



BRISTOL PLANNING BOARD APRIL 13, 2023 MINUTES

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

Held: April 13, 2023 in person

Present:

Charles Millard, Chairman; Anthony Murgo, Vice Chairman; Armand Bilotti, Secretary; Member Steve Katz; Member Brian Clark; Alternate Member Richard Ruggiero; Alternate Member Michael Sousa

Also Present:

Edward Tanner, Zoning Enforcement and Principal Planner; Andrew M Teitz Esq., Assistant Town Solicitor

Not Present:

N/A

Chairman Millard called the meeting to order at 7:04 pm and led the assembly in the Pledge of Allegiance.

A motion was made (Murgo/Bilotti) to accept the March meeting minutes.

In favor: Bilotti, Clark, Katz, Millard, Murgo

Opposed: None

1200 Hope Street (aka Longfield) and 1202 Hope Street (aka Knowlton Court) - Public hearing for a preliminary review, and the Board may take action on, a modified layout to the Major Land Development at 1200 Hope Street and an administrative subdivision to move the lot line between the properties of 1200 Hope Street and 1202 Hope Street. Modified layout of 1200 Hope Street to revise the driveway and building layout from the approved plan for the redevelopment of 1200 Hope Street and the approved subdivision for 1202 Hope Street including modifications to the conditions of approval for 1202 Hope Street per Section 8.9 of the Subdivision and Development Review Regulations. Property located at 1200 Hope Street and 1202 Hope Street. Assessor's Plat 103, Parcels 2 and 14. Owners: M1 1200 Hope Street LLC and 1202 Hope Street Investments, LLC. Zoned: R-10 and 1200 Hope Street is an individually listed property in the Bristol Historic District.

Kyle Ritchie presented.

Kyle Ritchie explained that the property was acquired almost two years ago. The work to restore the main building has started, but the request tonight is to make some modifications to what was already approved to better the project.

Kyle introduced Mike Russell, of LDEC Engineering and Consulting, LLC to continue the presentation.

Mike Russell explained that his firm was involved in 2018/2019 when this application previously was presented to the Board and approval was granted. This is just a modification to what the Board saw at that

time. The specific difference between the two projects is that Mr. Ritchie has entered into an agreement with the abutter at 1202 Hope Street to acquire additional land with the hopes of spreading the development over a larger area.

Mike Russell referenced modified plans (sheet 3 of 9) to get the Board oriented to the new land that was acquired (dotted area). The southerly curb cut will remain, but the applicant wishes to close the northerly curb cut and connect to Knowlton Court, which is the newly constructed road, to make for better circulation and free up green space up front.

Mike Russell added that originally, there was one 4-unit structure and everything else was a 2-unit structure. It is still a 10-unit arrangement, but every building is 2-units. Mike referenced a Technical Review Committee meeting where the new plans were reviewed. The goal was to avoid having to reopen any zoning concerns or issues, so they made sure the plan was not non-conforming.

Mike Russell described the steps that were required for this modification. The first application was the Rhode Island DEM permit which was a modification of the original to review wetlands, stormwater and RIPDES construction permit. The second application was to Rhode Island DOT which was a modification to the physical alteration permit. Both were granted. The application to the Planning Board was then submitted. A lot of the infrastructure and layout are generally the same. The main differences are the curb cut being closed, and the buildings' design and arrangement.

Kyle Ritchie explained that they have been investing heavily into the main building in the center. It was very important to them to keep it as the dominant structure on the property, and to add the four other buildings in a way that would not detract but enhance the property. The new plans were presented to the Historic District Commission (HDC) last week and everything was approved.

Kyle Ritchie mentioned that the HDC noted that they would like to see less cars on the project and liked the idea of the garages. The townhouse style will have one car garages. The faces of the buildings have setbacks so they don't look like one long building, and are now multi-faceted. The one carriage house building is going to have the garage under, similar to the main building.

Chairman Millard asked if the changes to the garages that the HDC requested are reflected in the drawings. Kyle Ritchie responded that the project monitor will be approving the final design.

Member Clark mentioned that the acquired land improves the flow, and the added garages are a good improvement.

Kyle Ritchie added that the intention is to build the one-way sign into the wall, instead of using a street sign, since it's a driveway. It will be one-way in from Hope Street with a Do Not Enter sign in the wall.

Vice Chairman Murgo asked for confirmation that each unit has a one car garage, and if there is one spot in the driveway. Kyle Ritchie responded that the parking is laid out on the site plan on page 4 of 9. There will be two parking spaces per unit.

Vice Chairman Murgo asked how wide the road will be. Mike Russell responded that it is 20 feet wide. This is wide enough for one car to park on the road.

A motion was made (Clark/Murgo) to open the public hearing.

In favor: Bilotti, Clark, Katz, Millard, Murgo

Opposed: None

John Rego, 1199 Hope Street, stated that he is in favor of the project, but does have a concern about the traffic flow. He is in favor of the one way ingress from Hope Street, and requests that this be included as part of the written decision.

Vice Chairman Murgo inquired about the driveway being at an angle with Hope Street. Mike Russell responded that it will be flared

Karl Antonevich, 1215 Hope Street, mentioned that he and his wife are both very impressed with the project.

Jessalyn Jarest, 183 High Street, is not an abutter, but she is concerned about how the trees on the property have been treated. She requested that the Planning Board, or any board in town, make a trees a focus as they are so important to the town.

Chairman Millard responded that the trees always do come up as part of the discussion in the Technical Review Committee Meetings.

The trees that were taken down on Ferry Road were discussed. Assistant Town Solicitor Teitz mentioned that the town did come to an agreement with Roger Williams to add replacement trees farther back on the property, so over the long term, the trees will be restored.

Jessalyn Jarest wondered if the town could have some sort of mandate or clause that included standard tree protection. She added that a more robust tree protection plan should be put in place. Assistant Town Solicitor Teitz suggested taking that up with the Town Council.

A motion was made (Murgo/Millard) to close the public hearing.

In favor: Bilotti, Clark, Katz, Millard, Murgo

Opposed: None

Vice Chairman Murgo asked about the affordable housing units. Kyle Ritchie responded that the condition is satisfied for 1200 Hope Street by providing three affordable housing units at 70 Washington Street. It is a four unit building, and three will be affordable.

The Board confirmed that the one-way entrance from Hope Street is included in the 7th condition of Director Williamson's draft motion: "Driveway to be one-way with entrance on south side from Hope Street and exit on Knowlton Court, including one-way traffic signs."

Kyle Ritchie expressed concern about the condition, as he does not want to be held responsible for putting one a state one-way road sign. Since it's a driveway, not a road, he would prefer a custom sign in the wall.

Ed Tanner mentioned that on sheet four, there is a note that says "proposed 1-way sign (R6-1R)." He is unsure of how it will need to be handled if something different is going to be proposed. Chairman Millard added that he is in favor of the custom sign and thinks it should be approved administratively. Assistant Town Solicitor Teitz agreed that it could be approved administratively as a minor modification, but added that it will need to be requested with Director Williamson. It was then discussed that the final plan will have to come back to the Board for approval, so this amendment could be included in that review.

A motion was made (Katz/Bilotti) to accept the draft motion provided by Director Williamson:

1. The application is for a modification to a previously approved Major Land Development under the provisions of Section 28-283 of the Zoning Ordinance “Resource Conservation and Creation Development”. The modification includes an Administrative Subdivision to convey 24,394 square feet of land from 1202 Hope Street to 1200 Hope Street.
2. The modification proposal will revise the original approval with a newly configured driveway and building layout. The driveway will now enter from Hope Street and exit on Knowlton Court as a one-way circulation flow. Additionally, while the number of units will not change, the layout will be reconfigured such that the proposed 4 unit building on the south side will be removed and replaced with two 2-unit buildings – one of the north side and one on the south side. This will add more symmetry and balance to the site and allow the buildings to have more open space. Each of the buildings will now have garage parking as well. The proposal would have public water and public sewer and private trash and recycling private driveway and drainage maintenance; and, private snow plowing.
3. The proposed development is consistent with the general purposes stated in Article 1 of the Planning Board’s subdivision and development review regulations because the development locates improvements to provide for the maximum protection of critical landscapes and resources as they relate to Bristol’s historic and cultural values and, the revised driveway location will eliminate a curb cut on Hope Street.
4. The proposed development is consistent with the Comprehensive Community Plan because it preserves an historic resource listed on the National Register of Historic Places, listed in the Local Historic District, and important to the community.
5. This proposed development is considered in compliance with the Zoning Ordinance having received variances from the Zoning Board. The revised layout does not trigger the need for any additional variances.
6. The applicant has also revised the affordable housing compliance from the original approval that allowed a fee in lieu payment. The applicant (M1 1200 Hope Street ,LLC) will now provide 3 units off -site at property at Washington Street.
7. There will be no significant negative environmental impacts from the proposed subdivision, with the conditions of approval.
8. The Board has considered any testimony from the public hearing.
9. The Historic District Commission has reviewed the revised proposal and a Certificate of Appropriateness has been issued.

Preliminary Plan approval for the major land development of “Longfield” at 1200 Hope Street is granted to restore the historic residential structure into 2 dwellings and construct 4 new buildings with 8 residential units (total 10 units) and Administrative Subdivision approval as shown on

Site plans by LDEC, Michael Russel, P.E. Entitled “Major Land Development Preliminary Plan Application for 1200 Hope Street, and 1202 Hope Street Assessors Map 103, parcel 2 and 14, Bristol, Rhode Island, for Preferred Realty Services, LLC, dated as revised March 15, 2023, Sheets 1-9 as follows:

Sheet 1 – Cover Sheet dated

Sheet 2 – Existing Conditions Plan

Sheet 3 – Lotting Plan

Sheet 4 – Site Layout Plan

Sheet 5 – Grading and Drainage Plan

Sheet 6 - Utility Plan

Sheet 7– Erosion Control Plan

Sheet 8 Landscape Plan by Verde Landscape Architects

Sheet 9– Construction Details

Sewer Plan and Profile Sheet 1 of 1

Administrative Subdivision Plan by Robert L. Mason, PLS dated as revised March 7, 2023.

And further, The Board also amends the conditions of approval on the major subdivision of 1202 Hope Street to delete the provision that no new dwellings can be built on the land to be conveyed as a result of the Administrative Subdivision.

Subject to the following conditions:

- 1. Building Permits for any of the “new” buildings shall not be issued before a Building Permit is issued for repairs to the historic structure, and such repairs shall commence within ten (10) days of issuance of such Building Permit. Building Permits issued for the construction of the “new” building(s) shall be restricted to completion of all site work required to receive new foundations, and installation of footings and such foundations per the plans submitted. Prior to amending of Building Permits for any work beyond such foundation work on any “new” building, the exterior repairs to the historic structure shall be significantly underway per the plans submitted, with “significantly underway” to be determined by the Administrative Officer. NOTE: THIS CONDITION WAS IMPOSED AT MASTER PLAN AND CARRIED FORWARD*
- 2. No Certificate of Occupancy shall be issued for any of the new buildings until and unless a Certificate of Occupancy shall have been issued for at least one (1) of the two units in the historic structure, and no Certificates of Occupancy shall be issued for the last two (2) “new” units to be completed until and unless a Certificate of Occupancy shall have been issued for the second of the (2) two units in the historic structure NOTE: THIS CONDITION WAS IMPOSED AT MASTER PLAN AND CARRIED FORWARD*
- 3. Deed recording for the off-site affordable units prior to final approval*
- 4. Recording of a deed covenant / agreement for revised plan, subject to the review of the Town Solicitor, that the development will be private. Trash and recycling, water and sewer, snow plowing and maintenance of the driveway and drainage will be private and always remain so in perpetuity with no Town maintenance.*
- 5. Proposed dwellings are to be constructed on slabs; if basements are proposed, the stormwater drainage design plan would require revision.*
- 6. Revised Landscaping Plan, including driveway lighting, to reflect new layout as a condition for final*
- 7. Driveway to be one-way with entrance on south side from Hope Street and exit on Knowlton Court, including one-way traffic signs.*
- 8. Response to comments from TRC and Planning Board engineer as a condition for final; namely, revised plans with walkway to Knowlton Court.*
- 9. Stormwater Maintenance Agreement for private maintenance as a condition for final approval;*
- 10. Details on grading and drainage on east side for both 1200 and 1202 Hope Street drainage discharge to be shown on plans at final.*
- 11. Final review and approval to be by the Planning Board.*

In favor: Bilotti, Clark, Katz, Millard, Murgo

Opposed: None

6 Minturn Farm Road - Review and action on Request for Reinstatement of Master Plan and Preliminary approval and Final application on the Major Land Development by NUGEN Capital Management for installation of a Large-Scale, Ground-Mounted Solar Photovoltaic Facility at the former landfill at Minturn Farm Road. Property location 6 Minturn Farm Road in the Open Space Zone. Assessor's Plat: 171 / Lot: 25 Owner: Town of Bristol / Applicant: NuGen Capital Management, LLC

Laura Frazier presented.

Laura Frazier explained that the request is to reinstate the preliminary and master plan. The primary reason for the reinstatement is COVID caused a bit of a delay related to equipment and labor. They did get the DEM permit, have contractors ready to go, and the equipment is being delivered to the site. As soon as they had the permit in hand, they contacted Director Williamson to get the project going for the town as soon as possible.

Member Clark inquired about the abandoned panels that have been sitting at the landfill. Laura Frazier responded that they are made to be outside, but they will all be tested. There is actually double the amount of panels that are not at the landfill currently.

Vice Chairman Murgo asked if the whole site would be fenced off. Laura Frazier confirmed.

Vice Chairman Murgo asked how much electricity the units would produce. Laura Frazier responded that it will power 7,000 households per year. There will be 20,000 modules on the site. The Board estimated that this could approximately power the whole town of Bristol.

A motion was made (Murgo/Bilotti) to accept the draft motion provided by Director Williamson:

1. The subject property consists of one lot with approximately 91.54 acres of land that consists of the Town's transfer station, compost facility, municipal animal shelter and the former landfill.
2. The application is for the installation of a Large Scale Photovoltaic solar array on the top of the closed landfill along with new electric poles and transformers, an access road; and an extension of the existing fencing. The solar panels will be a ballast system located on top of the landfill.
3. The applicant has a signed lease with the Town for use of the Town's former landfill to install this solar array.
4. The proposed development is consistent with the general purposes stated in Article 1 of the Planning Board's subdivision and development review regulations.
5. The proposed development is consistent with the Comprehensive Community Plan because it implements Action Item NHCR-15 "Conduct a feasibility study to consider Minturn Farm for sustainable energy initiatives. Consider zoning amendments to encourage solar farm".
6. The conditions of the Planning Boards approval of Master Plan and Preliminary Phase on June 11, 2020 have been met.
7. The Master Plan and Preliminary Phase approvals have expired and the applicant has requested a re-instatement of same.
8. The Town Fire Department and Department of Public Works has reviewed the application and has made comments at the Technical Review Committee meeting which will be addressed by the applicant; namely, revisions to the Knox Box and access road to be 20' wide and then taper down to 10' at the top.
9. The applicant has received RIDEM approval for construction on the closed landfill cap.
10. This proposed development is in compliance with the Zoning Ordinance
11. There will be no significant negative environmental impacts from the proposed development, with the conditions of approval.

Re-instatement of the Master Plan and Preliminary Plan is granted and Final approval is granted for the major land development of NUGEN Capital Management to install a Large Scale Photovoltaic solar array on the Town's former landfill as shown on the plans and supporting documents by BETA Group, Inc., Steve Richtarik, Professional Engineer, and RENUA Energy, Inc., dated as revised, sheets 1-22 of 22 entitled "Bristol Landfill Solar, Minturn Farm Road, Bristol, RI For NuGen Capital Management.

In favor: Bilotti, Clark, Katz, Millard, Murgio
Opposed: None

A motion was made (Millard) to adjourn the meeting.
In favor: Bilotti, Clark, Katz, Millard, Murgio
Opposed: None

Meeting adjourned at 7:42pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: _____

6/8/2023 Planning Board: _____