

# City of Woonsocket, RI

## Planning Board Meeting Minutes

**Date/Time:** Thursday, July 9, 2020 | 6 PM  
**Location:** Teleconference via Zoom, Meeting ID: 891 0554 4964

I. Call to Order:

Chairman Finlay called the meeting to order at 6:07 PM.

II. Attendance Review:

Members in Attendance:

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

Others in Attendance:

1. Kevin Proft, Administrative Officer/City Planner
2. Theresa Dunigan, Recording Secretary
3. Carl Johnson, Zoning Official
4. Scott Gibbs, Director of Department of Planning and Development
5. Brad Ward, former Building Official
6. Steve Cabral, Crossman Engineering
7. Leo Hudon, Bowerman Associates
8. Gary Moyer, Gary Moyer Architect
9. Martin McGeehan
10. Kay Bourque
11. Don Riendeau
12. James Dumas
13. Michelle Ledoux
14. Michael Grenon

III. Remote Meeting Announcement:

General Proceedings

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

Public Comment

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

Documentation

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

Technical Difficulties

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

IV. Vote to continue agenda items not completed due to technical difficulties to the next regularly scheduled Planning Board Meeting on August 4, 2020:

Motion to CONTINUE AGENDA ITEMS IN AUGUST IF NEEDED: Vice-Chairman Eappen

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**

V. Correction/Approval of Minutes:

Motion to APPROVE the June 2, 2020 meeting minutes: Secretary Miller

Second: Member Gardner

Discussion: None

Vote:

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

Member Pratt Yes  
**Motion Passed 5-0-0**

VI. Old Business:  
None

VII. New Business:

a. Applications:

- i. **Public Hearing** | Combined Master & Preliminary Plan Review | Major Land Development Application | Applicant: Redevelopment Agency of Woonsocket (RAW) | Owner: RAW & First Mendon Associates, LLC c/o Ray Bourque | Project Location: Parcels 51-1, 51-108, & 51-109 - north of Park East Drive, approximately 1/10 of a mile east of the intersection of Mendon Road and Park East Drive | The purpose of the public hearing is to consider a Major Land Development Project for combined Master & Preliminary Plan approval. The applicant proposes to construct a ~61,000 sq. ft light-industrial facility with associated driveway, parking, loading zones, signage, and landscape improvements. The applicant may require waivers from the subdivision regulations including 8.7.2 Ground Water Elevation and 8.8.1 Street Trees. The Planning Board may vote on a motion to approve the application at this meeting.

Mr. Steve Cabral of Crossman Engineering introduced the project to the Board. He reviewed the site plans and highlighted changes made since the project's last appearance before the Board (Pre-Application Review at the June 2, 2020 meeting).

Mr. Gary Moyer of Gary Moyer Architect presented the floor plan. The largest part of the building is the manufacturing space on the first floor.

Chairman Finlay called for questions from the Board.

Member Jon Pratt said the Applicant has addressed most of the comments discussed in the June meeting. He requested an update on the status of the applications for the state permits with RIDOT and RIDEM. Mr. Cabral said the applications are still under review due to delays related to the current COVID-19 situation. There has been no feedback from RIDOT or RIDEM as of the time of this meeting. Mr. Cabral acknowledged the final permits must be granted prior to receiving the final approval of the Board.

Member Pratt then stated the building, when ready for operation, will need to submit an application for an industrial pre-treatment permit at the sewer plant. He mentioned a manhole right outside the lot that could be used for sampling purposes.

There were no other comments or questions from the Board members.

Mr. Brad Ward, the former Building Official for the City of Woonsocket, pointed out there was no generator on the plan. Mr. Moyer confirmed there is no generator planned for the building at this time. Mr. Ward suggested a provision be added to the Board's decision stipulating any future generator will be installed per all code requirements along the east side of the building with the nitrogen tank (rather than the side towards the nearby residential lots).

Mr. Ward asked if there is a plan to limit truck traffic during the weekend. Mr. Leo Hudon, of Bowerman Associates, said the hours of operation will be 6:00 AM – 6:00 PM, Monday – Friday. He also confirmed RESH would be amenable to restrictions on Saturdays.

Mr. Kevin Proft reviewed the waivers required from the subdivision regulations and the draft Conditions of Approval:

1. Waivers:
  - a. Section 8.8.1 – Street Trees.
    - i. The applicant requested a waiver to move five street trees from the front yard set back and incorporate them into the rest of the site design. The Department of Planning & Development encouraged the applicant to seek this waiver to avoid planting street trees that could shade the proposed solar array to the east of parcel 51-1.
      1. The waiver aligns with the purpose of the Zoning Ordinance, which states that the ordinance should provide for orderly growth and development. The waiver conforms with the Comprehensive Plan which states that the City should “allow flexible development by increasing options available to property owners” (Land Use Goal LU-1). Further, the Comprehensive plan states that the City should “support the industrialized nature of the city and make necessary adaptations to meet modern development constraints” (Land Use Goal LU-4).
2. Conditions of Approval (as agreed to by the applicant during the hearing):
  - a. A note shall be added to page C-5 of the plans stating that the boundary survey complies with Class I standards prior to Final Plan approval.
  - b. A note shall be added to the plan stating that, “Construction designed to help prevent groundwater from entering the building shall be required as per section 8.7.2-3 of the Subdivision Regulations,” prior to Final Plan approval
  - c. RESH Inc. shall be responsible for the maintenance of the retaining wall along the south west property line.
  - d. Metes & bounds and a legal description of the proposed access, utility, maintenance (retaining wall), and potential signage easement(s) through lot 51-108 shall be provided prior to Final Plan approval.
  - e. Metes & bounds and a legal description of the proposed utility easement through lots 51-108, 51-109 & 51-13 shall be provided prior to Final Plan approval.
  - f. The applicant shall provide the Administrative Officer with copies of required State permits prior to Final Plan approval (e.g. RIDOT, RIDEM).
  - g. If the freestanding sign location remains the same, the freestanding sign depicted on page C-3 of the plans shall be moved back five feet from the front lot line to match the other pages in the plan set prior to Final Plan approval.
  - h. The applicant shall work with the Zoning Official regarding the location of the freestanding sign to ensure it complies with the Zoning Ordinance prior to Final Plan approval.
  - i. The applicant and the City’s Department of Public Works shall coordinate water service layout prior to Final Plan approval.

- j. The applicant shall include the size of the gas service line prior to Building Permit approval.
- k. The Design Review Commission shall grant project approval prior to or concurrent with Final Plan Approval.
- l. The FDC and outside gas meter shut off shall not be blocked. This item shall be confirmed prior to Final Plan approval.
- m. The plans shall comply with the applicable editions of the NFPA 2015 Cycle and the RI Fire 2015 Code and RI Life Safety 2015 Code prior to Building Permit approval.
- n. The applicant has agreed to the constraints on activity related to deliveries, trash & recycling collection, construction, and lighting. See section V. 6. vi. of the recorded decision.
- o. Should a generator be added to the site in the future, it shall be located on the east side of the building, away from the residential properties along Mendon Road.
- p. Should evergreens in the vegetative screen between the RESH Inc. facility and residential neighbors die, RESH Inc. shall replace said evergreens.

Chairman Finlay opened the Public Hearing for public comment.

1. Michael Grenon of 2070 Mendon Road had expressed interest in speaking before the meeting, but he did not respond to the Chairman's multiple requests for him to speak. He was connected to the Zoom meeting by phone only and remained unresponsive throughout the Public Hearing.
2. Mr. James Dumas of 2176 Mendon Road
  - a. He asked about the location of the dumpster and the time of trash pick-up. He was concerned the dumpster would create a great deal of noise for the neighborhood during non-business hours. The neighborhood is currently experiencing difficulty with a nearby business' pick-up hours. After reviewing the plans, Mr. Proft said there would be time restrictions implemented for pick-up. Mr. Hudon said he would need to speak with RESH to confirm, but he believed the currently proposed limit of 7:00 AM as the earliest allowed pick-up time would be acceptable to RESH.
  - b. Mr. Dumas voiced concern regarding the amount of light pollution for the neighboring residential lots. Mr. Cabral replied the parking lights will be on a timer to dim after the end of the workday. After dimming, only security lights will remain on. Mr. Cabral said RESH would be willing to address the lighting further after construction to ensure the impact on the neighborhood will be minimal.
  - c. Mr. Dumas asked what sort of chemical finishing or painting will be done at the facility during its regular operations. Mr. Ward and Mr. Moyer said the facility does not do painting or chemical finishing on the metal it processes. Those pieces are sent to another company to process so excessive chemical fumes will not be created by the manufacturing process at the RESH facility.

Mr. Proft read the restrictions previously agreed to by RESH for the public.

- i. No vehicles will be parked on Park East Drive during construction.
- ii. Construction will occur 7:00 AM - 6:00 PM on weekdays and 8:00 AM - 5:00 PM on Saturdays with no construction on Sundays.

- iii. Trash collection and deliveries will occur 7:00 AM – 6:00 PM. There will be no trash on weekends. Deliveries on Saturdays will be 8:00 AM – 6:00 PM.
- iv. General sight lighting will be turned off 7:00 PM – 5:30 AM.
- v. Security lighting will be reduced and dimmed to the minimum appropriate level while still achieving its purpose.

3. Ms. Michelle Ledoux of 2134 Mendon Road

- a. She asked for more information regarding the sewer line connecting the site to Mendon Road. Her sewer line goes through her backyard and connects three houses (2122, 2134, and 2148 Mendon Road) before connecting to Mendon Road between 2122 and 2134 Mendon Road. That is where the proposed sewer line and easement will be. Mr. Cabral said the intent is to not interfere with that existing sewer line and build either above or below it to connect to Mendon Road. He said they have had surveyors at the location the week before to make sure the existing sewer line is avoided. The existing sewer line is marked on the utility plan. In the future, there is a possibility of having the abutters join the new sewer line.

4. Mr. Don Riendeau of 2156 Mendon Road

- a. He said he would also like to voice his concern over trash pick-up times. The neighborhood is currently struggling with loud unruly noise coming from a nearby business' 6:00 AM dumpster pick-up. The nearby business has time restrictions and limitations but is not following those times.
- b. He would like the dumpsters to be further away from the abutting residential properties if possible to help lower the possible noise.

Chairman Finlay called again for Mr. Grenon's comment with no response before closing the Public Hearing for public comment.

Chairman Finlay read the Findings of Fact and Decision into the record.

Motion to APPROVE the Combined Master & Preliminary Plan with the discussed conditions and waivers: 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**

*Note: The recorded Findings of Fact & Decision are included as an addendum to these minutes.*

- b. ***Request for advice and recommendation from the Woonsocket City Council*** | Ordinance 20-O-36 | In Amendment of the Code of Ordinance, City of Woonsocket, Rhode Island, Appendix C, Entitled “Zoning” Section 12.5 Downtown Overlay District | The proposed amendment to the Zoning Ordinance would disallow certain uses in the Downtown Overlay District.

The Board reviewed City Council Ordinance 20-O-36. Secretary Miller said the area in question has had several incidents of rooming houses (including a recent fire at a rooming house near Stadium Theater). His opinion was that rooming houses have had a dampening effect on small “main street” businesses focused on entertainment and dining. He said he supports updating the use wording for the overlay district.

Chairman Finlay asked if the updated wording would force existing rooming houses to close. Mr. Proft answered it would not.

Vice-Chairman Eappen asked if the update to the overlay was in response to a proposal. Mr. Carl Johnson, Zoning Officer, informed the Board that Councilman David Soucy had concerns regarding potential uses within the Downtown District Overlay and that this update was proactive to the best of his knowledge.

There were no other comments from the Board.

Mr. Proft stated that the Comprehensive Plan states that the City should, “ensure that existing low-income and special needs residents have safe, decent, and affordable places to live” (Housing Goal H-4). The populations that use the types of living arrangements that would be restricted by the proposed amendment are often low-income or special-needs. Restricting housing-related uses within the Downtown Overlay District that benefit low-income and special-needs populations is in tension with Housing Goal H-4 of the Comprehensive Plan. Furthermore, the amendment could be unfavorably interpreted as an attempt to target and remove low-income, special-needs, and elderly people from Downtown Woonsocket because they are considered “incompatible” with the goals of the district (e.g. economic development and vibrancy).

Mr. Proft recommended that the Planning Board recommend that the City Council add language to the “Whereas” portion of the ordinance that (1) affirms the City’s commitment to addressing the needs of low-income and special-needs populations and (2) better explains why the uses included in the amendment are “incompatible” with the goals and intent of the Downtown Overlay District.

Secretary Finlay and Miller said they supported the language presented.

Motion to RECOMMEND the ordinance update with proposed language changes: Secretary Miller

Second: Member Gardner

Discussion: None

Vote:

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

Member Pratt Yes

**Motion Passed 5-0-0**

*Note: the advice and recommendation letter from the Planning Board to the City Council regarding this matter is included as an addendum to these minutes.*

VIII. Administrative Officer's Report:

Mr. Proft said there are a number of smaller administrative applications being processed. One administrative subdivision may require Board action due to the need for a waiver. A major subdivision at 85 Fairmount Street will be on a future agenda.

The Department of Planning & Development has begun the process of selecting a firm to assist with the Comprehensive Plan update. Mr. Proft, Director Scott Gibbs, Zoning Official Garl Johnson, and Vice-Chairman Eappen will participate in the upcoming interviews with the considered firms.

IX. Next Meeting Dates:

Tuesday, August 4, 2020 | Online via Zoom

X. Adjournment:

Motion to adjourn (8:53 p.m.): Member Gardner

Second: Secretary Miller

Discussion: None

Vote:

Chairman Finlay Yes

Vice-Chairman Eappen Yes

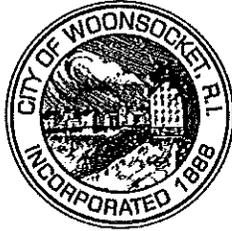
Secretary Miller Yes

Member Gardner Yes

Member Pratt Yes

**Motion Passed 5-0-0**

Addendum: Findings of Fact & Decision  
RESH Manufacturing Facility - Master and Preliminary Plan Review



# City of Woonsocket, RI

## Planning Board: Findings of Fact & Decision

July 9, 2020

### I. Applicant

Property Owner's Name (1):	Redevelopment Agency of Woonsocket
Property Owner's Address (1):	169 Main Street, Woonsocket, RI 02895
Property Owner's Name (2):	First Mendon Associates, LLC
Property Owners Address (2):	PO Box 3107, South Attleboro, MA 02703
Developer:	RESH Inc.
Developer Address:	25 Kenwood Circle, Franklin, MA 02038
Engineering Firm's Name:	Crossman Engineering
Engineering Firm's Address:	151 Centerville Road, Warwick, RI 02886
Engineering Firm's Phone:	401-738-5660
Designated Representative:	Michael Kelly, KSR&P Law

### II. Property

Assessor's Plat(s):	Lots 51-1 & 51-109 (First Mendon), 51-108 (RAW)
Address(es)/Location(s):	.1 mile east of Park East Dr and Mendon Rd
Zoning Designation:	MU-2 (mixed-use commercial/industrial)
Surveyor:	Crossman Engineering (see above)

### III. Application

Type:	Major Land Development
Review Stage:	Combined Master & Preliminary Plan Review
Proposed Development Type:	Light-Industrial, Manufacturing
Description:	The applicant proposes to construct a ~61,000 sq ft light-industrial facility with associated driveway, parking, loading zones, signage, landscape improvements, etc.

### IV. Statement of Review & Authority

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

V. Exhibits

The following exhibits were used to inform the decision of the Planning Board: Major Subdivision application; project narrative from applicant (June 2, 2020); site plan set (May 2020, last revised June 30, 2020); building elevations (May 26, 2020), signage elevations (June 9 & 30, 2020), a visibility study (June 24, 2020), and 3D exterior rendering (June 2, 2020) prepared by Gary Moyer Architect, Inc.; Planning Division, Zoning Division, Engineering Division, and Fire Department Comment Memos (June 15, July 1, June 23 & 25, June 25 & 27, 2020 respectively); Building Official memo on MU-2 performance standards (June 17, 2020); applicant's response to staff comments (June 30, 2020); Staff Report (July 8, 2020); Draft Findings of Fact & Decision (July 9, 2020).

VI. Findings of Fact

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

- I. 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 "protect the Blackstone River and its tributaries as the primary natural resource in the Blackstone Valley" (Heritage Corridor Policy HC-1.1). Additionally, the Comprehensive Plan states that the City should "support efforts to improve the water quality of the Blackstone River and its tributaries" (Natural Resource Policy NCR-2.1). While the proposal adds impervious surface to the subject parcels, infiltration rates will remain the same and the water quality of stormwater entering the City's drainage system will be improved due to the proposed stormwater BMP's.
  - b. The Comprehensive Plan states that the City should "grow Woonsocket's economy in a balanced and beneficial manner" (Economic Development Goal ED-2), in part, by "attracting new businesses to the City" (Economic Development Policy ED-2.1). The proposed project would establish a new manufacturing business in the City, employing approximately 35 people.
  - c. The Comprehensive Plan states that the City should "diversify Woonsocket's economy" (Economic Development Goal ED-3), in part, by "promoting light industry and small-scale manufacturing in appropriate areas in the city" (Economic Development Policy ED-3.3). The proposed project establishes a manufacturing business on a MU-2 parcel where light-industrial uses are encouraged.
  - d. The Comprehensive Plan states that the City should "expand employment opportunities with competitive wages and safe quality working environments"

(Economic Development Policy ED-6.1). The proposed project would result in the construction of a state-of-the art manufacturing facility that creates approximately 35 well-paying jobs.

- e. The Comprehensive Plan States that the City should “support the industrialized nature of the city and make necessary adaptations to meet modern developmental constraints” (Land Use Goal LU-4), in part, by “establishing and protecting for industrial use those few remaining undeveloped areas in the City that can feasibly support such use” (Land Use Policy LU-4.1). The parcel in question is zoned MU-2. Light-industrial uses are allowed by right in MU-2 zones. The parcel is one of a limited number of parcels within the city with enough land area to allow construction of a modern industrial facility.
2. That the parcels comply with the standards and provisions of the *Zoning Ordinance of the City of Woonsocket, Rhode Island* (the Zoning Ordinance) enacted December 19, 1994, amended as of November 2019.
    - a. The property in question is in a MU-2 (mixed-use industrial/commercial) district.
    - b. The proposed use (4.7-1 - manufacture, assembly, processing, or fabrication of materials) is an allowed use in MU-2 zones.
    - c. The proposed project meets the requirements for lot area, floor area ratio, yards and open space, and height and number of stories in a MU-2 zone.
    - d. The project meets the performance criteria of section 9.2.5 of the Zoning Ordinance. The City’s Building Official visited the existing RESH Inc. manufacturing facility in Franklin, MA, and confirmed that the facility emits no excessive noise, odor, smoke or other offensive nuisances.
    - e. The project meets the parking requirements of section 5.1.3.8 of the Zoning Ordinance which requires two spaces for every 1,000 feet of industrial space. 50 of the required spaces will be constructed. 74 of the required spaces are identified as “future parking” on the site plan and will be constructed based on demand. This arrangement is preferred by the applicant and the Department of Planning & Development.
    - f. The project meets the loading zone requirements of section 5.2.6 of the Zoning Ordinance.
    - g. The wall and monument signage associated with the project meet the dimensional requirements of section 6.1 of the Zoning Ordinance.
    - h. The project meets the various screening/greenspace requirements of the Zoning Ordinance with the caveat that the Department of Planning & Development requested that five of the nine required street trees be incorporated elsewhere in the site layout to avoid shading a planned solar development just east of lot 51-1.
    - i. The project requires Design Review from the Design Review Commission under section 12.1 of the Zoning Ordinance. The applicant has applied to the Design Review Commission to have the project reviewed. Design Review approval will be a condition of Final Plan approval.
  3. That there will be no significant negative environmental impacts from the proposed subdivision’s development.

- a. The parcels in question are not within a FEMA flood zone.
  - b. Wetlands boundaries have been delineated on the plans. The proposed project adequately avoids wetlands and wetland buffers.
  - c. While the proposal adds impervious surface to the subject parcels, infiltration rates will remain the same and the water quality of stormwater entering the City's drainage system will be improved due to the proposed stormwater BMP's.
  - d. The property is being constructed on a disturbed site. The site was cleared in the relatively recent past in preparation for development. Since that time, saplings and other vegetation has developed on the parcel, but the site lacks mature forest.
  - e. The Engineering Division conducted a detailed review of the proposed project, submitted comments to the developer, and the developer adequately addressed said comments.
  - f. The applicant has applied for various RIDEM permits. Award of said permits will be a condition of Final Plan approval.
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 Major Land Development does not create, alter, or eliminate existing lot lines.
  - b. The proposed development plan has met the requirements of the Zoning Ordinance.
  - c. The proposed project will require the construction of retaining walls, which, where required by building code, shall be designed and stamped by a registered engineer prior to receiving building permits.
  - d. The Engineering Division conducted a detailed review of the proposed project, submitted comments to the developer, and the developer adequately addressed said comments.
5. That the proposed land development and lots will have adequate and permanent physical access to a public street.
- a. The proposed project will have adequate and permanent physical access to Park East Drive.
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. While the project proposes a manufacturing facility adjacent to a residential zone, the project meets the performance standards for a MU-2 zone relating to sound, odor, smoke, and other offensive nuisances.
    - ii. While the project adds impervious surface to the subject parcels, overall environmental conditions for residential neighbors will improve. Existing

overland runoff will be diverted into retention ponds and an underground infiltration and drainage system.

- iii. The project is set back approximately 211 feet from the nearest house on Mendon road and is adequately screened by evergreens. Further, existing vegetation on parcel 51-109 is expected to remain between the facility and homes.
- iv. The project will be ADA compliant.
- v. The project requires RIDEM and RIDOT permits. Said permits will be a condition of Final Plan approval.
- vi. The applicant agreed to constraints on construction activity, garbage and recycling collection, delivery schedule, and after-hours light intensity to avoid negatively impacting abutting residential neighbors.
  1. Construction
    - a. Hours-of-Operation
      - i. Weekday: 7 a.m. - 6 p.m.
      - ii. Saturday: 8 a.m. - 5 p.m.
      - iii. Sunday: No construction activity
    - b. Traffic Control
      - i. Vehicles, construction or otherwise, shall not be parked on Park East Drive
      - ii. The builder shall coordinate with the City's Department of Public Works during construction to limit traffic impacts on Park East Drive at peak commuting times.
  2. Trash & Recycling (i.e. metal, cardboard, etc.) Collection
    - a. Hours-of-Operation
      - i. Weekday: 7 a.m. - 6 p.m.
      - ii. Weekends: No trash collection
  3. Deliveries
    - a. Hours-of-Operation
      - i. Weekdays: 7 a.m. - 6 p.m.
      - ii. Saturday: 8 a.m. - 6 p.m.
      - iii. Sunday: No deliveries
  4. After-Hours Lighting
    - a. General site lighting shall be turned off between 7 p.m. and 5:30 a.m. daily.
    - b. Security lighting will be reduced and dimmed to the minimum appropriate level while still achieving its purpose.
    - c. Should specific fixtures create nuisances for residential abutters after installation, RESH Inc. shall address the issue to the extent practicable via shielding.
- vii. The Engineering Division conducted a detailed review of the proposed project, submitted comments to the developer, and the developer adequately addressed said comments.

- viii. The Fire Department reviewed the project, submitted comments to the developer, and the developer adequately addressed said comments.
- b. That the project received orderly, thorough, and expeditious review and approval from the Department of Planning and Development and the Planning Board.
  - i. The applicant submitted an application package on June 2, 2020 and the application was reviewed by the Planning Board at the July 9, 2020 meeting.
  - ii. The application was reviewed by the Planning Division, Zoning Official, Fire Department, and Engineering Division. Each Division/Department provided comments to the developer, which were adequately addressed.
- c. That the project exhibits high-quality and appropriate design.
  - i. The Engineering Division conducted a detailed review of the proposed project, submitted comments to the developer, and the developer adequately addressed said comments.
  - ii. The project requires RIDEM and RIDOT permits. Said permits will be a condition of Final Plan approval.
  - iii. The applicant has applied to the Design Review Commission to have the project reviewed. Design Review approval will be a condition of 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. While the project proposes a manufacturing facility adjacent to a residential zone, the project meets the performance standards for a MU-2 zone relating to sound, odor, smoke, and other offensive nuisances.
  - ii. While the project adds impervious surface to the subject parcels, overall environmental conditions for residential neighbors will improve. Existing overland runoff will be diverted into retention ponds and an underground infiltration and drainage system.
  - iii. The project is set back approximately 211 feet from the nearest house on Mendon road and is adequately screened by evergreens. Further, existing vegetation on parcel 51-109 is expected to remain between the facility and homes.
  - iv. The parcel is located just outside the Highland Industrial Park which attracts similar uses to the one proposed for this project.
  - v. The property is being constructed on a disturbed site. The site was cleared in the relatively recent past in preparation for development. Since that time, saplings and other vegetation has developed on the parcel, but the site lacks mature forest.
  - vi. The project is proposed in an area already served by roads and utilities.
- f. That the project reflects the intent of the City's design and improvement standards with regard to the physical character of the various neighborhoods and districts of the city.

- i. The Administrative Officer has reviewed the plan compared to Section 8 - Physical Design Requirements and Section 9 - Public Improvement Standards of the Subdivision Regulations and is satisfied that the applicant has or will comply with the regulations prior to Final Plan approval or, where necessary, obtain waivers from the Planning Board.
      - ii. The Engineering Division conducted a detailed review of the proposed project, submitted comments to the developer, and the developer adequately addressed said comments.
    - g. That the project underwent thorough technical review by appropriate local officials.
      - i. The application was reviewed by the Planning Division, Zoning Division, Fire Department, and Engineering Division. Each Division/Department provided comments to the developer, which were adequately addressed.
    - h. That the dedication of public land was deemed not applicable.
      - i. 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. That the parcels were current in the payment of real estate taxes as of June 15, 2020 as certified by the City Treasury of the City of Woonsocket.

## VII. Waivers from the Subdivision Regulations

1. The Planning Board has the authority to grant waivers from the subdivision regulations per § 2.5.2 of said regulations. The applicant has requested a waiver from the following Subdivision Regulation:
  - a. Section 8.8.1 - Street Trees.
    - i. The applicant requested a waiver to move five street trees from the front yard set back and incorporate them into the rest of the site design. The Department of Planning & Development encouraged the applicant to seek this waiver to avoid planting street trees that could shade the proposed solar array to the east of parcel 51-1.
      1. The waiver aligns with the purpose of the Zoning Ordinance, which states that the ordinance should provide for orderly growth and development. The waiver conforms with the Comprehensive Plan which states that the City should "allow flexible development by increasing options available to property owners" (Land Use Goal LU-1). Further, the Comprehensive plan states that the City should "support the industrialized nature of the city and make necessary adaptations to meet modern development constraints" (Land Use Goal LU-4).

### VIII. Conditions of Approval

1. A note shall be added to page C-5 of the plans stating that the boundary survey complies with Class I standards prior to Final Plan approval.
2. A note shall be added to the plan stating that, "Construction designed to help prevent groundwater from entering the building shall be required as per section 8.7.2-3 of the Subdivision Regulations," prior to Final Plan approval
3. RESH Inc. shall be responsible for the maintenance of the retaining wall along the south west property line.
4. Metes & bounds and a legal description of the proposed access, utility, maintenance (retaining wall), and potential signage easement(s) through lot 51-108 shall be provided prior to Final Plan approval.
5. Metes & bounds and a legal description of the proposed utility easement through lots 51-108, 51-109 & 51-13 shall be provided prior to Final Plan approval.
6. The applicant shall provide the Administrative Officer with copies of required State permits prior to Final Plan approval (e.g. RIDOT, RIDEM).
7. If the freestanding sign location remains the same, the freestanding sign depicted on page C-3 of the plans shall be moved back five feet from the front lot line to match the other pages in the plan set prior to Final Plan approval.
8. The applicant shall work with the Zoning Official regarding the location of the freestanding sign to ensure it complies with the Zoning Ordinance prior to Final Plan approval.
9. The applicant and the City's Department of Public Works shall coordinate water service layout prior to Final Plan approval.
10. The applicant shall include the size of the gas service line prior to Building Permit approval.
11. The Design Review Commission shall grant project approval prior to or concurrent with Final Plan Approval.
12. The FDC and outside gas meter shut off shall not be blocked. This item shall be confirmed prior to Final Plan approval.
13. The plans shall comply with the applicable editions of the NFPA 2015 Cycle and the RI Fire 2015 Code and RI Life Safety 2015 Code prior to Building Permit approval.
14. The applicant has agreed to the constraints on activity related to deliveries, trash & recycling collection, construction, and lighting in section V. 6. vi. above.
15. Should a generator be added to the site in the future, it shall be located on the east side of the building, away from the residential properties along Mendon Road.
16. Should evergreens in the vegetative screen between the RESH Inc. facility and residential neighbors die, RESH Inc. shall replace said evergreens.

### 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 Miller that the Petition for a combined Master & Preliminary Plan Review of a Major Land Development proposed by the Redevelopment Agency of Woonsocket, 169 Main Street, Woonsocket, RI 02895, for property located along Park

East Drive (Parcels 51-1, 51-108, and 51-109) in Woonsocket be approved with the identified conditions and waiver.

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

Motion Passes 5-0-0

X. Appeal of Decision

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

XI. Vesting of Decision

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

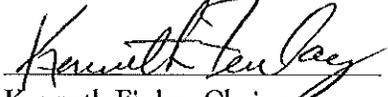
XII. Final Plan Review

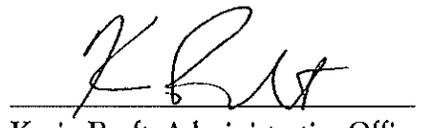
Final Plan review and approval was delegated to the Administrative Officer by the Planning Board at the July 9, 2020 Planning Board meeting.

XIII. Certification

This is to certify that the above statement of Findings of Facts & Decision reflects the action of the Woonsocket Planning Board at a special meeting on July 9, 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.

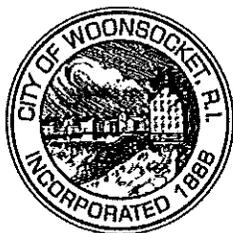
Certified:

  
Kenneth Finlay, Chairman  
Woonsocket Planning Board

  
Kevin Proft, Administrative Officer

Planning Division  
RECEIVED IN WOONSOCKET R.I.  
DATE Jul 13, 2020 TIME 09:25:20A  
Christina Harman, CITY CLERK

Addendum: Advice and Recommendation from the Planning Board to the City  
Council regarding proposed ordinance 20.O.36  
which would amend Downtown Overlay District Uses



# City of Woonsocket, RI

## Planning Board

To: Daniel Gendron, City Council President

Cc: Christina Duarte, City Clerk  
Carl Johnson, Zoning Official  
Scott Gibbs, Interim Director of Planning & Development

From: Kenneth Finlay, Planning Board Chairperson

Date: July 9, 2020

Re: Zoning Ordinance Amendment: Downtown Overlay Uses | 20.O.36

It is a duty of the Woonsocket Planning Board to review and provide recommendations to the Woonsocket City Council regarding proposed amendments to the Zoning Ordinance. The purpose of such reviews are to ensure the proposed amendments are consistent with the City's Comprehensive Plan. The Planning Board reviewed the proposed amendment titled, "In amendment of the Code of Ordinances, City of Woonsocket, Rhode Island, Appendix C, Entitled "Zoning" Section 12.5 Downtown Overlay District" (20 O 36), at its July 9, 2020 meeting. The proposed amendment restricts certain uses within the Downtown Overlay District.

### Internal Consistency with Zoning Ordinance

The Planning Board compared the intent of section 12.5 *Downtown Overlay District* of the Zoning Ordinance to the intent of the proposed amendment. The intent of section 12.5 of the zoning ordinance is to "confer additional options for development and land use in the Main Street area," and "allow additional permitted uses that encourage further growth and concentration of art, cultural, and entertainment attraction in the Main Street area; promote the temporary use of vacant and underutilized properties; and encourage a walkable, vibrant environment." The intent of the proposed amendment is to restrict certain uses within the Downtown Overlay District. These uses include: (1) rooming, lodging or boarding houses, (2) mobile homes, (3) nursing homes or assisted or congregate care facilities, (4) halfway houses, (5) residential uses at street-level or below (except where live work units are permitted at street level). The amendment states that these uses are "incompatible with the goals and intent of establishing the Downtown Overlay District."

In summary, the intent of the Downtown Overlay District, according to the Zoning Ordinance, is to expand options for development and increase allowable uses around Main Street. The intent of

the amendment is to limit allowed uses around Main Street. These intents are in tension. The Planning Board recommends amending the intent of the Downtown Overlay District as it is stated in section 12.5 of the Zoning Ordinance. Based on the language of the proposed amendment, it seems the desired intent of the Downtown Overlay District is not only to “confer additional options for development and land use,” but also to restrict certain uses found to be incompatible with the goals of nurturing economic growth and encouraging a walkable and vibrant environment.

#### Consistency with Comprehensive Plan

The Planning Board found the following goals and policies of the Comprehensive Plan to be relevant to the review of this amendment. The Comprehensive Plan states that the City should, “improve the stability and desirability of the City’s older neighborhoods as places to live” (Housing Goal H-3), in part, by “instituting... community development and neighborhood redevelopment programs” (Housing Policy H-3.1). The Downtown Overlay District, coupled with other initiatives such as the Omnibus Tax Stabilization Plan for Downtown, is an example of a community development and neighborhood redevelopment program. The intent of the proposed amendment is to discourage development incompatible with the goals of this community development and neighborhood redevelopment program.

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), by guiding new economic activity to Main Street - especially activity related to heritage tourism and the arts (Economic Development Policies ED-5.1 & 5.2). The intent of the amendment is to create an environment within the Downtown Overlay District that is inviting to visitors and prospective business owners.

The Comprehensive Plan states that the City should, “ensure that existing low-income and special needs residents have safe, decent, and affordable places to live” (Housing Goal H-4). The populations that use the types of living arrangements that would be restricted by the proposed amendment are often low-income or special-needs. Restricting housing-related uses within the Downtown Overlay District that benefit low-income and special-needs populations is in tension with Housing Goal H-4 of the Comprehensive Plan. Furthermore, the amendment could be unfavorably interpreted as an attempt to target and remove low-income, special-needs, and elderly people from Downtown Woonsocket because they are considered “incompatible” with the goals of the district (e.g. economic development and vibrancy). Therefore, the Planning Board recommends that the City Council add language to the “Whereas” portion of the ordinance that (1) affirms the City’s commitment to addressing the needs of low-income and special-needs populations and (2) better explains why the uses included in the amendment are “incompatible” with the goals and intent of the Downtown Overlay District. The Planning Board submits the following draft language to the City Council for consideration.

Whereas, the City recognizes and is committed to its responsibility to provide safe, decent, and affordable housing for people of all income-levels and abilities; and

Whereas, the City is committed to addressing the underlying causes of poverty and accommodating the needs of people with special-needs; and

Whereas, community-wide, Woonsocket hosts significantly more low-income housing than is mandated by State law, but recognizes the supply of low-income housing does not meet the demand; and

Whereas, within the Downtown Overlay District the City is attempting to improve economic conditions by attracting businesses and establishing a resident population with the means of supporting said businesses; and

Whereas, improving local economic conditions will benefits the whole community, including low-income residents, by creating job opportunities and broadening the city's tax base;

**Motion to Recommend Passage**

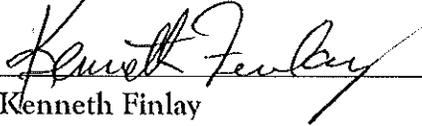
At the July 9, 2020 Planning Board Meeting the following motion was made and vote taken.

Motion by Member Miller and seconded by Member Gardner to recommend to the City Council passage of ordinance 20 O 36 - with recommended revisions - which would amend section 12.5 of the zoning ordinance by restricting uses incompatible with the goals and intent of the Downtown Overlay District. This recommendation shall become effective immediately upon its passage.

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

Motion Passes 5-0-0

Certified at Woonsocket, Rhode Island, July 9, 2020.

  
Kenneth Finlay  
Chairman

  
Kevin Proft  
Administrative Officer/City Planner