bond amount to ensure durability of completed improvements | \$5,428.50 |
| 2. Improving loam quality within sidewalk at 221 Danielle Drive | \$1,000.00 |

TOTAL: \$6,428.50

The applicant is also responsible for the cost of materials and installation of road signage. The City will bill for these costs.

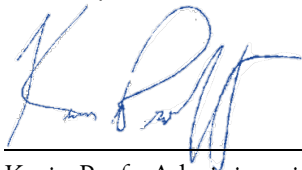
The conditions set by the Planning Board are as follows:

1. The applicant shall complete all outstanding Phase II improvements within four months – including acceptance of the utilities and roadway as public by the City Council. If the improvements are not completed within four months, the City may begin the process of closing on the bond.
2. The 12-month durability period shall begin following the acceptance of the roadway as public by the City Council. Following the 12-month period, the applicant may petition the Planning Board to release the bond in its entirety.
3. The bond shall not be released until grading between 214, 230, & 252 Danielle Drive and the open space is completed as detailed on the subdivision plan approved by the Woonsocket Planning Board. The City's Legal Department shall review this condition to determine whether the Planning Board has the authority to condition the release of the bond on the completion of said grading work. The condition shall be struck if the Legal Department finds the Planning Board does not have this authority.
4. The applicant shall ensure proper dust and erosion control measures are implemented during the construction of all outstanding Phase II improvements. Should proper controls not be implemented or maintained, the City may stop work on the project until the issue is corrected.

While the Planning Board has set a period of time of four months within which improvements shall be completed, per section 11.1.3 of the Subdivision Regulations the improvement guarantee itself shall not have an expiration date.

Per section 11.1.1 of the Subdivision Regulations, the updated improvement guarantee should be delivered to the Administrative Officer of the Woonsocket Planning Board. The Administrative Officer shall transfer the bond to the City Treasurer, who will file the bond in the Treasury safe for safekeeping.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Proft', is written over a horizontal line.

Kevin Proft, Administrative Officer
Woonsocket Planning Board

cc: Department of Public Works, Division of Engineering, Legal Department, Mayor's Office