

City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Tuesday, January 25, 2022 | 6 PM

Location: Teleconference Via Zoom, Meeting ID: 817 8094 7957

I. Call to Order

Chairman Finlay called the meeting to order at 6:03 PM.

II. Attendance Review

Members in Attendance

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

Staff in Attendance:

1. Kevin Proft, City Planner/Administrative Officer
2. Genesis Johnson, Recording Secretary

- III. Motion to TABLE Agenda items 3 (Correction/Approval of Minutes) and 4b (Election of Planning Board Officers) until the February 1st meeting of the Planning Board: Chairman Finlay
Second: Vice-Chairman Gardner
Discussion: None.
Vote:

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

Motion Passed 4-0-0

- IV. **Remote Meeting Announcement:** The Chair reviewed the Remote Meeting Announcement:

General Proceedings

- A. Each agenda item will be read in-full to ensure it is clear what matter is before the board.
- B. Members should request permission to speak from the Chair prior to speaking. The Chair

- should recognize the Member by name.
- C. Members will identify themselves each time before they speak.
- D. 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/planningboard/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.

V. Vote on Motion to Continue Advertised Agenda Items to the regularly scheduled Planning Board meeting on February 1, 2022 in the case of technical difficulties with the remote meeting.

Motion to CONTINUE ADVERTISED AGENDA ITEMS TO THE FEBRUARY 1, 2022 MEETING in the case of technical difficulties: Vice-Chairman Gardner

Second: Member Eappen

Discussion: None.

Vote:

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

Motion Passed 4-0-0

- VI. **Public Hearing | Major Subdivision – Preliminary Plan Review | Applicant: Brisa Development LLC | Owner: Brisa Bernon Mills, LP | Project Location: 0, 115 & 119 Front Street (Lots 15-221, 16, & 61) | Project Description: The applicant proposes to adjust the lot lines between three existing parcels at 0, 115 & 119 Front Street. The project will redevelop the existing stone mill buildings as 60 residential units, the existing two-story brick building as commercial space, and the existing building fronting Court Street as commercial space.**

Motion to OPEN THE PUBLIC HEARING: Vice-Chairman Gardner

Second: Member Eappen

Discussion: None.

Vote:

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

Motion Passed 4-0-0

Andrew Teitz, attorney of the applicant, presented the project to the Board. He noted that the plan has essentially stayed consistent with what the Board previously approved at the Master Plan Review minus the recreational facility.

Mr. Teitz introduced Hammad Graham, a Principal of Brisa Development LLC., to further describe the project. Mr. Graham highlighted both the local and statewide support the development has received, including a \$4 million dollar award funded by Building Homes Rhode Island project.

He briefly explained the reasoning behind the exclusion of the recreational building. The original location near the river posed challenges due to the cost of constructing the building in the floodplain and to the State's historic standards. A second location was attempted near the entrance to the development on Front Street, but was not possible due to the existence of an easement in favor of an abutting property owner.

After acquiring the property on December 2nd, Brisa went into Mills 1 & 4 to put up a temporary tarp to prevent further water damage in the buildings during the winter. The timeline for the project has stayed on course, according to Mr. Graham.

Kim Smith of MacRostie Historic Advisors in Newton, MA noted that parts one and two of the project's application to the RIHPHC for tax credits have been submitted and are currently pending approval. The applicants have received the state's recommendation for approval. She then elaborated further on the Commission's concerns with the recreational center and why it was ultimately eliminated from the plan.

Mr. Teitz asked Ms. Smith if she had any reason to believe the project's application for tax credits would be denied, and she did not think so. She expects state approval by mid-February and federal approval by mid-March.

Chairman Finlay asked Ms. Smith if the status of the recreational facility would affect the application whatsoever, and she explained that the facility was not included in the application and if down the line, the applicant moved forward with any plans to add it to the site, the application would only need to be slightly amended.

Project engineer Victoria Howland of Pare Corporation based in Lincoln, RI, explained the proposed changes to the site. These included realigning a portion of an easement owned by an abutter and reconfiguring lot lines to isolate the brick commercial structure on its own lot.

Mills 1 & 4 would house 41 units, and Mill 2 would have 19. The Cobbler building is planned for office use, and the Carriage House (originally proposed to be a food mart) may be a mix of retail, offices, etc.

Access to the property is ADA compliant, and sidewalk access will be available to the east of Mill 2. The applicant will also include an extra door in Mills 1 & 4 for residents to access the lower lot without having to travel down a steep slope.

The development's application to DEM was submitted on December 20th and is under review. Their plans for stormwater treatment exceeds state requirements by 145%.

Mr. Teitz confirmed the applicant's responses to outstanding comments from the Administrative Officer's Report. The current plan is to bury all utility wires underground; however, the project will ultimately need to comply with National Grid's requirements.

Regarding the status of generators and which buildings would be powered by them, Alan Hanscom, V.P. of Pare Corporation, mentioned he believed there may already be a generator at Mill 2. Brian Boisvert, DBVW Architects, could not confirm if that was true, but he did note that a generator at Mill 2 could be required by the building code due to the presence of an elevator and the addition of residential units in the structure. Mr. Teitz said whatever is required by code will be followed.

Mr. Graham also confirmed that since most units will be studios or one-bedrooms, they would prefer to keep one parking space per unit limit, and some kind of registry program would be put in place to limit non-residents from parking in the lot. Ms. Howland also noted that the busy hours between the residential units versus the retail/office spaces would likely be opposing, so there should be plenty of space for the commercial uses during the day.

Member Pratt asked if an overview of the traffic survey could be shared with the Board. Amy Archer of Pare Corporation shared the findings which ultimately determined that there would

be adequate sightlines and minimal impact on traffic in the area. She noted she is waiting to hear back on crash data from the City, and that the numbers are slightly inflated to account for the fact that everyday traffic is still lower than usual due to the pandemic. Mr. Proft asked Ms. Archer if cars taking a left turn onto Front Street from Hamlet Ave would cause a backup on Hamlet Ave. Ms. Archer explained that that answer would require more analysis. Unofficially, she said traffic would be diffused between Hamlet (east and west), and Bernon (east and west), so the ultimate number of vehicles making this particular turn would likely not cause significant impacts. Chairman Finlay also noted that there may be alternate routes available.

Mr. Hanscom said, according to the ELUR, the cap must be inspected annually and the applicants must provide a site-specific health and safety plan and a remedial action work plan to RIDEM to ensure the safety of all on the site. The health and safety plan has been approved and the remedial action work plan will be submitted in two weeks. Mr. Proft noted that he wanted to feel comfortable that no one will be in harm's way and asked for documentation to assure that everything is safe. Mr. Hanscom agrees to supply the remedial action work plan once it's approved and will also provide their health and safety plan if need be.

Mr. Proft highlighted the concerns of the City's utility managers. The utility divisions typically require each lot to have separate utilities. The applicant is proposing shared utilities between three lots. Mr. Teitz addressed this, explaining that all three lots would remain under common ownership, and, if a new owner ever purchased the Carriage House, they would be required by deed restriction to separate the utilities. Mr. Proft explained that this issue was supposed to be resolved between the applicant and City utility managers prior to Preliminary Plan approval. Based on a conversation he had with the Superintendent of Engineering in advance of the meeting, he proposed including a condition of approval that the issue should be resolved prior to Final Plan APPLICATION.

Chairman Finlay asked the benefits of separating the site into three lots. Mr. Teitz explained the lots are already split into three lots. He said the advantage of isolating the commercial lot helped the project from a financing perspective.

Chairman Finlay asked for public comment. There was none.

Motion to CLOSE THE PUBLIC HEARING: Vice-Chairman Gardner

Second: Member Eappen

Discussion: None.

Vote:

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

Motion Passed

4-0-0

Mr. Proft noted the remainder of his outstanding comments. First, he explained the applicant was missing two required aspects of their application – easements and state permits – however, these were missing from the checklist provided to the applicant, so he recommended deferring that requirement until the final plan via waivers.

He also explained that the Engineering Department had voiced their concerns of divisions of utilities at the Master Plan stage. The Master Plan was approved with the condition of approval that the applicant would come to a resolution with Engineering prior to their Preliminary Plan. The applicants said they would supply the proper easements to Engineering and never did so. He emphasized that utilities *must* be reviewed by the Engineering staff and that this needs to be taken more seriously. Chairman Finlay echoed Mr. Proft's sentiments and clarified with Mr. Teitz that he understood the importance of this condition. Mr. Teitz said the meetings between the utility managers and the applicant are already being looked at for next week.

Mr. Proft also noted that point #9 on the electrical plan implied that even if the utility wires were planned to be buried, this plan notes that the telephone wires would still hang overhead and asked for clarification on that. Kristi Gelnett of DBVW Architects later joined the call to confirm that the label was incorrect and would be changed prior to the next submission.

He also circled back to the parking issue out of concern that there would not be enough room for visitor's parking and that parking would spill over onto the street and other lots. Member Eappen agreed with this concern, noting that although the goal for the future of the City is less cars and more pedestrian traffic, it may be difficult in these transitional times. Mr. Teitz argued that a larger parking lot would reduce green and open space, and Mr. Proft agreed, noting that his goal was to find a more effective way to obtain visitor parking rather than enlarging the size of the lot. Vice-Chairman Gardner asked if time limits could be put in place. Both Member Pratt and Chairman Finlay felt it best to leave the decision up to the management company and that the main goal should be to keep parking for the site on the site.

Chairman Finlay read the Planning Board's Findings of Fact & Decision into the record including the following conditions of approval:

1. All comments from the Planning Division's January 25, 2022 communication to the applicant summarizing unresolved staff comments shall be addressed prior to Final Plan approval.

Motion to APPROVE the Major Subdivision Preliminary Plan with Conditions of Approval: Vice-Chairman Gardner

Second: Member Eappen

Discussion: None.

Vote:

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

Motion Passed 4-0-0

VII. Administrative Officer's Report

No report presented at this meeting.

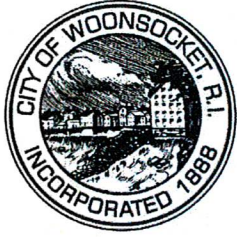
VIII. Next Meeting Date:
February 1, 2022

IX. Adjournment

Motion to adjourn the meeting at 8:21 PM: Vice-Chairman Gardner
Second: Chairman Finlay
Discussion: None.
Vote:

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

Motion Passed 4-0-0



City of Woonsocket, RI

Planning Board: Findings of Fact & Decision

January 25, 2022

I. Applicant

Applicant's Name: Brisa Development, LLC. c/o Hammad Graham
Applicant's Address: 2009 Flatbush Ave, Brooklyn, NY 11234
Property Owner's Name: Brisa Bernon Mills, LP.
Property Owner's Address: 119 Front Street, #401, Woonsocket, RI 02895
Designated Representative: Andy Teitz & Amy Goins, Ursillo, Teitz & Ritch, Ltd.

II. Property

Assessor's Plat(s): Lot 15-16, 61 & 221
Address(es)/Location(s): 115, 119 & 0 Front Street
Zoning Designation: MU-1 (mixed-use residential/commercial)

III. Application

Type: Major Land Development
Review Stage: Preliminary Plan Review
Proposed Development Type: Subdivision, Redevelopment
Description: Alter lot lines of 15-16 & 221 so the "carriage house" is on its own lot. Redevelop existing mill structures as residential units. Redevelop existing carriage house and cobbler buildings as commercial.
Plan Title: Bernon Mills Redevelopment...
Engineer: Pare Corp., 8 Blackstone Valley Place, Lincoln, RI 02865 (401) 334-4100
Plan Date: December 14, 2021 | revised: January 25, 2021

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, Section 41 of the Rhode Island General Laws (R.I.G.L.), entitled *The Land Development and Subdivision Review Enabling Act of 1992: General provisions – Major land development and major subdivision – Preliminary Plan*.

V. Exhibits

The following exhibits were used to inform the decision of the Planning Board: Subdivision Application (signed December 23, 2021), applicant's narrative (December 22, 2021), locus map (November 2021), plan set (revised: January 25, 2021), expert reports with addenda (land use - January 18, 2022, real estate - January 25, 2022), soil erosion & sediment control plan (December 2021), stormwater report (December 2021), stormwater operations and maintenance plan (December 2021), traffic impact analysis (November 2021), RIDEM Request for a Preliminary Determination (December 2021), Planning Division comments with Zoning, Police, and Fire comments added (January 13, 2022), Engineering Division comments (January 13, 2022), Applicant's Response to Comments including "relocatable easement" deed and fire truck turning radius diagram (January 2022 - received January 21, 2022), remaining outstanding staff comments (January 25, 2022), Zoning Board approval (Bk 2631 Pg 171), Administrative Officer's staff report (January 24, 2022), Draft Findings of Fact & Decision (January 25, 2022).

VI. Findings of Fact

Pursuant to such hearing and testimony by appropriate representatives of the landowner and/or proposed developer - including testimony by expert Land Use witness Kevin Flynn of 9 Tenth Avenue, Warwick, Rhode Island 02886 - and interested others, including statements 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, "encourage the construction of workforce housing for middle-income residents" (Housing Policy H-1.1. See also LU-3.1 & 3.2). The proposed development will be largely made up of workforce housing geared towards middle-income earners.
 - b. The Comprehensive Plan states that the City should, "support residential conversion of select underutilized former mill building that are no longer practicable for commercial or industrial use" (Housing Policy H-1.4. See also NCR-1.4 & LU-4.2). Bernon Mills has failed to attract a commercial or industrial tenant and is in a prime location for residential conversion given its location near Main Street.
 - c. The Comprehensive Plan states that the City should, "grow Woonsocket's economy in a balanced and beneficial manner," in part, by, "attracting new businesses to the city" (Economic Development Goal & Policy ED-2.1). The project would include a mix of new, high-quality retail and office space.
 - d. The Comprehensive Plan states that the City should, "support Woonsocket's Main Street as an economic heart of the city," in part, by, "encouraging and guiding new economic activities to the city's historic Main Street area" (Economic Development

Goal & Policy ED-5.1). The proposed development will create quality retail and office space within the Main Street Overlay District and will improve underlying conditions for existing and future Main Street businesses by concentrating residents – potential customers – in the downtown area.

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, as amended.
 - a. The applicant secured the required relief from the Zoning Ordinance at the May 24, 2021 Zoning Board meeting. The Decision, drafted on June 14, 2021, is available in book 2631 page 171 of the City's Land Evidence Record.
 - b. The Assistant Zoning Official reviewed the Preliminary Plan submission, provided comments to the applicant, and the comments were addressed by the applicant in advance of the January 25, 2022 Planning Board meeting.
3. That there will be no significant negative environmental impacts from the proposed subdivision's development.
 - a. The proposed project is partially located within the 100-year flood zone, but no dwelling units within existing Mill 1 will be located below the flood zone.
 - b. The proposed project is located within the 200-foot riverbank setback. Therefore, the project requires review and approval from RIDEM. All required State and Federal permits shall be provided to the Administrative Officer prior to Final Plan approval.
 - c. The proposed project is located on a property with historic environmental contamination. The applicant shall provide documentation from the appropriate offices at the RIDEM demonstrating the proposed project is acceptable given environmental conditions prior to Final Plan approval.
 - d. The applicant will manage runoff from new impervious surface per local and State regulations. The applicant has proposed exceeding minimum stormwater management standards set by RIDEM.
 - e. The proposed project will incorporate erosion control into the construction and post-construction phase of the project per local and State regulations.
 - f. The proposed project does not impact any known wetlands.
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 project meets or has secured waivers from the requirements of the Zoning Ordinance.
 - b. The proposed subdivision plan meets the requirements of the Subdivision Regulations or will meet said requirements prior to Final Plan approval.
 - c. The applicant has agreed to work with the Engineering Division to ensure utilities, drainage, and access to the site meet City standards, prior to Final Plan Review.

- d. The Fire Marshal's Office reviewed the Preliminary Plan application and expressed concern that fire trucks may be unable to access the lower parking area given the proposed design. The applicant provided the Planning Board with a turning radius plan that shows the City's fire trucks should be able to access the lower lot given the proposed design. The Fire Marshal's Office intends to conduct a more thorough review of the plan at the building permit stage. The applicant has committed to ensuring the Fire Department is able to access the lower lot.
 - e. The applicant shall secure all required State permits relating to construction in the 100-year flood zone, within the 200-foot riverbank buffer, and on a property with environmental contamination prior to Final Plan review.
5. That the proposed land development and lots will have adequate and permanent physical access to a public street.
- a. Lot 15-16b will have adequate and permanent physical access to Front Street.
 - b. Access easements shall be submitted to the Administrative Officer that ensure adequate and permanent physical access from lots 15-16a and 15-61 to Front Street prior to Final Plan review.
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 applicant shall ensure no negative environmental or flooding impacts result from the redevelopment of the lots as discussed in Finding of Fact 3 above.
 - ii. The redevelopment of the existing structures will restore blighted properties that attract undesirable behavior such as vandalism and trespassing to productive use.
 - iii. The redevelopment of the site will result in new workforce housing and improve economic conditions in the downtown area.
 - b. That the project received orderly, thorough, and expeditious review and approval from the Department of Planning & Development and the Planning Board.
 - i. The application was received on December 28, 2021 and reviewed by the Planning Board at a properly advertised and noticed special meeting with a public hearing on January 25, 2022.
 - c. That the project exhibits high-quality and appropriate design.
 - i. The applicant has agreed to work with the Engineering Division to ensure utilities, drainage, and access to the site meet City standards, prior to Final Plan Review.
 - ii. The applicant provided the Planning Board with a turning radius plan that shows the City's fire trucks should be able to access the lower lot given the proposed design. The Fire Marshal's Office intends to conduct a more thorough review of the plan at the building permit stage. The applicant has committed to ensuring the Fire Department is able to access the lower lot.

- iii. The applicant has submitted a plan for Design and River Corridor Review which will be reviewed by the Design and River Corridor Review Commissions at January 25, 2022 special meetings.
 - iv. The applicant shall secure all required State permits relating to construction in the 100-year flood zone, within the 200-foot riverbank buffer and construction on a site with an environmental cap prior to Final Plan approval.
 - v. The applicant shall secure all State and Federal permits relating to historic preservation prior to Final Plan approval.
 - 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 project is in an area already served by utilities and roads. The Engineering Division has confirmed the available utilities are sufficient to serve the proposed number of units associated with the project.
 - ii. The proposed project will improve conditions in the surrounding neighborhood by reactivating vacant buildings, while maintaining their historic character.
 - 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 or will comply with the regulations prior to Final Plan approval.
 - ii. The applicant has agreed to work with the Engineering Division to ensure utilities, drainage, and access to the site meet City standards, prior to Final Plan Review.
 - g. That the project underwent thorough technical review by appropriate local officials.
 - i. The preliminary plan application was reviewed by the Planning Division, Zoning Division, Fire Marshal's Office, Police Department, and Engineering Division.
 - h. That the dedication of public land was deemed not applicable.
 - i. There is 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. The parcel was current in the payment of real estate taxes as of January 25, 2022 as certified by the City Treasury of the City of Woonsocket.

VII. Waivers from the Subdivision Regulations

1. Section 6.3.1 (26) – requires state and federal permits be submitted at the preliminary plan stage
 - a. The applicant has begun all required permit processes with relevant State and Federal Agencies. The applicant has requested that this requirement be deferred to the Final Plan stage.
 - b. The waiver is in the best interest of good planning practice given the project's strong alignment with the Comprehensive Plan (see section VI. 1 above) and the degenerating state of Mill 1 & 4. It is in the City's interest to streamline the Planning Board approval process. Additionally, the regulation will exact undue hardship on the applicant due to the degenerating state of the property. By delaying the process, the buildings will continue to deteriorate, resulting in otherwise avoidable cost for the applicant.
2. Section 6.3.1 (28) – requires legal documents describing the property, proposed easements, and rights-of-way at the preliminary plan stage.
 - a. The applicant intends to provide easements relating to utilities, drainage, and access between the project's subject properties at the Final Plan stage. Due to a typo on the Preliminary Plan checklist, the applicant did not realize that the legal documents were required at this stage in the process.
 - b. The waiver is in the best interest of good planning practice given the project's strong alignment with the Comprehensive Plan (see section VI. 1 above) and the degenerating state of the building. It is in the City's interest to streamline the Planning Board approval process.

VIII. Conditions of Approval

1. All comments from the Planning Division's January 25, 2022 communication to the applicant summarizing unresolved staff comments shall be addressed prior to Final Plan approval. The communication has been appended to these Findings of Fact & Decision. Notations have been added by the Administrative Officer explaining the resolution reached on each comment between the applicant and Planning Board at the January 25, 2022 Planning Board meeting.

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 Gardner and seconded by Member Eappen that the Major Subdivision Preliminary Plan proposed by Brisa Development, LLC of 2009 Flatbush Ave, Brooklyn, NY 11234 for property located at 115, 119 & 0 Front Street (Lots 15-16, 61 & 221) in Woonsocket be approved with conditions.

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

Motion	Passes	4 -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.

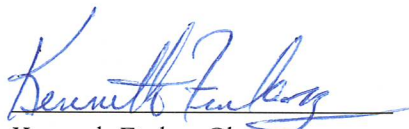
XI. Vesting of Decision


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. Vesting may be extended for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for the annual review. 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.

XII. Certification

This is to certify that these Findings of Facts & Decision reflect the action of the Woonsocket Planning Board at a special meeting on January 25, 2022, 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.

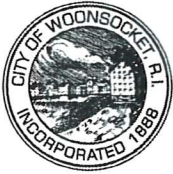
Certified:


Kenneth Finlay, Chairman
Woonsocket Planning Board


Kevin Proft, Administrative Officer
Woonsocket Planning Board

Addendum: Unresolved Staff Comments (January 25, 2022)

Note: Each comment includes a note in the margin of the document made by the Administrative Officer based on the discussion from the January 25, 2022 Planning Board meeting. The intent of the additional note is to clarifying the action required by the applicant for each comment. Said notes were reviewed and accepted by the Planning Board Chairman and the Applicant's attorney prior to recording.



City of Woonsocket, RI

Planning Division

To: Andy Teitz, Attorney
Cc: Amy Goins, Attorney
Hammad Graham, Brisa Builders
Victoria Howland, Pare Corporation

From: Kevin Proft, Administrative Officer

Date: January 25, 2022

Re: 0, 115 & 119 Front Street (Bernon Mills) – Major Subdivision – Preliminary Plan Comments – Planning Division

Dear Mr. Teitz,

The following are updated comments based on your responses to the original round of staff comments for your Preliminary Plan application. Items that have been resolved by your previous comments have been removed so that outstanding items are more easily identifiable.

Major Land Development – Preliminary Plan Checklist

Please address the following to complete your Master Plan application:

1. Please indicate the source of the north arrow on the Pare Corp site plans. For example, the DiPrete Engineering survey uses RI State Plane NAD 83.

The applicant responded that a note would be added to the Notes & Legends sheet. I cannot find said note. Please add note or provide location of note.

Commented [KP1]: The applicant shall add the source to the plan as agreed upon in their response to staff comments received by the Planning Department on January 21.

2. Easements are required at the Preliminary Plan stage.

Upon review of the subdivision regulations I realized that legal descriptions of easements are required at the Preliminary Plan stage. That said, the Preliminary Plan checklist does not include this requirement. I have recommended the Planning Board defer this requirement to Final Plan via a waiver.

Commented [KP2]: The Planning Board included a waiver from this requirement in its FoF&D, deferring the requirement to Final Plan review.

3. State permits are required at the Preliminary Plan stage.

The applicant has begun the application process for the required State and Federal permits. To streamline the local review process, I have recommended deferring this requirement to the Final Plan stage.

Commented [KP3]: The Planning Board included a waiver from this requirement in its FoF&D, deferring the requirement to Final Plan review.

Master Plan Conditions of Approval

The following Conditions of Approval remain outstanding.

1. The applicant shall coordinate with the Engineering Division to ensure utilities, drainage and site access are acceptable to the City prior to Preliminary Plan approval.

[This Condition has not been met. The Engineering Division still has concerns regarding utility service to the site. If the Planning Board approves this application this condition will need to be adjusted to address the Engineering Division's concerns prior to Final Plan application.]

Commented [KP4]: See "**utilities, drainage, and access" comment at end of this document.

2. The applicant shall coordinate with the Fire Marshal's office to ensure internal circulation accommodates the necessary Fire Department vehicles prior to Preliminary Plan Approval.

[The applicant has addressed this issue to the best of their ability at this stage by confirming the largest of the City's fire trucks will be able to access the lower lot via software designed for that purpose. The Fire Marshal continues to have reservations, but plans to conduct a more thorough review at the Building Permit stage.]

Commented [KP5]: It is a condition of approval that the applicant work with the Fire Department to ensure site access and circulation is code compliant or secure the appropriate variances from the code prior to Building Permit approval.

3. The applicant shall obtain and submit all required State and Federal permits to the Administrative Officer prior to Final Plan Approval.

[The applicant has begun the application process for the required State and Federal permits. To streamline the local review process, I have recommended deferring this requirement to the Final Plan stage via a waiver.]

Commented [KP6]: The Planning Board included a waiver from this requirement in its FoF&D, deferring the requirement to Final Plan review.

Planning Division Comments

1. Prior to Final Plan review, you will need to provide appropriate easements between the subject lots due to the nature of the proposed circulation and utilities.

[The applicant has agreed to provide easements prior to Final Plan review. That said, the Engineering Division still has concerns regarding utility on the site. In some cases, easements will not resolve these concerns.]

Commented [KP7]: See "**utilities, drainage, and access" comment at end of this document.

2. A Class I survey and subdivision plan is required.

[The applicant provided a class I survey and subdivision plan. The lot numbers will need to be formatted correctly prior to Final Plan approval.]

Commented [KP8]: Lot numbers on the Garofalo & Associates survey and subdivision plan shall be reformatted to match the format of the lot numbers on the DiPrete Engineering survey. For example, AP 15 Lot 61 would become Map D3 Lot 15-61.

3. On the DiPrete Engineering survey, all easements/rights-of-way should include a plat book or book and page number identifying where they are recorded and a label stating who they are in favor of.

[No reference information is provided for the Electric Easement to the south of Mill 2. Please include this information prior to Final Plan review.]

Commented [KP9]: Additional easement references are included on the Garofalo & Associates survey and subdivision plan. That said, reference information for the electric easement to the south of Mill 2 is not provided. This information should be provided prior to Final Plan approval or its exclusion should be explained.

4. The "edge of flagged river" is shown on the Pare pages in the plan set, but is now shown on the DiPrete Engineering survey.

The applicant noted that the missing flags were identified by a separate process following the completion of the original DiPrete survey. The flags were field surveyed by DiPrete. Can the flags be added to the original survey with the inclusion of a revision date?

Commented [KP10]: The applicant agreed to have the flagged wetland along the southern portion of the site's riverbank added to the DiPrete Engineering Survey.

5. Please provide a list of State permits you will need prior to commencing with the project. These permits should be secured prior to Final Plan approval.

[RIDEM] Wetlands Permit – triggered by RIDEM 200' riverbank jurisdictional zone (under review)

- RIPDES, vegetation removal near river, development within the 100-year floodplain
- RIDEM OLRSM: Remedial Action Work Plan (in development)
Rhode Island Housing (under review)
Rhode Island Historic Preservation and Heritage Commission (under review)
National Parks Service (under Review)

Commented [KP11]: The applicant agreed that State/Federal permits will be provided prior to Final Plan approval. These include RIDEM Freshwater Wetlands Permit, and approvals from RIDEM OLRSM for RAWP; and RI Historic Preservation and Heritage Commission and NPS for Historic Tax Credits. RI Housing does not require an approval as financing has already been awarded. RIH may require material before approving a closing, but these are pre-closing matters and no further "regulatory approval" from RIH is required.

6. On page C2.1 Erosion & Sediment Control Plan, the snow storage area associated with the lower lot between Mills 2 and 1 & 4 appears to conflict with the new retaining wall, landscaping, and railing. How will snow be stored in this area?

The applicant revised the plan. I believe the snow storage area directly south of Mill 1 is missing a label. Please label this area prior to Final Plan review.

Commented [KP12]: This item was not specifically discussed at the meeting, but the applicant should add this label to the plan prior to Final Plan approval.

7. On page C2.1 Erosion and Sediment Control Plan, where will snow from the Carriage House lot be stored?

The applicant revised the plan. It appears the new snow storage area in this location will still conflict with the proposed landscaping.

Commented [KP13]: This was not specifically discussed at the meeting, but the applicant should review this potential conflict, and, if necessary, resolve it prior to Final Plan approval.

8. On page C3.1 Demo Plan, the plan calls for removal and disposal of utility poles. Please confirm that new electric service will be underground.

The applicant provided a series of electrical plans. I'd like to confirm whether the utilities will definitely be buried as proposed, or whether discussions with the utility company may still result in the overhead wires remaining.

Commented [KP14]: The applicant's intent is to bury the utility lines, but the ultimate decision cannot be made until additional conversations with the utility company have occurred.

On ES100 I have questions about label #9.

Commented [KP15]: The applicant agreed to review and clarify this issue.

Will the generator be reserved only for Mill 1 & 4, or will it also power Mill 2 and the commercial buildings?

Commented [KP16]: The applicant confirmed that the generator is only for Mill 1 & 4. The Generator is required by Building Code due to the installation of the new elevator in Mill 1 & 4. The applicant agreed to review Building Code requirements for Mill 2 to ensure the project is code compliant.

9. On page C4.1 General Plan, please correct the following in the "Required" section directly under the Parking Summary chart:

The applicant revised the parking requirements section. I'd like to confirm that the cobbler building's requirement is based only on the Court Street floor space and that the basement has been excluded.

Commented [KP17]: The applicant confirmed required parking for the cobbler building is reduced in the revised plan because the building's basement is excluded from the calculation since it is storage space not offices.

10. On page C4.1 General Plan, please adjust the Parking Summary chart accordingly based on the changes requested in the preceding comment.

A typo remains in the Parking Summary chart. Lot 15-16a should show 49 standard spaces and 52 total spaces. Please revise this prior to Final Plan review.

Commented [KP18]: This item was not specifically discussed at the meeting, but the typo should be corrected prior to Final Plan approval.

11. On page C4.1 General Plan, please add a note listing the Zoning Variances you received and the book and page of the Land Evidence Record where they can be found.

The actual zoning decision lists more sections from which variances were granted than your note on the plans. Please revise this list prior to Final Plan review.

Commented [KP19]: This item was not specifically discussed at the meeting, but the list of variances should be corrected prior to Final Plan approval.

12. On SL-1 Site Lighting, no lighting is proposed for Mill 2's parking area.

A revised Apex lighting plan was provided showing a new light in Mill 2's parking area, new lighting on the hydro station, and new pedestrian lighting at the entrance to Mill 1 & 4 and the development's entry lane. A DBVW lighting plan was provided. The Apex and DBVW plan conflict. Please align these plans prior to Final Plan approval.

Commented [KP20]: Apex and DBVW/EDS lighting plans shall match prior to Final Plan approval. The site lighting plan prepared by EDS will be updated to reflect the photometric assessment completed by Apex.

The applicant has agreed to lower lighting to 16' from 20' to be more pedestrian scale and to use more decorative fixtures. The updated fixtures are not shown on the APEX lighting plan. Will the lower fixtures impact the light halos on the APEX plan. There appears to be no change of light halos in the revised plan.

Commented [KP21]: The applicant agreed to revise its lighting plan to account for ornamental fixtures and for pole height being reduced from 20 to 16 feet. Site lighting and photometrics will be revisited with regards to site lighting locations, light halos, and fixtures prior to Final Plan approval.

Engineering

1. The Stormwater Operation and Maintenance Plan / Long Term Pollution Prevention Plan will need to be recorded in the City Clerk's Office.

The applicant concurred. This should be added as a condition of approval to the Planning Board's decision.

Commented [KP22]: The applicant agreed to record the Stormwater O&M plan after Final Plan approval.

2. Concerning the parking for the residents: Are these deeded spots or assigned? Are there designated visitor parking?

The applicant stated that no parking will be assigned and no visitor parking will be reserved. It will all be shared between uses. I would like to know, will residents be limited to one vehicle?

Commented [KP23]: The Planning Board decided the site owner/developer would be exclusively responsible for determining how or whether parking spaces will be allocated between uses as the development is occupied and parking needs become clearer. The Planning Board elected not to be involved in these decisions.

3. From our review dated April 30, 2021:

- Sewer: Presently, there is a common sewer main that services the existing apartment building on Lot 15-61. The sewer main itself and the manholes are all on proposed lot 15-16A. The services that are connected to it cross over onto lot 15-61 and proposed lot 15-16B. The City of Woonsocket sewer ordinance states that every separate building shall have its own sewer connection, unless on the same lot and same owner.
- Water: Presently, there is a common water main that services all the existing buildings. This water main is connected through one meter. If this project is broken into multiple lots, a separate water service/fire supplies and meter would be needed for each lot. This would not be necessary if the entire project were all on one legal lot.
- Storm Drainage: Presently, the storm drainage system originates on proposed lot 15-16A and partially discharges over proposed lot 15-16B and 15-61. Easements (which will have to include sheet flow) would have to be put in place to clarify maintenance responsibilities.
- Gas, Electric, and Access: Subdividing this lot also causes issues with gas, electric and access easements.

As noted above, it was a Master Plan Condition of Approval that the applicant work with the Engineering Division prior to Preliminary Plan Approval to resolve utility, drainage, and access issues. The Engineering Division still has concerns regarding these issues. The applicant has offered to provide easements to resolve the issues, but, in some cases easements will not be enough to resolve the issues.

The Engineering Division has agreed to permit the approval of the Preliminary Plan as long as a condition of approval is included in the Planning Board's decision requiring the applicant to resolve these issues prior to submitting a Final Plan application. The applicant and their engineering team will need to meet with the different utility divisions to resolve these issues.

Commented [KP24]: See "**utilities, drainage, and access" comment at end of this document.

Sincerely,

Kevin Proft
City Planner
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***Utilities, Drainage, and Access**

The applicant met with representatives of the Planning Department and Engineering and Water Divisions and resolved the concerns as follows:

Water Service: Preliminary Plan Approval is hereby subject to the condition of approval that the applicant shall submit to a Deed Restriction running to the benefit of the City, which will provide that none of the three separate assessor's lots may be sold out of common ownership without the provision of separate water service lines, both domestic and fire service with hot box, to such lot, or such other approval as the City may require at such time. The Deed Restriction will recite that any conveyance without City approval as to water service shall be null and void. The Deed Restriction shall be recorded in the Land Evidence Records simultaneously with recording of Final Plan Approval. Further, the applicant has confirmed that the easements coordinating the shared water service between the applicant's privately-owned properties will not obligate the City to enter on or maintain or repair any utility infrastructure located on the applicant's private property. The Draft Deed Restriction's language and any easements between the applicant's lots relating to shared water service, shall be approved by the Engineering Division, Water Division, and Legal Department prior to the submission of a Final Plan application to the Planning Board.

Sewer Service and Storm Drainage: The City agreed that sewer service and storm drainage can be provided, as is, by means of easements as these are pre-existing permitted utilities serving multiple lots as an historic condition. Said easement shall be approved by the City's Engineering Division and Legal Department prior to the submission of a Final Plan application to the Planning Board. None of the easements will obligate the City to enter on or maintain or repair any utility infrastructure located on the applicant's private property.

Access and Circulation: The City agreed that access and circulation between the three proposed lots can be governed by means of easements. For a subdivision to be approved by the Planning Board, all lots must have adequate and permanent physical access to a public street. Said easement shall be approved by the City's Planning Department, Engineering Division, and Legal Department prior to the submission of a Final Plan application to the Planning Board. None of the easements will obligate the City to enter on or maintain or repair any infrastructure located on the applicant's private property.