

BRISTOL PLANNING BOARD JULY 18, 2024 MINUTES

TOWN HALL
10 COURT ST.
BRISTOL, RI 02809
401-253-7000

Held: July 18, 2024 in person

Present:

Anthony Murgo, Vice Chairman; Steve Katz, Secretary; Member Brian Clark; Member Richard Ruggiero; Alternate Member Jessalyn Jarest

Also Present:

Diane Williamson, Administrative Officer/Director of Community Development; Andrew M Teitz Esq., Assistant Town Solicitor

Not Present:

Charles Millard, Chairman; Alternate Member Michael Sousa

Vice Chairman Murgo called the meeting to order at 7:01pm and led the assembly in the Pledge of Allegiance.

A motion was made (Katz/Clark) to accept the May meeting minutes.

In favor: Clark, Jarest, Katz, Murgo, Ruggiero

Opposed: None

C. New Business - Bristol Yarn Mill

Final Plan Phase Review and action by the Planning Board on the Major Land Development for the re-development of the Robin Rug Mill to be known as "Bristol Yarn Mill" at 125 Thames Street: Proposal is for 127 residential apartment units and approximately 6,300 square feet of commercial space in the mill building. Proposal includes parking on the east side of Thames Street that is located approximately 130 feet south of the intersection of Church and Thames Streets. Property currently zoned Waterfront - Urban Rehab Land Development "Urban Rehab Land Development" a/k/a Waterfront Planned Unit Development with conditions, Waterfront, and Downtown Zones and is also within the Bristol Historic District. Plat: 10, Lots 41, 42, 43, 44, 49, 50, 60, 61, 62, 68, 71, 73, 74 and 76 Owner: Thames Street Nashua, LLC Applicant: Brady Sullivan Properties, LLC

Vice Chairman Murgo reminded the attendees that the meeting was not a public hearing. There will be no comments from the public, only from the Planning Board, the applicant, the Town Solicitor, and the Director of Community Development.

John McCoy Esq. presented. He started by mentioning that the process has been about three years long, and they are coming to the end of the process. He explained that the memo to the Planning Board from Director Williamson summarizes the current status of the project, and that all the legal documents have been submitted and approved by Assistant Town Solicitor Teitz. They are still waiting on the Elks to approve the easement; their meeting is happening in August. John

McCoy also added that Shawn Martin is here to answer any engineering questions the Board might have.

Secretary Katz mentioned that the plan for protection, fence and trees for the abutters on the South are mentioned, but the abutters on Hope Street are not mentioned in the narrative.

Shawn Martin responded that on page CS101 of the plans, the overall landscaping plan can be seen including the fence. He explained that in most cases the perimeter landscaping actually exceeds the requirements of the zoning ordinance. Page LP103 shows the landscaping in more detail and shows the fence along the Hope Street properties. Along the Hope Street abutters, the plan is to pull the parking away from the lots versus the existing condition. Shawn added that in the last meeting the fence shown was stockade, but it has since been changed to a cedar, cap rail fence.

Secretary Katz asked for confirmation that the Hope Street abutters should not have any concerns, and that they will have a consistent experience as the Constitution Street abutters.

Shawn Martin responded that the landscaping is going to be different because the South side property line has a fence plus existing, tall arborvitae. There was a request made to also plant young arborvitae along this property line as a succession of trees for when the existing trees die. The Hope Street abutters will just have a fence, but there will also be 6 new shade trees.

Member Jarest brought up the fact that the new arborvitae are being put in prior to construction, and that she has concerns that they will potentially suffer from the construction. She asked if there is a maintenance plan in place for these trees, and if any of them fail, if they will be replaced.

Shawn Martin responded that there is a warranty requirement that requires ongoing maintenance of all the landscaping on the project. There are also tree protection requirements in the drawings.

Member Jarest mentioned that the tree protection details don't account for root damage, and asked where the wooden slats on the trees will be used.

Shawn Martin responded that any large trees or street trees present near the edge will get the wooden slats on the trunk, and the fencing will go around the drip line.

Member Jarest noticed that activities and amenities are not allowed on the roof, and asked if the agreement would negate the ability to install solar panels on the roof in the future.

Assistant Town Solicitor Teitz responded that it would not be an issue, since solar panels are not considered an amenity. The concern was more around people on the roof and noise.

Assistant Town Solicitor Teitz reminded the Board that their focus should be on things that are changing from the Preliminary Plan.

Vice Chairman Murgo asked about where the waterfront walkway falls in the construction sequence.

Shawn Martin responded that it will not be open to public access until the site is secure and safe. Assistant Town Solicitor Teitz added that there was an end date of 2028 included as well; so in

the case that the units aren't built out and they haven't received the Certificate of Occupancy, the waterfront walkway would still need to be completed by 2028.

Secretary Katz asked when residents will be able to use the Church / Thames parking lot. Director Williamson confirmed that this is a condition in the draft Final Plan Decision and that this must occur prior to recording of final plan (page 9, item 12A).

Secretary Katz asked what the rates of the units will be. Shawn Martin and John McCoy did not have an answer.

Vice Chairman Murgio noted a couple typos at the end of the construction sequence; the City of Providence is mentioned when it should be Bristol, and the numbers are out of order.

Vice Chairman Murgio reminded the attendees that this is not a public hearing, and that many public hearings have been held on this topic.

Member Clark mentioned that he did not receive Exhibit A and B for the Public Access Easement Agreement. Director Williamson responded that the written description will be attached as Exhibit A, and the plan will be attached as Exhibit B. Assistant Town Solicitor Teitz added that the plan is the same plan that was submitted and approved by the CRMC.

Member Clark asked about the 11pm time constraint. Director Williamson responded that this was modeled almost verbatim on Stone Harbor. Originally the Stone Harbor agreement was midnight, but it was changed to 11pm.

Member Clark asked about language on page 2 regarding ownership and maintenance responsibilities of the Premises. He asked if the applicant does not maintain the easement, what the Town's remedies are. He wondered if there is a big storm and damage occurs, does that fall on the Town or the applicant.

Director Williamson directed the Board's attention to page 6, item 2 of the Public Access Easement Agreement. Assistant Town Solicitor Teitz added that the responsibility of maintenance and repair is on the applicant, and the timeline is 30 days.

Member Clark asked what the temporary barriers will look like. Assistant Town Solicitor Teitz responded that it is up to the applicant, but it cannot be a permanent gate.

There was discussion about the fact that it's a public boardwalk, and both the Town and the applicant will be contacted in the event of an injury. Assistant Town Solicitor Teitz stated that if there was damage and notice was given to the applicant and it wasn't fixed, then the Town would look to the applicant. In all other cases, the Town would be responsible just like any other public street, path or park.

Secretary Katz asked if the walkway will be solid or pervious. The response was that they will be pervious pavers.

Assistant Town Solicitor Teitz had a suggested change to the draft decision on page 6, item 12C. The suggestion is to add a sentence to the end of 12C, which would indicate that if the abutting property owners and the developer do not reach agreement, the fence will be installed as per the plan. He noted that the plans show the fence on the property line.

Secretary Katz asked if the same would apply to the abutters on Hope Street. Assistant Town Solicitor Teitz responded that no, this just applies to the south side due to the additional arborvitae being added. Director Williamson noted that the fence along the Hope Street properties is shown on the plans to be on the parking lot property rather than on the property line. Shawn Martin explained that the fence along the Hope Street properties is offset from the property line due to the two large trees on those properties.

A motion was made (Murgo/Katz) to grant Final Plan Approval to Brady Sullivan Properties for the development of the Bristol Yarn Mill based on the 8 page document written by the Town Solicitor and Director of Community Development which lists the findings of fact and conclusions of law.

The decision is attached and made a part of the minutes.

Vice Chairman Murgo opened it up for discussion.

A motion was made (Katz/Murgo) to amend condition 12C on page 6 to add the sentence "If the developer and the abutting property owners are not able to reach agreement on the location of the fence, the fence will be installed as per the approved plans."

In favor: Jarest, Katz, Murgo, Ruggiero

Opposed: Clark

Vice Chairman asked for the vote on the original motion, as amended.

In favor: Jarest, Katz, Murgo, Ruggiero

Opposed: Clark

A motion was made (Katz) to adjourn the meeting.

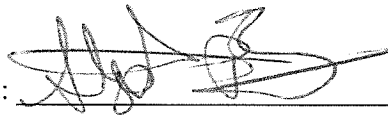
In favor: Clark, Jarest, Katz, Murgo, Ruggiero

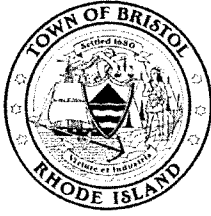
Opposed: None

Meeting adjourned at 7:34pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 12 September 2024 Planning Board:





Town of Bristol, Rhode Island

Planning Board

10 Court Street
Bristol, RI 02809
bristolri.gov
401-253-7000

DECISION OF BRISTOL PLANNING BOARD

Bristol Yarn Mill – Major Land Development

Final Plan Decision

OWNER: Thames Street Nashua, LLC

APPLICANT: Brady Sullivan Properties, LLC

PROPERTY ADDRESS: 125 Thames Street

PLAT 10 LOTS 41, 42, 43, 44, 49, 50, 60, 61, 62, 68, 71, 73, 74, and 76

Motion:

“The Bristol Planning Board hereby grants conditional approval to the Final Phase plans as revised May 29, 2024 by Fuss & O’Neill, Shawn M. Martin, Registered PE, and Control Point Survey, Charles Lent, Registered PLS, entitled “Bristol Yarn Mill Thames Street and Hope Street, Bristol, Rhode Island, Assessor’s Plat 10, Lots 41,42,43,44,49, 50,60,61,62,68,71,73,74 and 76, Permitting Plan” dated December 6, 2022, Revised: May 29, 2024 (28 sheets) along with architectural plan by Brady Sullivan Properties, entitled “Bristol Yarn Mill, 125 Thames Street, Bristol, Rhode Island including the Basement Parking Plan, Sheet A1-0” dated May 19, 2023 and Easement Plan for Public Access Easement by Control Point Survey, Charles Lent, Registered PLS dated February 7, 2024.

Approval is based upon the following findings of fact and conclusions of law.

I. Procedural History

1. The Planning Board granted Master Plan approval on May 12, 2022.
2. The Town Council amended the Zoning Ordinance and Conditional Zone Map Change subject to conditions on July 13, 2022.
3. The Preliminary Plan application was submitted on December 14, 2022 and approved by the Planning Board with conditions on July 13, 2023.
4. The Board determined at that time that Final Plan Review and approval would be conducted by the Planning Board rather than by the Administrative Officer.
5. The Final Plan application was submitted on June 5, 2024.

II. Project Description

1. The proposed project is described on the Final Plan application and supporting materials as revised May 29, 2024 by Fuss & O'Neill, Shawn M. Martin, Registered PE, and Control Point Survey, Charles Lent, Registered PLS, entitled "Bristol Yarn Mill Thames Street and Hope Street, Bristol, Rhode Island, Assessor's Plat 10, Lots 41,42,43,44,49, 50,60,61,62,68,71,73,74 and 76, Permitting Plan" dated December 6, 2022, Revised: May 19, 2023 (28 sheets) and Fuss & O'Neill Figures 1-5 dated May 19, 2023 along with architectural plan by Brady Sullivan Properties, entitled "Bristol Yarn Mill, 125 Thames Street, Bristol, Rhode Island including the Basement Parking Plan, Sheet A1-0" dated May 19, 2023.
2. The subject Mill building property is located at 125 Thames Street and includes surface parking lot parcels which extend from Thames Street to Hope Street on: Plat 10, Lots 41, 42, 43, 44, 49, 50, 60, 61, 62, 68, 71, 73, 74, and 76.
3. The mill buildings on the west side of Thames Street will be renovated for the proposed 127 residential units and 6,300 square feet of commercial spaces. The rehabilitation and reuse of the buildings will be in accordance with the guidelines of the RI Historical Preservation and Heritage Commission and the Bristol Historic District Commission. None of the historic buildings are intended to be removed and no additions or significant modifications to the existing buildings are proposed. Only the non-contributing concrete masonry block building located near the Bristol Maritime Center is planned to be razed for the project.
4. The property includes residential dwellings on the east side of Thames Street as well as 2 commercial buildings on Hope Street and 2 apartments over one of the commercial buildings. The uses of these buildings are proposed to remain as existing. The three (3) residential dwelling units on the east side of Thames Street will be dedicated as off-site affordable housing units (a duplex at 70 Thames Street, Assessor's Plat 10, Lot 49 and a single family at 60 Thames Street, Plat 10, Lot 50).
5. The project includes 11 parking spaces on the north side of the mill for the commercial uses, 125 parking spaces within the mill building and 146 parking spaces in the surface parking lot on the east side of Thames Street for the residential units in the mill and in the Thames Street residential dwellings.
6. The subject Mill building property is located on the east side of Bristol Harbor adjacent to the Town's Maritime Center. The remainder of the subject property is located on the east side of Thames Street and west side of Hope Street.
7. The property is within the Downtown Historic District and subject to the jurisdiction of the Coastal Resources Management Council.
8. The project contains a segment of the Town's harbor walk that will extend from the Maritime Center on the north to Constitution Street crossing the parking lot of the Elks Lodge on the south in the existing easement. The applicant has agreed to partner with the Town and the Elks on the walkway continuation, as shown on the final plans, and will prepare any CRMC Applications for same that would be required. The applicant will also provide the striping and signage for the walkway.

III. Findings of Fact and Conclusions of Law

The Board approves this application for the following reasons:

1. The proposed development is consistent with the purpose and objectives of the Urban Rehab Land Development, as set forth in Section 28-284 “Land Development Projects – Urban Rehab Land Development Project” because it rehabilitates an under-utilized and inefficient historic structure and rehabilitates the urban waterfront. It encourages a design that is friendly to pedestrians, protects the existing built environment and character, which imparts a sense of place to the community while allowing beneficial new uses and rejuvenation, safeguards the physical fabric of the community from neglect and decay, prevents incongruous redevelopment, provides an appropriate change of use that is compatible with the architecture of the buildings on site and the surrounding neighborhood, and enhances public access to the waterfront.
2. The proposed development is consistent with the approved 2016 Comprehensive Plan which includes the following references:
 - a. In the Economic Development Element, Action Item #ED-C-3 states that the Town should continue to work with the owner of Robin Rug property to encourage and facilitate the completion of the development proposal for a mixed-use development-residential and commercial.
 - b. Land Use Element – Section 3 references the subject property and the proposed conversion of the property into a mixed-use development with residential uses on the upper floors with commercial and parking on the first floors. (Page 45)
 - c. Land Use Element – Section 3 states that the Urban Rehab and Waterfront PUD, which is intended to encourage the rehabilitation of and reuse of deteriorated, underutilized, and inefficient historic and/or nonconforming structures of conservation concern to the Town.
 - d. Future Land Use Map designates this property as “Waterfront PUD – waterfront mixed use commercial and residential.”
 - e. The Housing Element references the proposed Adaptive Re-use of the Robin Rug and the proposed affordable housing with the statement “While these units have not yet been built, they were a condition of the zone change for the re-use of the mill.”
3. The proposed development complies with the conditions of the Preliminary Plan approval, including those conditions that are re-iterated into this Final Plan phase, and will comply with the Town Council Change of Zone conditions.
4. The proposal includes the dedication of the existing parking lot at the corner of Church and Thames to the Town of Bristol for public parking to partially satisfy the 10% requirement for Public/Institutional uses per Section 28-284(g). Additional public space provided by the project includes a public walkway from Hope Street and the public access easement with a walkway along the waterfront of the property.
5. Off-site parking is permitted in accordance with Section 28-255 and will be deed restricted so that parking on the Surface Parking Lot is connected with the mill building, and cannot be separately conveyed. The off-site parking design, lighting, drainage, fencing buffering and landscaping details, were reviewed by the Planning Board as part of the Major Land

Development Master Plan and Preliminary application. The requirement of this Section for a separate TRC review is deemed met by the Planning Board review.

6. There will be no significant negative environmental impacts from the proposed development as shown on the plan with all required conditions for approval including the conditions of the permit from the Coastal Resources Management Council, FEMA compliance for flood proofing and flood mitigation under the RI State Building Code, compliance with the conditions issued by the Water Pollution and Control Facility (letter dated December 24, 2021), maintenance of the proposed drainage by the owner, and compliance with any requirements of the RIDEM Office of Land Revitalization and Sustainable Materials Management.
7. The proposed development will not result in the creation of individual lots which such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable because no new lots are being created.
8. The proposed development will have adequate and permanent physical access to a public street (Thames Street and Constitution Street).
9. Section 28-284 (d)(1) of the Zoning Ordinance is not applicable, since the section of the ordinance that controls this proposal is Section 28-284(d)(2) and the proposed development complies with the residential density set forth by the Town Council in the Zoning Map Amendment applicable to the subject property.
10. The proposed development is consistent with each of the general purposes of Article 1 of the Bristol Subdivision and Development Review Regulations as follows:
 - a. It was processed in accordance with the process set forth in the Regulations which provide for the orderly, thorough, and expeditious review of land developments.
 - b. It promotes high quality and appropriate design and construction of land development projects because it is a redevelopment and rehabilitation of an existing historic waterfront mill such that the building is preserved and restored.
 - c. It promotes the protection of the existing natural and built environment and the mitigation of all significant negative impacts on the existing environment, with the conditions of approval, because it is a redevelopment of the historic waterfront mill; there will not be any new buildings; it includes water quality measures for the drainage; it eliminates existing inflow and infiltration into the sewer system; and it provides enhanced buffering and screening from the existing parking lot to the abutting properties.
 - d. It promotes a land development that is well integrated into the surrounding neighborhood with regard to natural and built features and it concentrates the development in areas which can best support intensive use because of natural characteristics and existing infrastructure because it is a redevelopment project in an existing mill building with improvements to an existing surface parking lot with existing utilities that have the capacity for the redevelopment.
 - e. It reflects the intent of the Bristol Comprehensive Plan with regard to the physical character of the various neighborhood and planning areas of the Town because it is a

- redevelopment of an existing mill building that actually establishes the existing character of the neighborhood area.
- f. The proposal was reviewed by the Planning Board's Technical Review Committee and the various Town department heads and local agencies including the Bristol County Water Authority.
 - g. The proposal dedicates public land, impact mitigation, and payment in lieu thereof that is based on clear documentation of needs because it complies with the required set aside of public land area including walkways, a walkway along the waterfront, as identified in the Comprehensive Plan, and properties for public parking.
 - h. The project improvements allow for maximum protection of critical landscapes and resources as they relate to Bristol's historic and cultural values because it is the redevelopment of an existing historic mill building in the National Register Historic District and the improvement of the existing surface parking lot rather than new "greenfield" development.
 - i. The project continues the Town's historic policy of providing public access to the water because it includes a public harbor walk along the Bristol Harbor shoreline along the west side of the mill property from the Bristol Maritime Center to Constitution Street.
 - j. The application was processed in accordance with the regulations which set forth the procedures for review and approval.
 - k. The project promotes sustainable development practices because it redevelops an existing historic mill, located in the downtown, provides pedestrian connectivity and also provides opportunities for alternative transportation use including public bus, bicycle and boat.
 - l. The final plans have been revised to address comments from reviewing agencies including the Planning Board's conditions at Preliminary, Bristol County Water Authority requirements, CRMC requirements, and Conservation Commission recommendations. Revisions include widening the walkway at the Maritime Center to 5' from 3' and replacing the proposed dog park area with plantings per CRMC.
 - m. The Planning Board's consultant engineer has been commissioned to conduct periodic inspections per their proposal which cost is being reimbursed by the applicant.
 - n. A CRMC Permit has been received and a Conservation Easement and Restriction regarding Public Walkway and Access Agreement as required by this agency has been recorded in Land Evidence Records Book 2244, Page 165.
 - o. A condition at Preliminary stated that a 6-foot tall solid-wall fence shall be installed along the south side of the Thames Street parking lot of a material that blocks headlights and helps mitigate sound. The fence shall NOT be of a stockade design as shown on the preliminary plans. The design of this fence shall be subject to the Historic District Commission review and approval. The Final Plan indicates a proposed fence that satisfies these requirements, located on the south property line of the Thames Street Parking Lot.

11. Waivers granted at Master Plan and Preliminary Plan phases are carried forward and incorporated by reference.

12. Conditions: In addition to all conditions of Master Plan Approval, and Preliminary Plan Approval, and the Zoning Map Amendment, the proposed development shall be subject to the following additional Conditions:

- A. Dedication by deed of the parking lot on the northeast corner of Church and Thames Street, Plat 10, Lot 32 to the Town of Bristol for public parking as required by the zoning that there be 10% of the land area to be set aside for public institutional uses as required by Section 28-284 (g) prior to recording of final plan.
- B. Additional arborvitae evergreen buffer plantings shall be planted on the south side of the Thames Street parking lot to augment the existing row as a visual and noise buffer. The number, height and spacing of plantings are shown on the final landscaping plans by the landscape architect and installation of same will be verified in the field by the Town Tree Warden.
- C. The fence installation along the south side of the parking lot buffer shall be coordinated in the field with the abutting property owners, who have each indicated that they will work with the developer on the exact location.
- D. Historic District Commission review and approval shall be required for all details of exterior changes, including without limitation: windows, doors, light fixtures, fences, and signs. These approvals may be obtained in the normal course with HDC and subsequent to the Final Plan and Building Permits.
- E. The planting of the arborvitae and fence installation along the south side of the Thames Street parking lot property shall be completed prior to any other site work in the parking lot and prior to use of the property as a “laydown area” for construction activities as is stated on the final plan.
- F. Payment of the Affordable Housing Fee to the Town for the Affordable Housing Trust Fund to be paid prior to issuance of the first construction building permit.
- G. Final Legal Documents as approved by the Town Solicitor shall be recorded with the Final Plan including: service agreement for private maintenance of recycling, snow plowing, trash pick up, landscaping and drainage per the operations and management plan, driveway access easement, pedestrian and walkway easements; affordable housing deed restriction and monitoring agreement; and deed restriction that the off-site parking is connected to the mill property along with a restriction, running to the Town of Bristol, that no structures be built on the surface parking lot.
- H. As shown on the final plans, a portion of the walkway along the waterfront shall be within the existing Fire Access easement across the Elk’s parking lot to connect to Constitution Street, which has been acknowledged by the Elk’s subject to the pedestrian easement which the Town has prepared (“Pedestrian easement”). The applicant included the plan for the walkway on the plans submitted to CRMC and will construct pavement markings and install signage as required. The Town shall secure execution of the Pedestrian Easement with the Elks.

- I. The applicant shall apply to the Town Council for approval of the proposed relocation of the existing Mill building loading space on the west side of Thames Street further north and for the designated “urban coastal greenway” parking spaces on the north side of Constitution Street.
- J. Because ADA-Compliant parking is only being provided inside the building, there shall be no fee to residents for using such ADA-Compliant parking.
- K. There shall be no activities or amenities provided on the roof of any of the mill buildings.
- L. Prior to issuance of any Certificate of Occupancy for the Project, the applicant shall post a cash guarantee to guarantee completion of the public improvements, if any are still not then completed, in an amount approved by the Planning Board Engineer. The public improvements include the curbing and sidewalk, paving and striping on Thames Street, drainage, sewer and street trees along Thames and Constitution.