



City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Thursday, November 14, 2019 | 6 p.m.
Location: Harris Hall (3rd Floor of City Hall)
169 Main St, Woonsocket, RI 02895

I. Call to Order

Chairman Finlay called the meeting to order at 6:05 p.m.

II. Attendance Review

Planning Board Members Present:

- a. Ken Finlay, Chairman
- b. Roji Eappen, Vice Chairman
- c. Ron Miller
- d. Wendall Gardner
- e. Jon Pratt

Others in Attendance:

1. Kevin Proft, Administrative Officer/City Planner

III. Regulations

Amendment to Zoning Ordinance – Section 6.15 Solar & Wind Energy Systems, Facilities and Installations | The planning board will provide feedback to the City Planner regarding the above referenced draft amendment. A revised draft amendment will be reviewed at a future planning board meeting at which time the Planning Board may take official action to recommend the zoning amendment to the City Council.

The City Planner prepared visualizations of solar arrays of different sizes and types for the Planning Board to review.

The City Planner said that he is concerned that solar could begin to dominate the zoning district in which it is allowed because it is relatively easy to develop compared to other types of businesses. This could result in the City's vacant parcels in these zones being converted to solar en mass, thereby reducing available land for other types of businesses to open in the city. The effect of the large-scale conversion of vacant parcels to solar would also change the character of these districts. For example, instead of an active C-2 shopping district, the city could end up with stretches of dead zones where the road is lined with solar panels.

Mr. Miller noted that if large ground-mounted solar projects are developed on commercial land, future subdivisions of the land to develop uses preferable to solar could not be undertaken until the end of the solar array's life (about 20-25 years).

The City Planner also questioned the value of solar arrays compared to other hypothetical uses. He noted that solar panels do provide tax revenue to the city, but do not generate new jobs. He said one of the main reasons the city has industrially zoned land is to encourage the development of uses that create working class jobs. If instead, industrial land is primarily targeted for solar development, it is worth considering whether these parcels could be rezoned to encourage uses that offer more benefits to the City.

The City Planner said that the City's industrial land is all along the riverfront due to the City's historical development patterns. He noted that most communities now consider their waterfront land to be prime real estate and are building higher-end, mixed-use residential/commercial developments that incorporate public access to the riverfront. He asked if the City rezoned portions of its riverfront industrial parcels to mixed-use whether the parcels could become more desirable to developers and create uses that provide more benefits to the city than solar arrays or the other types of industrial uses the city is attracting.

He suggested that this idea be considered during the Comprehensive Plan update process because before parcels can be rezoned, the Comprehensive Plan's Future Land Use Map needs to be updated to reflect the proposed change. Alternatively, a targeted amendment to the Comprehensive Plan could be passed to allow this rezoning to go forward more quickly if that is what the Planning Board desires.

Mr. Finlay noted that the industrial parcels under discussion (e.g. Seville Dye, Fairmount Street, 719 River Street) are not attractive parcels for large-scale commercial (e.g. grocery stores) and have mostly failed to attract beneficial industrial uses due to their isolation from main roads. He noted that they may be suited to high-end residential/mixed-use, but that the cost of remediating these often-polluted properties for that use could be prohibitive, while the cost of remediating an industrial property for solar is less costly.

Mr. Eappen said that the opportunity to rezone the parcels from industrial to mixed-use could be missed if solar arrays are developed on the industrial parcels before the rezoning process takes place. He noted that the city could end up with a situation where the district is dotted with so many solar arrays that the interest in developing a mixed-use building on a vacant parcel between arrays would be minimized.

Mr. Proft agreed with Mr. Eappen that the development of solar arrays on the industrial land in question would prevent the rapid redevelopment of the area as a mixed-use zone, but said that when considered on a longer time horizon, a mixed use district would still eventually arise. If the industrial parcels in question were rezoned, including those that had already been converted to solar, then at the end of the solar array's 20-year life, the next use of the property would have to be mixed-use.

Mr. Proft said that an alternative outcome of rezoning the industrial land to mixed-use is that developers don't bite and the land remains vacant. In that situation, the solar arrays along the river would have been preferable.

The Board and Mr. Proft generally agreed that if industrial land is to be used for solar, the use should be maximized by allowing 100% lot coverage (minus setback/buffers, wetlands, etc.)

The Planning Board made the following recommendations regarding the draft ordinance

- a. Limit the size of Level 1b, ground-mounted, residential arrays to the lot coverage limit for R-1 zones (25% of the lot). The footprint of primary and accessory structures are included when calculating lot coverage. It was determined that on Woonsocket's relatively small lots, allowing a solar array in addition to the development already allowed by the lot coverage requirement could result in too many uses on one property (e.g. a shed, a pool, a solar array, and a house)
- b. Ensure the amendment defines a Level 1b, ground-mounted solar array as an accessory structure.
- c. Note that Level 1b, solar canopies are not limited by area if they are being constructed over parking areas.
- d. Make Level 1b, ground mounted, commercial arrays 'not permitted' in C-2 zones in the use table, but continue to allow Level 1b solar canopies in C-2 zones
- e. Make Level 2 and 3 arrays 'not permitted' in C-2 and MU-2 zones in the use table.
- f. Allow Level 2 and 3 arrays in I-1 and I-2 districts at 100% lot coverage, but limit the district-wide acreage of solar development in I-1 and I-2 districts to prevent all undeveloped industrial lands from becoming solar arrays.
 - a. The City Planner will ask the City Solicitor whether such a district-wide acreage limit is allowed.

The City Planner noted that he had sent the existing ordinance to developers for feedback. He said he received comments from one residential solar developer so far and found them to be useful.

The City Planner said he was setting up site visits to different size arrays to get a better idea of what these projects look like when built. He said he would send the site visit dates to the planning board so they could attend if interested.

- IV. **Minor Subdivision | Combined Preliminary & Final Plan | Owner Applicant: Michael Drainville, D&G Properties, LLC | Subdivision Location: 1725 Mendon Rd., Woonsocket RI (Lot 42-14)** | The applicant has proposed a two-lot minor subdivision with no street creation. The subdivision would create one lot with an existing duplex on it and a second vacant lot that could be developed as a single-family home. No waivers from the subdivision regulations have been requested.

Mr. Proft refreshed the boards memory of the concerns they expressed during the previous Planning Board meeting about this application. The application was tabled at the previous meeting because the applicant was not in attendance, so could not respond to the concerns.

Mr. Proft noted that the proposed subdivision creates a new lot (Parcel A) that would have an accessory structure, but no primary structure. This is disallowed by the zoning ordinance, but the Zoning Officer felt comfortable with the application being approved with the conditions (1) that the garage be demolished or incorporated into a new primary structure within one year and (2) that the garage only be used for residential parking by the owner and residents of the existing duplex on the remaining property during that one-year period. Mr. Proft said that this language would probably not meet the Finding of Fact required by the Subdivision Regulations that requires proposed subdivisions meet the requirements of the zoning ordinance. He said if the decision were appealed, the City would probably lose. He said that the Finding of Fact could be met if the garage were demolished prior to the subdivision's approval or if the applicant got a zoning variance allowing the accessory structure to remain without a primary structure. He said that an appeal was probably unlikely since nothing would be changing visually or in terms of usage on the property.

Mr. Proft said that the second concern was that the proposed property line between Parcel A and the remaining property bisects a retaining wall, resulting in dual ownership of the wall. The property line could not be easily moved due to the need to meet street frontage, lot-width-at-buildingline, and lot area requirements. Mr. Proft noted that the shared ownership of the wall was not ideal as it could result in future disputes between neighbors, which the City could be drawn into. Mr. Proft said that the City's land use solicitor said there was nothing to prevent the property owner going forward with the plan as drawn. Mr. Proft said there was a related concern regarding access to the duplex. As drawn, the property line leaves the access walkway from the sidewalk to the Duplex on Parcel A. This could result in access to the duplex being eliminated by Parcel A. Mr. Proft stated that the wall ownership and access concerns could be remedied via formal access and maintenance easements between the two properties.

Mr. Drainville, the applicant, stated that primary access to the duplex was located at the rear of the building near the duplexes parking area, so the access between the front door and sidewalk was not crucial. Mr. Proft noted that the access to the front door could be rerouted so that it remains within the area of the duplex's parcel if necessary in the future.

Mr. Drainville, said that he understood the concerns about the shared ownership of the wall, but that he would deal with those concerns in the future. He said that he predicted these concerns would come up during the sale of Parcel A, so it would be to his benefit to have an easement written that clarified maintenance responsibilities of the wall at that time.

Mr. Finlay confirmed that Mr. Drainville understood the conditions being applied to the subdivision approval. Mr. Drainville, said he understood that the garage could not remain standing without being incorporated into a primary structure for more than one year and that the garage could not be used for any purpose except as parking for the owner or residents of the duplex during the one-year grace period.

Mr. Finlay asked for a motion to approve the subdivision and read the draft Findings of Fact and Decision, including conditions, into the record.

Motion by Member Gardner and **seconded** by Member Eappen that the petition for a Preliminary & Final Plan Review of a Minor Subdivision proposed by Mike Drainville, D&G Properties, LLC, 28 Joyce Anne Drive, Manville, RI 02838, for property located at Woonsocket Assessor’s Plat 42-14 at 1725 Mendon Road be approved with conditions.

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

Motion	Passes	5 – 0 – 0
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- V. **Request for advice and recommendation from the Woonsocket City Council pursuant to Resolution 19 R 63** – Referring a Request for Designation of a Historic Structures Floating Overlay District for Property at Woonsocket Assessor’s Plat 6, Lot 1 [the former Fifth Ave School] to the Woonsocket Planning Board.

Mr. Finlay stated that the Planning Board had previously considered this resolution at its June meeting, but that the resolution was tabled at that time. The resolution was tabled because the City Council had not acted on the resolution at its June 3 meeting. The City Council took the resolution up at its November 4 meeting and passed it, triggering advice and recommendation from the Planning Board.

Mr. Proft stated that the resolution was requesting advice and recommendation from the Planning Board regarding the inclusion of the Former Fifth Ave School in the Historic Structures Floating Overlay District. Mr. Proft and Mr. Finlay provided a brief description of the origin and purpose of the HSFOD for Member Gardner’s benefit as he is new to the Planning Board. Mr. Proft noted that upon a positive recommendation to the Council, the structure would automatically be added to the HSFOD without further action by the Council.

Mr. Proft stated that the proposed use of the structure was “not more than 14 single-bedroom units.” He said there was adequate parking available to support this density. He said the Council was offering relief from the lot area requirement of the Zoning Ordinance to enable the developer to build 14 units. Without this relief the number of units would be less. Mr. Proft stated that he found the number of units to be appropriate given the size of the structure and the character of the surrounding neighborhood – a mix of single family and multifamily homes.

Mr. Proft stated that he found the proposal to be consistent with the Comprehensive Plan and the declared purposes of section 12.7 of the Zoning Ordinance (the section on the HSFOD) for the reasons set forth in his staff report on the matter.

Mr. Proft stated that the board should further consider whether the building is eligible based on the requirements of the Zoning Ordinance. He stated that, according to the zoning ordinance, buildings need to be built prior to 1950 and built specifically to be used by the municipal government and declared surplus property by such governmental entity and offered for sale and development by a private developer. Mr. Proft stated that the Former Fifth Avenue School met those requirements.

Mr. Finlay read the draft recommendation from the planning board to the council into the record. He noted that a minor typo should be fixed prior to him signing the recommendation. The recommendation referenced a the City Planner's staff report written on November 12, 2017 instead 2019. Mr. Proft requested that the final version of the recommendation note that the Planning Board found the structure was eligible to be added to the HSFOD based on the requirements set forth in section 12.7.1 of the zoning ordinance.

Motion by Member Miller to approve the recommendation to the council as amended.

Second: Member Gardner

Discussion: None

Vote: Passed 5-0-0

VI. Next Meeting Date: Tuesday, December 3, 2019 (Harris Hall)

VII. Adjournment: The meeting was adjourned at 8:10 p.m.