

DECISION OF BRISTOL PLANNING BOARD

Bristol Yarn Mill – Major Land Development

Preliminary 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 Preliminary Plan as revised May 19, 2023 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.

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, re-submitted on May 9, 2023 and determined complete on May 18, 2023. The application materials were revised and re-submitted on May 25, 2023 in response to the comments of the Technical Review Committee at their meeting which was held on May 16, 2023.
4. The applicant requested a waiver of the CRMC permit and Rhode Island Department of Environmental Management (RIDEM) Water Quality Permit and RIDEM Stormwater Construction Permit until the Final Phase of review. On February 9, 2023 the Planning Board held a public hearing and granted waivers of certain State permits that are required for submission at the Preliminary Plan state of review. Specifically, in accordance with Section 5.4(a) of the Regulations, the Planning Board granted approval for the applicant to proceed with Preliminary Plan review with the following permit to be submitted as conditions of approval prior to Final Plan review: RIDEM Water Quality Certification and RIDEM Stormwater Construction Permit. Pursuant to Section 5.4 (a) of the Regulations, CRMC approval may be a condition of Preliminary Plan approval. Therefore, no waiver was needed to defer CRMC approval to Final Plan review. At the Preliminary Phase, the

applicant has received the RIDEM Stormwater Construction Permit and a conditional RIDEM Water Quality Permit.

5. The Board also determined at that time that Final Plan Review and approval would be conducted by the Planning Board rather than by the Administrative Officer.
6. A duly advertised public hearing of the Planning Board was held on June 8, 2023.
7. One member of the Planning Board, Charles Millard, recused himself from consideration of the application. First Alternate Planning Board Member Brian Clark participated in lieu of Mr. Millard. Second Alternate Planning Board Michael Sousa also recused himself.
8. John McCoy, Esq. appeared as legal counsel on behalf of the Applicant. Several witnesses were presented in support of the application.
9. Members of the public were also present at the public hearing and provided testimony. Written comments and photographs were also received and entered into the record.
10. At the Planning Board's June 8, 2023 meeting, a motion was passed on a 4-1 vote to direct the Director of Community Development and the Town Solicitor to draft a motion for approval.

II. Project Description

1. The proposed project is described on the Preliminary Plan as revised May 19, 2023 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 (a duplex and a single family) 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.
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 in the existing easement of the Elk's Lodge on the South. The applicant has agreed to partner with the Town and the Elk's on the walkway continuation, as shown on the preliminary plans, and will prepare any CRMC Applications for same that would be required. 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 Master Plan approval 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 requirements for permits 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.

11. Waivers Granted at Preliminary Plan Phase. In addition to those Waivers granted at Master Plan, the following waivers are granted:

- a. *Sec. 28-251(2) Minimum size of spaces. (e) "Each loading space shall be marked by painted lines and contain the following minimum dimensions affecting the width, length and height. Minimum width14 feet, Minimum length60 feet, Minimum vertical clearance15 feet."*

A 12 feet wide x 26 feet long loading space is provided in the commercial parking lot at the north end of the mill complex. An 8 feet wide x 63 feet long loading space, divided into three independent spaces, is proposed on Thames Street near the northeast corner of the mill complex. The existing loading space on Thames Street is proposed to be eliminated and replaced with the proposed space. The loading dock and lift associated with the existing loading space on the sidewalk will also be removed.

- b. *Sec 28-251. General Requirements (4) "All driveways shall be a minimum of 12 feet in width for each lane of traffic using such driveway."*

The driveway from Thames Street that provides access to the existing houses on Lots 49 and 50 on Map 10 is approximately 10 feet wide and is a pre-existing condition that was included on the approved Master Plan. It is also noted that Lots 49 and 50 are also owned by the applicant.

- c. *Section 28-251(11)(a). "Along the street frontage, a three-foot planted strip with one shade tree for every 40 feet of frontage."*

Two of the proposed trees are spaced 45 feet apart to maximize shading the parking lot, optimize the tree filter layout, provide safe sight-distance, separation from turn radii to the parking lot, and provide ample room for root growth. There is no reduction in the quantity of trees required. Landscaping figures were submitted to demonstrate the relief condition and justification.

- d. *Section 28-251(11)(b). "Along interior lot lines, a three-foot planted strip with one shade tree for every 50 feet of interior lot lines. A hedge of compact evergreens or other suitable plantings may be substituted for the planted strip."*

Proposed shade trees are not provided every 50 feet of interior lot lines. An existing hedge of evergreens along the south and eastern lot lines serves this purpose; however, in accordance with the conditions, the exiting hedge on the south lot line will be augmented with additional plantings. At the other locations, the existing vegetation currently provides shading and screening to adjacent properties and new plantings may not flourish in such close proximity to existing, mature vegetation. Landscaping figures were submitted to demonstrate the relief condition and justification.

- e. *Section 28-251(11)(c). "The interior of such parking areas shall have a minimum of ten square feet of landscaping for each parking space, and shall be shaded by deciduous trees. At maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center. There shall be sufficient trees so that, using this standard, 20 percent of the parking area will be shaded. Trees shall be surrounded by a minimum of 180 square feet of unpaved area, which may be counted towards calculating the required landscaping."*

The zoning ordinance restricts the shading potential by presuming all trees provide a 15-foot radius of shade. In conjunction with the recommended spacing from the edge of pavement and required 180 square feet of unpaved area under the tree, the calculated shade provided per tree is significantly limited. The proposed method to calculate the shade requirement utilizes a value of 75% of the full growth for the specific species of tree instead of a presumed 15-foot radius for all trees. Landscaping figures were submitted to demonstrate the relief condition and justification. The 20% shading requirement can be met by utilizing this alternative method to calculate canopy from the proposed trees plus the existing on-site tree canopy.

12. Conditions: In addition to all conditions of Master 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 shall be 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. 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 shall indicate a proposed fence that satisfies these requirements.
 - 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. Submission of a construction schedule that includes showing the planting of the arborvitaes and fence installation along the south side of the Thames Street parking lot property prior to any other site work in the parking lot and prior to use of the property as a "laydown area" for construction activities, and such planting and installation shall be completed prior to any other work or use of parking lot as set forth herein.
 - F. Maintenance of all plantings on the properties shall be an obligation of the applicant and shall be included in a deed covenant stipulating time for replacement plantings.
 - G. Tree protection to be installed to protect the existing trees along the property of 82 Thames Street with this detail to be shown on the final plan.

- H. Recommendations of the Conservation Commission on the proposed landscaping including a diversity of street trees along Thames Street, and an increased buffer of arborvitae along the southern property line of the parking lot.
- I. 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.
- J. Final Legal Documents to be reviewed and approved by the Town Solicitor prior to recording of Final Plan including: pedestrian and walkway easements; affordable housing deed restriction and monitoring agreement; and deed restriction, running to the Town of Bristol, that no structures be built on the surface parking lot.
- K. All services to the residential units shall be private including recycling and garbage pick-up, snow plowing, driveway and drainage maintenance. This shall also be a deed covenant in Land Evidence Records and reviewed and approved by the Town Solicitor.
- L. As shown on the preliminary 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 is preparing. The applicant will prepare a CRMC application, as may be needed for the walkway through the parking lot, and construct pavement markings and install signage as required.
- M. CRMC Assent shall be submitted with the Final Plan review application.
- N. The applicant shall apply to the Town Council for approval for the proposed relocation of the existing Mill building loading space on the west side of Thames Street further north as indicated on the preliminary plans.
- O. Final Plan review and approval shall be performed by the Planning Board.