



BRISTOL PLANNING BOARD SEPTEMBER 12, 2024 MINUTES

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

Held: September 12, 2024 in person

Present:

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

Also Present:

Diane Williamson, Administrative Officer/Director of Community Development; Amy Goins Esq., Assistant Town Solicitor

Not Present:

N/A

Vice Chairman Murgo called the meeting to order at 7:06 pm and led the assembly in the Pledge of Allegiance.

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

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

Opposed: None

C1. Public Hearing and Modified Master Plan and Preliminary Plan Phase and Unified Development Review and possible action on same. **Application for an Adaptive Re-use/Unified Development** of the former Oliver School. Proposal to convert the former school into 11 apartments. Property located at **151 State Street**, Assessor's Plat 18, Lot 42, Zone: Residential R-6. Owner/Applicant: State Street 151, LLC, President: Louis Cabral, 304 Church Pond Drive, Tiverton, RI 02878. Applicant proposes 2 deed restricted affordable units and 3 were approved as part of the Master Plan approval. Zoning dimensional variances required for size of off-street parking spaces, parking lot and aisle width, and for off-street parking spaces within 10 feet of the front lot line. Waiver also requested from Regulation checklist Item E26 - submission of a photometric plan since only on-site building lighting is proposed.

Louis Cabral, the owner and applicant, presented. He reminded the Board that the proposal is to have 11 residential units in the former Oliver School building. This is consistent with the new law that came into effect in January. The TRC meeting was last week; all issues raised by the peer review consultant have been addressed. There will be 9 parking spaces in the back for compact cars, but the width of these spaces is in the process of being increased. There will be 2 parking spaces in the front and a bike rack will be introduced.

Vice Chairman Murgo asked if trash, recycling and snow removal will be provided. Louis Cabral confirmed. Vice Chairman Murgo asked for clarification on the easement from the neighbor.

Louis Cabral responded that they needed more room for the transformer location, the 9 parking spaces and the ADA spot so he negotiated a 100 foot easement.

Secretary Katz asked if it has been considered to add radiant heat in the back and on the sidewalks to help melt the snow. Louis Cabral responded that he has not, but would be open to consider this depending on budget.

Member Clark inquired about putting the handicap spot in the front. Chairman Millard responded that it would be too far from the building. Louis confirmed that there will be two 9-foot wide spots and the rest will be 10-foot wide, and added that there will be a project manager on site to address any issues.

Member Jarest asked about the variance for photo metrics and if the building lighting is sufficient for the dark corners of the parking areas. Louis stated that he believes so, but if it's not bright enough they can add another light in the corner.

Member Jarest also asked if there is a way to make the rain garden larger and more of a centerpiece. Tom Principe responded that there was discussion about this, and that it would keep the charm of the school if it was asymmetrical and blended into the landscape.

Chairman Millard thanked the applicant for working with the TRC to address issues.

Director Williamson mentioned the typical service agreement about private services, so that future owners are aware that they have to remain privately maintained.

Member Sousa asked for clarification around 3 affordable units being required, but 2 affordable units would be compliant. Assistant Town Solicitor Goins responded that when the Board approved the Master Plan, it was proposed as 25% affordable (3 of 11 units), which put this project in a certain category of Adaptive Reuse for the new State law. Now that the applicant is proposing 2 affordable units instead of 3, it is no longer in the same category but it still qualifies as a Adaptive Reuse project. The Board can amend the Master Plan approval since it already approved the density of 11 units.

A discussion between the Board and Assistant Town Solicitor Goins followed around the requirements of the State law, whether or not this applicant is asking for relief related to the number of affordable units, and if the Board is prepared to set precedent for reducing the number of affordable units. In summary, Assistant Town Solicitor Goins clarified that with Adaptive Reuse, there is no requirement to have LMI units included. The relief that this applicant is asking for does not have to do with affordable housing since it's not required; the relief is related to parking which is driven by the overall density of the project.

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

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

Opposed: None

Doug Gablinske, Congregational Street, presented. He supports the project, but urged the Board to push back on the number of affordable units, and not set a precedent. Chairman Millard responded that the Board has done more than their part since no affordable units are actually required. Doug Gablinske responded there is a need for affordable units in Bristol, if it's not tackled it will never be solved, and the Board should consider this going forward.

Director Williamson noted that the Board received two letters of support from a neighbor, Joan Prescott, and her sister.

Assistant Town Solicitor Goins reiterated that 20% of 11 units is 2.2, and the original proposal was 2 units. Bumping this down from 3 to 2 just changes the category, and she does not see this as setting precedent. Member Clark responded that the concern is more that Bristol needs more affordable units in town. Member Ruggiero mentioned that he respectively disagrees with Member Sousa, and that making a decision on a particular project is not necessarily setting precedent.

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

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

Opposed: None

Assistant Town Solicitor Goins mentioned that if approved, the decision should include the variance standards for the parking relief, and that #7 in the draft motion can be removed.

A motion was made (Katz/Murgo) to grant Modified Master Plan Phase Approval and Preliminary Plan Phase Waivers and Variances to State Street 151, LLC, as modified by counsel.

The Planning Board finds that:

1. The subject property consists of the former Oliver School, a 2-story brick building, located on a parcel with 13,566 square feet of land.
2. The proposal is the conversion of the former school into 11 residential units for rental apartments.
3. The proposal is submitted as an Adaptive Re-use project with 2 units of deed restricted affordable housing provided.
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 Plan.
6. The Board has considered any testimony at the Public Hearing.
7. The building is not within the historic district. However, the project has been designed with the goal of achieving Federal and State Historic Tax Credits. The building has an historic easement condition on the façade such that the exterior cannot be altered, being a contributing element of the adjacent historic district.
8. The Board finds that the waiver of a photometric plan is not needed since the plan requirement is not applicable for this proposal. The only site lighting is on the building which will be shielded and dark sky compliant.
9. The Board finds that the variance for the size of the parking spaces and aisle width can be granted subject to a requirement that the parking spaces be designated through signage as "Compact Car Parking Only".

10. The Board finds that the variance for the location of parking spaces within 10' of the front lot line is not applicable since these parking spaces are pre-existing nonconforming.
11. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the property was previously developed as a school building.
12. The Board finds that the hardship is not the result of any prior action of the applicant because the applicant only recently purchased the property.
13. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because this adaptive reuse proposal will allow this former school building to be preserved and repurposed.
14. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because without the relief for parking, the occupants would not have sufficient room to park their vehicles on-site, and the density is reasonable considering the characteristics of the property and surrounding area.

The variance for the size of the parking spaces and aisle width is granted subject to the installation of signage designating that the parking is for small / compact car only.

Modified Master Plan and Preliminary Plan approval for the Major Land Development for the conversion of the former Oliver School into 11 residential units as apartments as shown on plans by JHL Texture, entitled "General Planning Drawings for Oliver School Apartments" dated November 9, 2023 with Site, Civil Engineering and Landscape Plans prepared by Principe Engineering Dated August 22, 2024 as revised.

Subject to:

Recording a Service Agreement for all services to remain private including trash and recycling pick up, snow removal, landscaping and drainage.

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

Opposed: None

C2. Public Hearing and Master Plan Phase review and possible action on same for Major Land Development for proposal to construct a new Mt. Hope High School, including new tennis courts and athletic fields, at **199 Chestnut Street** and to demolish the existing high school building. Owner: Town of Bristol / Applicant: Bristol Warren Regional School District/Lisa Pecora, Perkins Eastman, applicant representative. Zoned: Public Institutional. Assessor's Plat 117 Lots 3-7. The Applicant has requested waivers of State permits that are required for submission at the Preliminary Plan stage of review pursuant to State Law and the Regulations. Specifically, in accordance with Section 5.4 of the Regulations and the

Major Land Development Checklist item No. E7, the Applicant has requested to proceed to Preliminary Plan review with the following permits to be provided as a condition of approval to be submitted prior to Final Plan Review – Rhode Island Department of Environmental Management (RIDEM) Freshwater Wetlands permit, RIDEM Stormwater Construction Permit, and RIDEM Water Quality Certification.

Vice Chairman Murgo recused himself at 7:43pm, and was replaced by Member Sousa.

Lisa Pecora, architect from Perkins Eastman, presented. Lisa explained that the new high school will be built on the existing site, and that the students will remain in the current building during the construction of the new building. They are currently in the design phase, and are hoping to start construction in the spring with the hopes of moving the students to the new building in September 2027.

Chairman Millard asked if there were any representatives from the school department present; there were not. He then updated the rest of the Board members on the two issues that came up during the TRC meeting:

1. Irrigation
2. Artificial turf

The concern was that even with the 80% bonus from the State, there were no provisions for irrigation on the site, and this will only get more expensive over time with climate change.

Lisa Pecora responded that they are actively working with consultants to get an irrigation well installed, and will have geothermal testing and irrigation well testing at the end of the month.

Chairman Millard asked for confirmation that the well will be in the body of the contract, no matter the cost.

David Potter, engineer from Pare Corporation, responded that there is a professional consultant that will be designing the irrigation system. The details are not available tonight but will be provided at the Preliminary Plan.

Secretary Katz wondered if it's premature to be reviewing the Master Plan if all the details are not available. Assistant Town Solicitor Goins responded that since this is a Major Land Development project, the Board will review the Master Plan and again the Preliminary Plan. The Master Plan is a public hearing, Preliminary Plan review is not unless they need variances, and that the general concept for Master Plan is high level general information, not specific details.

Member Clark also mentioned that they only had 72 hours to review this information. Assistant Town Solicitor Goins recommended that they listen to the presentation, and then make the call on whether or not they have enough information to approve the Master Plan. Member Sousa agreed.

Chad Crittenden, PMA Consultants, stated that there is a drill rig and pump test scheduled on September 30th. The test well data will be put in the general contract for the bid and will be used to inform what the general contractor is going to own. The same process is used for most K-12 projects.

David Potter reviewed the existing site and conditions, and then the proposed site as outlined in included materials.

- Intent is to construct new school in the central portion of the site while school stays in session

- New building will have gross floor area of 166,000 square feet with a footprint of 98,550; reduction in footprint size from existing footprint
- The new site is designed for 832 students and 122 staff
- There will be two curb cuts on Chestnut Street, and gates installed on the Northern portion for security
- Parents and buses will have separate drop offs to minimize congestion
- Parking spaces will be reduced from 281 to 240; 226 are required. 88 on-street parking spots along Chestnut Street, and other on-street spots, are not included in these calculations.
- There will be stormwater management plans for the floodplain in the NE corner; no net loss in flood storage
- The softball field will be relocated, there will be 5 tennis courts and a new stadium with track, new bleachers, synthetic turf field. Synthetic turf is being proposed because the multi-purpose field is being removed, and synthetic turf can be used intensely throughout the day. There is a potential baseball field on the site.

Member Clark mentioned that the site for the new baseball field is really low.

Chairman Millard reiterated concerns on the synthetic turf field and asked if there were any plans to do an environmental study on the dangers of this type of field, with chopped up tires as a base, on a creek watershed. David Potter responded that the synthetic field cross section design hasn't been finalized yet.

Member Katz added that this type of field can tear skin, cause rashes, bacteria and chemicals can get into cuts and kids can get sick. On hot summer days it burns the kids' feet through their shoes. Chad Crittenden responded that the current synthetic turf fields have a gravel base, not a rubber base.

Member Ruggiero, as a former physical education teacher and coach, expressed concern that that will be a softball field and not a baseball field. His opinion was that this is unfair to the boys and the school will be liable when the boys drive to and from practice and games

David Potter continued to give an overview of the proposal.

- Water and sewer will be located on Chestnut Street
- New lighting will be installed on campus
- Stormwater management report will be provided at Preliminary Plan; will do their best to mimic existing drainage patterns

Member Clark asked how intensive the maintenance is for the drainage system. David Potter responded that there will be some maintenance but they will keep it simple.

Member Sousa mentioned that if they are able to do natural turf instead, and it's less expensive, then maybe a basefield will be affordable.

David Potter stated that RIDEM and local utilities permits are still outstanding.

Member Sousa noted that the current parking lots seem to be packed, and asked if anyone went to the high school to see how many spaces are open during the day. David Potter responded that they talked to the owner about how many spaces they thought they needed, and a traffic consultant did some onsite observations. There was more discussion around parking related to where staff will park vs. where students will park, and if using the zoning ordinance is sufficient.

The Board agreed that the proposal doesn't seem to be enough parking, it should be looked at again, and a representative from the school department should be present at the Preliminary Plan review.

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

In favor: Clark, Katz, Millard, Ruggiero, Sousa

Opposed: None

Edward Spinard, 35 Dartmouth Street, presented. Edward was concerned about potential flooding, and a statement in the Master Plan study that mentioned that there would be "minimal impact" to the floodplain because there is already a major flooding problem in the neighborhood. He was also concerned about the impacts of the proposed hotel development upstream. Letters have been written by neighbors and the Town Council to DEM to urge them to do the proper floodplain analysis.

Assistant Town Solicitor Goins mentioned that the environmental impact is now stricken from the Board's purview, as it's the sole jurisdiction of the DEM, and that the hotel development is not ready for review by the Board yet.

Edward Spinard also mentioned that the flood map that was presented is outdated; it's based on a flood insurance study that was done in 2013, and some of the data is from 1971. There is now an increased amount of rainfall, more frequent and intense storm events, rising sea level, etc. and he stressed that there is a need to do proper flood studies to see the true impact.

Member Sousa agreed that the latest Silver Creek study should be used, or a new study if the existing study is not sufficient. This is a safety concern as it will impact the Town's evacuation route down on Hope Street.

Director Williamson mentioned that the Planning Board does have regulations related to storm water management in addition to DEM, and it's very clear that there can be no increase in storm water. She added that the applicant is not asking to defer the DEM permit until the Final Plan; the Board will not be asked to approve the Preliminary Plan until the permit is finalized. Assistant Town Solicitor Goins added that the Board is approving the concept tonight, but the Board has the right to modify if necessary based on what comes out at the Preliminary Plan.

Member Sousa suggested that instead of no increase in storm water, the requirement should be less storm water due to climate change. Edward Spinard suggested adding a condition on the approval to do the appropriate studies and determine the impacts.

Rayonna Clemens presented. Rayonna expressed concern with digging down under the stadium for the turf field, as this will touch what was paid for by the taxpayers. This is an environmental problem, there is a watershed issue, and it's constantly flooding. She agreed with Member Sousa's concerns on the evacuation route near Sip N Dip.

Rayonna added that the project will push more water to Guiteras school which is an encapsulated area. She also mentioned that the FEMA maps have not been updated since 2014; they are in the process of being updated, but we shouldn't use maps that are 10 years behind to build a new school.

Rayonna also stated concerns about parking, as there is currently no place to park at athletic events, so parking should not be taken away. Parking on the street is not safe due to people speeding.

Susan Pasquale, 8 Dartmouth Street, presented. She mentioned she has lived there for 23 years, and then listed her concerns:

- Water issues have increased in the last few years due to the new field behind her house
- Team was supposed to come out to the neighborhood but have not
- The field is not being maintained
- Clarification on whether there will be bleachers and/or lights behind her house
- Same concerns as others regarding parking reduction, as people currently park on Dartmouth street for events; Susan suggested surveying the students to see why they park on Chestnut Street
- The synthetic field is not healthy
- The field is an eyesore, and it devalued her property
- Concerns on dust for neighbors during construction, and clarification on how long it will take

Bob Daponte, 36 Dartmouth Street, presented. Bob shared that there is currently a pond behind his house, and it hasn't rained in two weeks. He also expressed concern that the softball field was \$185,000 and now it's being moved. Bob expressed his frustration with the water and that the value of his property is going to go down.

Ray Payson, Bristol Land Conservation Trust, presented. Ray stressed the importance of the impact of climate change and two to three more inches of rainfall. The applicant has to work with DEM on the new creek and how much water it can handle once the school is torn down. Ray also mentioned he is unsure if the culverts under the cemetery will be able to handle the extra water.

Bob Daponte presented again, and asked what roads will be closed during construction. The response was that in all likelihood it will be Chestnut Street.

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

In favor: Clark, Katz, Millard, Ruggiero, Sousa

Opposed: None

Secretary Katz asked how tall the new buildings will be. David Potter responded that there will be varying heights. Lisa Pecora added that the total height is two stories, 31 feet high, the gymnasium is 34 feet 4 inches, and there are two stairwells that go up to 38 feet.

Secretary Katz asked if it's possible to have a smaller footprint but a taller building. This would allow for more parking, and more land to absorb the water. Lisa Percora responded that they did propose a three story option.

Assistant Town Solicitor Goins added that it would be helpful to hear from the administration, and wondered if there is a need to continue this to the next meeting. Member Sousa mentioned that an increase in impervious area of 2 acres is being proposed, when a decrease is what the Board would like to see. Member Clark thanked the applicant for the work and acknowledged that it's a difficult site, but expressed concern with the data that's being used.

Member Sousa listed the concerns that the applicant needs to address:

- Well-based, site-wide irrigation system

- Synthetic turf
- Outdated Silver Creek study
- Climate change
- Parking for students
- Reduction of impervious pavement
- Elevation or grade changes

David Potter responded that there are problems with porous pavement and problems with its low permeability. David confirmed that they have the BETA study and will use that when designing the project. He also confirmed that they will go back and study the parking, and try to find a balance with the storm water concerns.

A motion was made (Katz/Clark) to continue the public hearing to the October 10th meeting, with the request that the owner is present.

In favor: Clark, Katz, Millard, Ruggiero, Sousa

Opposed: None

C3. Review Land Use Legislation from June 2024 with Assistant Town Solicitor and discuss option for Inclusionary Zoning

Assistant Town Solicitor Goins explained that over the next couple months she will be preparing amendments to the regulations and the Zoning Ordinance. One of which relates to accessory dwelling units that Bristol needs to adopt now per State law.

Assistant Town Solicitor Goins asked for guidance on Inclusionary Zoning, and reminded the Board that Bristol had this but then eliminated it when the State changed the way Inclusionary Zoning worked. The two for one density bonus is going away on January 1, so the new State rules are:

- Inclusionary Zoning will be 15% of the development (currently 25%)
- Density bonus will be one market rate unit for every affordable unit (currently two for one)

Assistant Town Solicitor Goins explained the new calculations based on page 6 of the included memo. There was discussion about the overlap between Inclusionary Zoning and Adaptive Reuse.

Assistant Town Solicitor Goins agreed to come back to the Board next month with an answer on whether Inclusionary Zoning can be applied to only Adaptive Reuse projects.

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

In favor: Clark, Katz, Millard, Ruggiero, Sousa

Opposed: None

Meeting adjourned at 9:54pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 10 October 2024

Planning Board: 