



**BRISTOL PLANNING BOARD**  
**FEBRUARY 8, 2024 MINUTES**

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

**Held:** February 8, 2024 in person

**Present:**

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

**Also Present:**

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

**Not Present:**

Member Richard Ruggiero

Chairman Millard called the meeting to order at 7:02pm and led the assembly in the Pledge of Allegiance.

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

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

Opposed: None

**C1. Proposed Amendments to Subdivision & Development Review**

Public hearing, referral to the Town Council for recommendations, and adoption subject to consideration of Town Council recommendations. Proposed amendments required due to changes in state laws which became effective on January 1, 2024, which is the proposed (retroactive) date of these amendments. The amendments include the following changes:

- Definitions of various project categories including major and minor land development projects and subdivisions; associated changes to application and review process for these projects;
- Development Plan Review process changes;
- Unified development review for projects requiring zoning relief as well as approval by the Planning Board;
- Revised procedures for public notice of applications;
- Modified procedures for public notice of applications;
- Technical Review Committee composition and appointment.

Director Williamson explained that the Board members have three application forms and checklists in front of them: the Major Land Developments and Major Subdivisions, Minor Land Developments and Minor Subdivisions, and Development Plan Review. She explained that these are based on the recommended template from Rhode Island Housing. The State has quicker timelines, so these templates put the burden on the applicant to demonstrate that all requirements have been met. Up until 1995, these types of regulations were adopted by the Town Council, not

the Planning Board. In an effort to include the Town Council in this review, these regulations will be subject to the Town Council's recommendations before the Planning Board adopts them.

Secretary Katz asked for confirmation that the regulations in front of them include the edits that were made in past meetings. Director Williamson confirmed. She added that the Administrative Subdivision application and checklist remain unchanged.

Member Jarest mentioned that the location and size of trees greater than 15 inches in the Major Land Development checklist (page 4, item 24) stood out to her since a 15 inch tree is a massive tree. Director Williamson responded that the threshold used to be 12 inches, but was changed to 15 inches due to the template that was used. Member Jarest suggested keeping the threshold at 12 inches. The Board discussed, and then agreed that 12 inches is the appropriate caliper. Director Williamson will use 12 inches on all the forms for consistency.

Member Clark suggested going through each checklist individually, starting with the Major Land Development and Major Subdivisions. Member Clark then made copies of the packets for the Roger Williams students in attendance.

Director Williamson explained some minor changes to the first two pages. In the checklists, the columns represent Master, Preliminary and Final. Any blacked out column is not applicable to that item. Director Williamson noted she will add back in any asterisks that fell off, insert the local section reference, and edit the locally required elements.

Member Clark asked about the DEM items on page 3, and whether it is duplication since most Major Subdivisions will have to have a flagging done by DEM anyway. Member Clark inquired about items 7 and 14 on page 3, and Director Williamson explained that there is a push to preserve prime agricultural soil. Assistant Town Solicitor Tietz added that the soil mapping is used, the developer doesn't have to get their own soil study done. Director Williamson suggested combining items 12 and 14; the Board agreed.

Director Williamson mentioned that items 9 and 10 need to be edited. Member Jarest suggested using 2 feet and striking item 9; the Board agreed.

Member Clark asked for clarification on item 23. Director Williamson responded that it won't be applicable to most applications and suggested that she go through this item and edit as necessary. Member Sousa noted that the CRMC could add a SAMP. Director Williamson responded that she will keep item 23 as is just in case.

Member Jarest suggested the possibility of changing the tree caliper threshold from 12 inches to 10 inches on item 24. Trees of this size would need to be located and discussed, not necessarily not taken down. Member Clark expressed concern that developers might look at this checklist and not want to work in Bristol. After some more discussion, the Board agreed on the change, and Director Williamson will change to 10 inches on all of the checklists.

Director Williamson proposed editing item 11 (page 5) to "Designated trash & recycling collection area(s)". She also mentioned coming up with better language for item 6. Director Williamson also stated that items 15, 16 and 17 can be consolidated since most of the town is sewer.

Director Williamson added that for item 25 (page 6) she will add language to indicate that the plans need to be in accordance with the Planning Board's design guidelines/regulations. She also mentioned she will replace the placeholder for Town in item 3 section h (page 7).

Member Clark brought the Board's attention to item 13 (page 8), and that it reminded him of Howe Street, the side street off of Walley Street. This was a low, wet area when the houses were built. There was a landscape design plan, the Town relied heavily on the engineering plan for vegetation to hold the water, and it required a ton of maintenance on a monthly basis. The whole neighborhood ended up flooded. He asked how we can cover our bases so there's no burden on the Town for maintenance in similar situations.

Director Williamson responded that item 13 should say "drainage calculations done by a registered, professional engineer". She then added that in the past, we have required that developers maintain for three years to give the Town time to get it into their maintenance schedule, and there is a maintenance bond. The other option for condo buildings is to put the burden on the properties to maintain, instead of the Town.

Secretary Katz asked if three years is sufficient. Director Williamson responded that the Board has done five and ten years as well. They then agreed that three is sufficient.

Member Sousa stated that maintenance is different from performance, and asked if there can be separate bonds for each. Vice Chairman Murgio responded that there are two separate bonds, and Director Williamson added that the engineer should always be on the hook for performance.

The Board discussed Howe Street again, and whether there was anything that could have been done to avoid this, and if it was just a bad design. Assistant Town Solicitor Tietz responded that there was nothing the Board could have done on a checklist to avoid the problem.

Director Williamson explained that the performance guarantee covers whether or not the plan has been completed; it's just a point in time and when it's done, it's done. The maintenance guarantee is separate and is for three years. She then added that they don't take bonds anymore, only cash guarantees, and the process has been pretty successful.

Member Sousa asked about putting a clause to cover if a system fails or requires a correction, if the Town can use the money to repair. Director Williamson responded that the money would not be enough to cover it. Member Sousa asked for confirmation that our engineers check the workmanship; Director Williamson confirmed.

Member Katz mentioned that when you buy a new home, it comes with a warranty for everything they put into the lot, including drainage and sewer. Assistant Town Solicitor Tietz responded that the developers only warranty their own work inside the house. The Town doesn't want to get involved in private matters; the Town is only concerned with public infrastructure.

Director Williamson stated she will remove "copies of" from item 13 (page 8), and then she added some clarity on items 18 (now will be required), and 19 & 20 (will mostly be N/A) (page 9).

Member Jarest inquired if something should be added to reference foot candles in item 24 (page 9) to ensure the fixtures provide a safe amount of light. Member Sousa responded that "intensity" covers it. Director Williamson added that she will add "photometric plan" to item 24 for clarification.

The Board switched over to the Minor application and checklists. Director Williamson agreed to take the feedback provided on the Major packet and apply to the Minor packet.

Assistant Town Solicitor Tietz explained that these do need to be adopted soon. They will probably change again within a year, if not less, as we see how things go. This is not the only chance to make changes. Director Williamson added that the Board can always ask for more than is given in the application and checklist.

The next Town Council meeting is February 28; they can review the draft and give their recommendation by the March Planning Board.

Assistant Town Solicitor Tietz explained that the Board has Article 4 and Article 4.1 regulations in front of them. He added that these are the new State guidelines blended with our current guidelines.

In Article 4, the final plan of minor subdivisions will now be approved by the administrative officer.

Page 13 Article 4.1 is all new. There are two new concepts: Administrative Development Plan Review and Formal Development Plan Review. Despite its name, Administrative Development Plan Review doesn't necessarily mean "administrative". For Bristol, the decision has already been made that the permitting authority for all development plan review is the Planning Board. Administrative will be one official step, Formal will be two official steps. If the TRC meeting is included, Administrative is two steps, Formal is three steps.

Chairman Millard asked for clarity on the two meetings for the Administrative reviews. Assistant Town Solicitor Tietz responded that one will be TRC, and one will be a full Planning Board meeting. Chairman Millard then asked if an alternate member can sit in on TRC. Assistant Town Solicitor Tietz responded that there is nothing in State law that would prohibit an alternate member going to TRC.

Director Williamson added that the TRC members include Administrative Officer, Zoning Officer, Public Works Director, Planning Board engineer, Planning Board member who is assigned by the Chairman as the duty member for the project. She added that it also mentions that the duty member is "one regular member of the Board". After some discussion, the resolution was to change the language to "up to two regular or alternate members".

Assistant Town Solicitor Tietz brought the Board's attention back to the 1 step meeting vs the 2 step meeting. He proposed defining the 1-step meeting as residential, and the 2-step meeting as non-residential.

Member Clark inquired about how adaptive reuse fits into this definition. Assistant Town Solicitor Tietz responded that in his mind, this is not a use in and of itself. Director Williamson added that a decision was already made by the Board to define this as Major Land Development, but she will have to check the Zoning ordinance to confirm.

Assistant Town Solicitor Tietz mentioned that the State is requiring two stages of review. If the two phases are not working or taking too long, we can revisit.

Assistant Town Solicitor Tietz reiterated that nothing can be decided by the TRC, they are meant to raise red flags. The Planning Board is the permitting authority. The Board agreed.

Assistant Town Solicitor Tietz brought the Board's attention to the bottom of page 10 related to waivers. Appendix F is Design and Construction Standards, and Appendix G is Metacom Overlay Design Guidelines. Instead of trying to list all the waivers, Assistant Town Solicitor Tietz listed the items that cannot have waivers, such as anything related to drainage (page 141-144), and land unsuitable for development.

Member Clark asked if the land unsuitable for development includes a variance for wetland buffer. Assistant Town Solicitor Tietz responded that the Board doesn't control this anymore; that is controlled by CRMC or DEM.

Member Sousa noted that there are not a lot of regulations around water quality. Director Williamson noted that it is on page 157, f5. Assistant Town Solicitor Tietz that there is no waiver for this as well. The Board discussed the waiver given to Robin Rug and the water pipe going into the harbor.

Assistant Town Solicitor Tietz mentioned that the only item on Appendix G that he would suggest not allowing waivers for is Building Mass and Scale, page 164, 3.1.

Member Clark asked whether prohibiting large format, big box buildings is too limiting. Director Williamson responded that it's about the architecture, and the goal is to have it look more residential.

Member Jarest asked if the list of types of street trees on page 137 can be reevaluated. Member Jarest agreed to take a first pass at the list and provide it to Director Williamson.

Secretary Katz asked if soil tests should be done before planting trees. Member Jarest added that it's best practice to test the soil to give the tree the best chance. Director Williamson and Member Sousa suggested adding it to the landscape standards on page 146, so it becomes the landscape architect's requirement. The Board agreed.

A motion was made (Clark/Katz) to have Director Williamson revise the documents to incorporate the changes discussed tonight, and send it to the Town Council for their review and comments on February 28, so the updated documents will be available for the March Planning Board meeting.

In favor: Clark, Katz, Millard, Murgo, Sousa  
Opposed: None

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

In favor: Clark, Katz, Millard, Murgo, Sousa  
Opposed: None

Meeting adjourned at 8:50pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 14 March 2024 Planning Board:

