



City of Woonsocket, RI

Planning Board Meeting Minutes

Date/Time: Tue, November 5, 2019 | 6 p.m.
Location: Harris Hall (3rd Floor of City Hall)
169 Main St, Woonsocket, RI 02895

Agenda

I. Call to Order:

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

II. Attendance Review

Planning Board Members Present:

1. Ken Finlay
2. Roji Eappen
3. Ron Miller
4. Wendall Gardner
5. Jon Pratt

Others in Attendance:

1. Kevin Proft, Administrative Officer/City Planner

Chairman Finlay welcomed Wendall Gardner to the Planning Board, noting that his experience with construction would be an asset.

III. Correction/Approval of Minutes:

1. Motion to APPROVE the October 1, 2019 meeting minutes: Member Miller
Second: Member Pratt
Discussion: None
Vote: Passed 4-0-1 with Member Eappen abstaining
Meeting of Tuesday, July 30, 2019
2. Motion to APPROVE the July 30, 2019 meeting minutes: Member Eappen
Second: Member Miller
Discussion: None
Vote: Passed 4-0-1 with Member Finlay abstaining

IV. New Business

1. **Minor Subdivision | 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, referred to as Parcel A on the subdivision plan, that could be developed as a single-family home. No waivers from the subdivision regulations have been requested.

The applicant was not present at the meeting. The board elected to have Mr. Proft explain the details of the application. Mr. Proft said the application did not conflict with the comprehensive plan. He noted that the proposed subdivision would result in two lots, each of which would comply with the lot area, setback, and street frontage requirements of the zoning ordinance or would not exacerbate existing zoning nonconformities. He said that Parcel A would have an accessory structure (an existing garage), but no primary structure, a configuration disallowed by the zoning ordinance. He said Carl Johnson, the Zoning Officer, determined that he was comfortable with the subdivision plan being approved if two conditions were included in the board's decision.

- i. The existing garage on Parcel A shall be removed from the property or incorporated into a new dwelling no longer than one year after the approval of the subdivision or 90 days after the transfer of either lot. This requirement will be suspended if there is an active building permit for a single-family dwelling on Lot A.
- ii. Until a primary structure is constructed on Parcel A, the existing garage on this lot shall only be used for residential purposes by the property owner or residents of the existing two-family dwelling at 1725 Mendon Road.

Mr. Proft explained that the first condition would offer the property owner time to determine whether to incorporate the garage into the future single-family home or demolish it. He said the second condition would prevent the garage from being rented to people unassociated with the existing duplex on the other lot in the proposed subdivision or from becoming a commercial garage.

Mr. Proft said that the conditions seemed appropriate given this situation, but that he did not believe the conditions would be enough to meet the required finding in the Subdivision Regulations which states that the Board must find the proposed development complies with the standards and provisions of the zoning ordinance. He said, if the board approved the subdivision and the decision was appealed, the City would likely not prevail. He said that an appeal would be unlikely because no conditions would be changing on either proposed parcel as a result of the subdivision. He said the required finding could be properly met if the applicant obtained a zoning variance allowing the garage to remain despite the lack of a primary structure or if the garage was demolished prior to subdividing the lot.

Member Miller asked Mr. Proft to explain the concern about the ownership of the retaining wall between the proposed lots. Mr. Proft explained that in order to meet the street frontage and lot area requirements the property line between the two lots bisects the retaining wall. As a result, Parcel A owns a portion of the wall near the street, while the

parcel with the duplex owns the rest of the wall. This shared ownership could result in disputes over which property owner is responsible for maintenance. These disputes could result in the City being required to intervene with a citation of the property owner who owns the wall. The City would prefer if one property owner was responsible for the maintenance of the wall to avoid these hypothetical confrontations. Mr. Proft said that the City's land use attorney, Peter Wasylyk, said that there is nothing to prevent the subdivision going forward with shared ownership of the wall. Mr. Proft said that Mr. Wasylyk provided remedies to the ownership problem including a maintenance easement stating that the portion of wall on Parcel A shall be maintained by the owner of the parcel with the duplex on it.

Mr. Proft said the access path to the front porch of the existing duplex is also located within Parcel A. He said an access easement allowing the owner of the duplex to access the porch though Parcel A could be drafted to resolve this concern.

Mr. Proft said the applicant was made aware of these concerns but chose not to address them during this review process. Members of the Planning Board determined that they had questions for the property owner, so could not approve the subdivision.

Motion to TABLE the application until the next meeting: Member Miller

Second: Member Gardner

Discussion: None

Vote: Passed 5-0-0

2. **Amendment to Subdivision Regulations – Section 8.2.7 Apportioning of Street right-of-way** | The planning board will review and vote on the above referenced amendment to the subdivision regulations. The proposed amendment would alter regulations relating to right-of-way width, road width, parking lanes, travel lanes, bike lanes, and sidewalks. The purpose of the amendment is to reduce construction costs for developers, reduce maintenance costs for the city, reduce impervious surface and stormwater runoff, calm traffic, and improve road safety.

Mr. Proft said that the Planning Board had discussed this proposed amendment at its previous meeting and provided comments. He said he had incorporated the board's comments into the draft amendment. He said that to avoid contradictions between the language in the proposed amendment and other sections of the subdivision regulations, he had made minor alterations to sections outside of section 8.2.7. He said the Fire Department reviewed the proposed amendment and it was comfortable with the proposed road widths. He said the Fire Department said that on roads less than 27' with no designated parking lane, no parking signs should be erected because the minimum width of unobstructed road required by the Fire Code is 20'. Mr. Proft said he incorporated this comment into the draft amendment.

Mr. Finlay stated that Mr. Proft should work with the City's Tree Warden to develop a list of street tree varieties that will not result in sidewalks being disturbed by roots. Mr. Proft

said he could include this in a future round of amendments to the subdivision regulations. Mr. Proft said that the City Forester in Providence told him that the size of the sidewalk cutout is also very important in preventing disturbance and that a planting area of 4' by 8' is ideal.

Mr. Eappen asked if a required minimum buffer should be included between a bike lane and parked cars to avoid door-zone accidents. Mr. Proft said that while it is important to ensure bike lanes are safe for bicyclists, requiring a buffer could limit the city's ability to develop bike lanes. He said that sometimes there isn't enough room for such a buffer, but a bike lane may still be appropriate. Mr. Proft said some parking lanes are sparsely used, so may not present a significant danger to bicyclists. In other cases, the parking lane may be used for longer-term parking, limiting the number of times the doors of the car open and close; it may be appropriate to have a bike lane next to such a parking lane. Mr. Proft said he preferred to including language about "considering the door zone in bike lane design" without setting a buffer standard. He said it would trigger the developer to be more thoughtful during their design phase and trigger the Planning Board to scrutinize this concern during the review process to ensure the safest bike lanes are developed giving each project's unique circumstance.

Motion to approve the proposed amendment: Member Miller

Second: Member Pratt

Discussion: None

Vote: Passed 5-0-0

3. **Amendment to Zoning Ordinance – Section 6.15 Solar & Wind Energy Systems, Facilities and Installations** | The planning board will provide initial 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. Chris Kearns from the Office of Energy Resources will provide context for the amendment and be available to answer the Board's questions.

Mr. Proft explained the proposed amendment was drafted because the existing solar ordinance was found to be insufficient when recently applied to two ground-mounted solar applications. He said the existing ordinance did not ensure enough City oversight of large-scale solar projects and has typos and contradictions. Since the city passed its solar ordinance State guidance on solar siting was created and other towns have passed stronger ordinances. The Planning Department determined it was better to write a new ordinance based on these examples and replace the existing ordinance instead of tweaking the existing ordinance.

Mr. Proft reviewed the important sections of the proposed amendment. He noted that the ordinance divides projects into four categories based on their type and size. Each category is regulated differently with smaller projects receiving less review than larger projects. The four primary categories are Level 1a (accessory roof mounted/building integrated), Level 1b

(accessory ground-mounted), Level 2 (commercial ground-mounted – small), and Level 3 (commercial ground-mounted – large).

Mr. Finlay asked if the height restriction on solar canopies was too strict. Mr. Proft said he limited height to avoid harming the character of the city, but does not want unrealistic regulations to preclude developers from proposing projects. He said he intends to share the draft amendment with developers for comment and can use their feedback to hone the height restriction. Mr. Finlay said he was comfortable with setting appropriate limits on height and size of arrays because applicants can request a variance if need be.

Mr. Proft said the zoning amendment restricts the size of ground mounted solar arrays by zone. For example, projects in commercial zones would be less intense than those in industrial zones. He said it is hard to determine what the appropriate limits are as each site/project will be unique. He said the proposed amendment would limit smaller scale commercial projects to under 1 acre. Larger scale projects are limited to 6-8 acres depending on the zoning district. Project size is also limited to a maximum percentage of a lot's buildable area. In commercial areas, the maximum is 60% while in industrial areas, it is 100%. Mr. Eappen suggested that it may be better to concentrate more on developing regulations that limit visual impact than trying to define appropriate system sizes.

Christopher Kearns from the Office of Energy Resources suggested that the Administrative Officer and/or members of the Planning Board tour some existing projects to better understand what different size projects look like in practice. He suggested that the Administrative Officer develop a series of pictures that show different size projects to share with the Board for context. Generally he suggested not creating a regulations that was so rigid that developers could not put forward good projects for the Board to review.

Mr. Kearns said that it is important to get feedback from the Fire Marshal's office before approving the proposed amendment. The Fire Marshall may have brush management requirements of site layout requirements that should be included in the regulations to avoid the Planning Board approving a project that the Fire Marshal cannot support.

Mr. Kearns suggested adding a small section regulating energy storage. He said that while the industry is in its infancy, it is a good idea for the town to have something on the books to protect themselves in case projects are proposed. Issues could include aesthetics, buffer requirements, safety/environmental concerns regarding associated chemicals.

Mr. Eappen asked if the city should regulate panel efficiency to ensure projects generate the most electricity possible. Mr. Kearns said he did not think the City necessarily needed to do this because panel efficiency is indirectly addressed at other points in the process by the Public Utilities Commission.

Mr. Finlay recommended tabling the proposed amendment until the next meeting (a special meeting on November 14, at which point the board could review images and further address regulating system size.

Motion to TABLE the application until the next meeting: Member Miller
Second: Member Eappen
Discussion: None
Vote: Passed 5-0-0

V. Administrative Officer's Report

Mr. Proft stated that he continued to lay the preliminary groundwork for the Comprehensive Plan update process. Mr. Proft stated that the Planning Department had received 6 responses to its RFQ for a consultant to assist with Brownfield Assessments. The consultant will be funded via a \$300,000 EPA grant. Mr. Proft noted that the applicant from the previously approved Manila Ave Extension subdivision obtained a variance from the RI Fire Safety Code Board, moving it one step closer to Final Plan approval. Mr. Proft informed the board that he administratively approved Casey Tenney's Final Plan application after the applicant met all of the required conditions of the Planning Board's Preliminary Plan Approval. The subdivision has been recorded in the land evidence record. Mr. Proft said he would like to schedule a special meeting of the Planning Board so it may provide the City Council with study and recommendation on a resolution to add the Fifth Ave School to the Historic Structures Floating Overlay District. The Board agreed to meet for a special meeting on November 14. Mr. Proft noted that he, the Zoning Official and the Planning Director have been working to modify the MU-1 zoning district to better reflect urban design principles. Mr. Proft noted that the Planning Department is also developing language for an MU-3 zone which would be similar to an MU-1 zone but would allow more density and some larger storefronts. The intention is to pilot the MU-3 zone in the social district where current regulation encourages development inappropriate for a city center. Mr. Proft said the planning board will have the opportunity to provide input on both of these possible amendments at a later date. Mr. Proft said he spoke with a representative of NYC DOT about their barrier beautification program. He said that the conversation led him to believe that the project was feasible and reasonably affordable. He will continue to work on this project.

VI. Next Meeting Dates:

Special Meeting: Thursday, November 14, 2019
Regular Meeting: Tuesday, December 3, 2019 (Harris Hall)

VII. Adjournment

Motion to adjourn (7:55p.m.): Member Pratt
Second: Member Miller
Discussion: None
Vote: Passed 5-0-0