



**BRISTOL PLANNING BOARD**  
**MARCH 14, 2024 MINUTES**

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

**Held:** March 14, 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

Chairman Millard called the meeting to order at 7:03 pm and led the assembly in the Pledge of Allegiance.

A motion was made (Murgo/Clark) to accept the February meeting minutes.  
In favor: Clark, Katz, Millard, Murgo, Ruggiero  
Opposed: None

A motion was made (Murgo/Katz) to move topic C1 to the end of the agenda.  
In favor: Clark, Katz, Millard, Murgo, Ruggiero  
Opposed: None

**D1. Major Land Development: Master Plan Phase - Application for an Adaptive Re-use/Unified Development of the former Oliver School.** Public Hearing and possible action on Master Plan proposal to convert the former school into 11 apartments and waiver for application fee. Property located at 151 State Street, Assessor's Plat 18, Lot 42, Zone: Residential R-6. Waiver requested for application fee. Owner/Applicant: State Street 151, LLC, President: Louis Cabral, 304 Church Pond Drive, Tiverton, RI 02878

Louis Cabral presented, owner of State Street 151, LLC.

Mr. Cabral stated that he has been working diligently since August to get the building into adaptive re-use condition. The plan has recently received part I approval from the National Parks Service for historic tax credit. He emphasized that the plans in front of the Board are concept plans. He mentioned two successful TRC meetings; the suggestions have been incorporated into the design. Louis mentioned he does have two requests for waivers.

Vice Chairman Murgo asked about the parking in the rear, and if trucks will fit by the dumpster. Louis Cabral responded that he will have to work with a special contractor for both trash and

recycling. They also discussed adding a barrier to address cars driving into the yard. Vice Chairman Murgo inquired about snow removal; Louis Cabral responded that he will be working with civil engineers to determine the best way to do this.

Chairman Millard asked Director Williamson if there is a position on waiving the fee. Director Williamson responded that she does not recall previous times when the Board has granted a waiver of the fee. Louis Cabral stated that the Town has owned the building for 120 years. The adaptive re-use application emphasis is on multiple lots, multiple sites, multiple buildings. This project is one lot, one building, on site. This is a challenging and costly project, and he would not be here without the tax credits. The project is eligible for the tax credits via part I, but the guidelines still have to be met.

Chairman Millard stated that he is uncomfortable setting precedent waiving the fee. Vice Chairman Murgo agreed.

Member Clark asked for confirmation that there is no history of waiving the fee. Director Williamson confirmed. Member Clark said that he does not see a need to waive the fee.

Assistant Town Solicitor Goins reminded the Board that this should be treated like any other waiver; the same standard applies.

Member Ruggiero brought up the January 30th TRC minutes that mention that the Sewer Department said "the system capacity is ok". Director Williamson responded that these are TRC minutes and might not be verbatim. Member Ruggiero also asked about the camera inspection. Louis Cabral responded that this has not yet been completed.

Member Ruggiero also brought up the Public water section that says "water service is available", and asked if there was a review done to assess the impact to the neighborhood water pressure. Director Williamson responded that the developer has to go through a process with the BWCA to look at the flow tests and water pressure, but this project hasn't gotten to that step yet. The BWCA is invited to TRC to raise red flags.

Assistant Town Solicitor Goins reminded the Board that this is the Master Plan stage, since this is a Major Land Development at 11 units. She then read the waiver requirements to remind the Board about undue hardship.

Member Katz mentioned that he loves the project, but he is inclined to say no to waiving the application fee.

Alternate Member Sousa agreed that this is a great opportunity for the Town. He then asked about the intent to put a drainage swale with asphalt. Louis Cabral responded that this is general concept landscape design, and is meant to show intent.

Alternate Member Sousa asked which of the 11 units will be affordable. Louis Cabral responded that he will adhere to the 20% rule so 3 will be affordable, but he does not know which ones yet. Assistant Town Solicitor added that integration is a requirement for comprehensive permits. This is voluntary to fit into the high density box. There is nothing in the law that they have to be distributed, but this will become part of the discussion at the next stage.

Member Clark inquired about the width of the parking spaces and if there was a variance requested. Director Williamson responded that this was discussed in detail at TRC. The width of

the parking spaces and the aisle width will probably need variances, but a property survey hasn't happened yet so the recommendation was that it is probably prudent to wait to request the waivers. There will be another public hearing at the time of the preliminary plan.

Louis Cabral mentioned that they are trying to avoid adding parking in front of the building, but there will be two in front on the right side. Vice Chairman Murgio asked if the parking spaces would be assigned. Louis Cabral confirmed.

Chairman Millard asked what will happen if a resident has a large vehicle. Louis Cabral responded that this will be a part of the leasing process.

Member Clark mentioned that there will be a lot more questions about access at the next review.

A motion was made (Murgio/Clark) to open the public hearing at 7:35 pm.

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

Opposed: None

There were no comments from the public.

A motion was made (Murgio/Clark) to close the public hearing at 7:35 pm.

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

A motion was made (Murgio/Clark) to grant Master Plan approval for the Oliver School development, but with no waiver for the application fee as the standard hasn't been satisfied.

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. As required, 3 units (20% of the total units rounded up) will be set aside as Low-Moderate Income housing. Variances may be needed for size of parking spaces and aisle width to be determined at Preliminary Phase after property survey has been completed.
4. The proposed development is consistent with the general purposes stated in Article I 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. There will be no significant negative environmental impacts from the proposed subdivision, with any conditions of approval.
8. The building is not within the historic district. However, project has been designed with the goal of achieving Federal and State Historic Tax Credits. The building has an historic easement condition on the facade such that the exterior cannot be altered being a contributing element of the adjacent historic district.

*The Board does not grant the following waivers to the regulations finding that they are not in the best interest of planning:*

1. *Waiver for application fee*

*Master 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 and February 9, 2024 with conceptual exterior design plans by Sunflower Designs dated February 20, 2024 and February 21, 2024.*

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

Opposed: None

**D2. 68 Magnolia Street Minor Subdivision Preliminary Phase/Unified Development.** Public Hearing and possible action on Preliminary Phase and requested Dimensional Variance for a minor subdivision to re-divide merged lots and create two lots as follows: one lot with existing dwelling to contain 9,600 square feet of land and one vacant lot to contain 6,000 square feet of land. A dimensional variance is also requested for the side yard setback from the existing dwelling to the proposed new lot line. The property is zoned R-6, Assessor's Plat 23, Lots 185, 189, 192. Owner/Applicant: Magnolia Improvements, LLC, 243 Narragansett Park Dr., Rumford, RI 02916

Attorney Alfred R. Rego, Jr. presented and gave an overview of the project. He explained that the LLC was created in 2020 and was rented out for the past 4 years. A minor dimensional variance is being requested. The area in question is very compact.

Craig Barry from Narragansett Engineering, Inc. presented. There are 3 existing parcels Plat 23, Lots 185, 189 and 192 that are currently one lot at 68 Magnolia Street. The goal of this project is to create two lots which will be known as Lots 189 and 192.

- Lot 192 will contain the existing structure, and the lot will be 9600 square feet. This will require a variance for the side setback of 1.8 feet (currently 8.2 feet vs. the required 10 feet). Otherwise, this lot is conforming.
- Lot 189 will be a vacant lot with plans for a conforming structure in the future.

Craig went on to explain the site plan for Lot 189. The proposed structure will conform to all zoning regulations. It will have a permeable driveway and walkway, and will include a garage and a deck. The sewer will need to be reconfigured. A storm water report has been done, and it does conform to Bristol Town Code. Two street trees will be planted to compensate for the loss of the existing large tree.

Assistant Town Solicitor Goins reminded the Board that Unified Development Review is when a project requires both Planning Board approval and Zoning variances or Special Use Permit. The need for Zoning relief triggers this, and also triggers the need for a public hearing.

Neal Hingorany from Narragansett Engineering, Inc. presented. He explained that the variance requested is the least relief necessary. If the variance is denied, the house cannot be built, so denial would be more than a mere inconvenience. Neal Hingorany also explained that they are reusing the existing sewer line, but there will be a new sewer lateral parallel to the existing in the shoulder of the road (page C100 of plans).

Alternate Member Sousa inquired about 14.6 feet to the new structure, and why this line can't be shifted to avoid the need for a variance. It could be shifted in a creative way, and wouldn't need to be straight or parallel. Neal Hingorany responded that would reduce the frontage for that parcel under the required frontage.

Assistant Town Solicitor Goins added a 15% reduction would be considered administrative; this is an 18% reduction, so just over that threshold. Director Williamson reminded the Assistant Town Solicitor Goins and the Board that a 25% modification threshold was just adopted, so technically this is eligible for a modification. Assistant Town Solicitor Goins added that the Board should take into consideration the fact that this a minimal request, and should consider whether the applicant will suffer more than a mere inconvenience if the relief is not granted.

Director Williamson added that at TRC, they agreed that the side yard setback was the best option to avoid having a lot nonconforming in size, and to have two conforming lots. Alfred R. Rego, Jr. agreed.

Member Clark mentioned that variances have been the norm for years, rather than the exception, and this needs to be corrected. Secretary Katz agreed that it should be made a modification so it's not on record as a variance.

Member Clark asked if these will be single family or multi family. The response was that both will be single family units.

Vice Chairman Murgo asked for confirmation that this is no longer considered Unified Development, and whether it can be changed now that it's been advertised. Assistant Town Solicitor Goins added that it is up to the applicant whether they want it reviewed as a variance, or withdraw and have it reviewed administratively as a modification. Alfred R. Rego, Jr. confirmed that the applicant is comfortable proceeding administratively.

Member Ruggiero mentioned that he was under the impression that undersized lots cannot be unmerged. Director Williamson responded that they can only be unmerged through this Board, and both of these lots will be conforming with the area.

There was some discussion around whether or not there will be financial gain. Assistant Town Solicitor Goins reminded the Board that financial gain is not at play anymore in the new regulations.

Alternate Member Jarest asked about storm water and the permeable driveway, and if the property is sold if we can ask the driveway to stay in perpetuity. Assistant Town Solicitor Goins responded that the plan approved by the Board is locked in with the land, not the owner.

A motion was made (Murgo/Clark) to open the public hearing at 8:06 pm.

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

Opposed: None

There were no comments from the public.

A motion was made (Murgo/Katz) to close the public hearing at 8:06 pm.

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

A motion was made (Murgo/Katz) to grant Preliminary Plan approval for the 68 Magnolia Street Minor Subdivision, with a deed restriction on the driveway.

The Planning Board finds that:

1. The subject property consists of 15,600 square feet of land, on three merged lots, improved with an existing single family dwelling.

2. The application is to re-divide the property resulting in a vacant lot for development with 6,000 square feet of land and the improved lot to have 9,600 square feet with the existing single family dwelling at 68 Magnolia.
3. The subdivision is considered is not in compliance with the Zoning Ordinance. The subject property is in an R-6 zone. The applicant will withdraw the unified development request and apply for a modification permit on the relief needed for the sideyard setback from the existing dwelling to the new property line.
4. The proposed subdivision is consistent with the general purposes stated in Article 1 of the Planning Board's subdivision and development review regulations.
5. The proposed subdivision is consistent with the Comprehensive Community Plan.
6. There will not be any significant negative environmental impacts from the proposed subdivision subject to the conditions of approval.
7. The lots will have physical frontage and access on existing public roads Magnolia Street.

*Preliminary Approval is therefore granted for the preliminary phase of the Minor Subdivision as proposed with a vacant lot of 6,000 square feet and an improved lot of 9,600 square feet as shown on the plans by Neal Hingorany Professional Land Surveyor, as revised January 16, 2024 (Sheets SV-100, SV-101, C-100 and C-101) subject to the following conditions:*

1. *2 Street trees to be planted to replace the tree on the vacant lot that will need to be removed for the new dwelling;*
2. *Planning Board Engineer review of the drainage plan, and any modification needed to the plan be made, prior to issuance of the building permit. Any change in the size of the proposed structure may also necessitate revised drainage plan at time of building permit.*
3. *Deed restriction on the permeable driveway.*
4. *Subject to Modification Process with the Zoning Officer for dimensional relief on the side yard setback from the new lot line to the existing dwelling.*

**D3. Blithewold's Master Plan Renewal** - Review and possible action on the request for a 5-year renewal of the previous Master Plan with a minor modification to convert a former residential use on the property to a museum use at 111 Ferry Road. Owner/Applicant: Blithewold Mansion, Gardens & Arboretum, 101 Ferry Road, Bristol, RI. Plat 165, Lot 7.

Karen Binder presented. Karen explained that Blithewold would like to convert a private rental cottage on Ferry Road to museum offices as the staff has grown and to accommodate the horticultural department.

A motion was made (Millard/Katz) to grant the 5-year renewal of the previous Master Plan, including the minor modification to convert a former residential use on the property to a museum use at 111 Ferry Road.

**C1. Proposed Amendments to Subdivision & Development Review Regulations - *Public Hearing continued from February meeting*** - Review and Possible Action on draft amendments - Proposed amendments required due to changes in state law 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;

Bristol Planning Board Revised Draft Minutes March 14, 2024

- Revised procedures for appeals;
- Modified procedures for public notice of applications;
- Technical Review Committee composition and appointment.

Alternate Member Jarest brought up the possibility of requiring an actual site survey at TRC. Assistant Town Solicitor Goins explained that the state does not require this, but the Board could add this as a requirement. Director Williamson added that since 1995, the Board has not required a site survey at Master Plan. The Board debated whether this should be required just for unified development or for all.

Alternate Member Jarest asked about the 3% slope on the sidewalk on page 169, when 2% is the ADA requirement. Assistant Town Solicitor Goins explained that this was not an entire rewrite, and that the 3% was previously existing in the regulations.

Alternate Member Jarest also asked about the street grade of 0.5 percent on page 123, and suggested it be changed to 1%.

Alternate Member Sousa asked why Bristol Harbor watershed is not included on page 132. Director Williamson responded that Mt. Hope Bay and the Kickemuit River are included because they have TMDLs.

Assistant Town Solicitor Goins suggested reviewing the parts that were not changed by the recent regulations in the future.

A motion was made (Clark/Katz) to accept the revised standards, and to add a requirement for a property survey at unified development master plan where dimensional relief is being requested; applicants can request a waiver against this. Request for staff and legal to review the parts not recently changed by the regulations.

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: 11 April 2024 Planning Board: 