

**PLANNING BOARD MEETING
MINUTES**

Held Thursday, January 12, 2023 in person

Present:

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

Also Present:

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

Not Present:

Alternate Member Richard Ruggiero

Chairman Millard called the meeting to order at 7:00pm and led the assembly in the Pledge of Allegiance.

A motion was made (Murgo/Katz) to accept the November meeting minutes.

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

Opposed: None

Assistant Town Solicitor Teitz requested that an agenda topic be added to discuss the new state law about quorums.

A motion was made (Katz/Millard) to add the new state law about quorums to the agenda.

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

Opposed: None

Assistant Town Solicitor Teitz explained that a lot of laws were passed by the General Assembly this past summer. Before this new law, an absolute majority of the members of the Planning Board was needed, not just the people who were attending. This is no longer the case based on the new law. In Bristol, however, four members are needed for a quorum. Even though this is a five member board, three is still not a quorum. Based on the law, three is the magic number, but for this Board, due to the extra language that explicitly says four is the minimum, nothing changes. There is no action needed from the Board.

Review and recommendation to the Town Council draft Zoning Ordinance Revisions, Section 28-151, relative to Accessory Dwelling Units, and recently enacted State Law amendments.

Assistant Town Solicitor Teitz explained that the Zoning Ordinance Revisions has been passed and is law effective January 1. He is a part of the Rhode Island chapter of the American Planning Association that will be meeting tomorrow to propose suggestions and changes to the bill to the General Assembly.

The copy that's been provided to the Board includes reasonable restrictions and interpretations. What is included is not absolutely mandated by state law, but it is what we think the intent of the state law is. Some towns are going to ignore it, but we are trying to interpret the mandate with reasonable restrictions.

Chairman Millard asked for confirmation that based on these changes, every detached garage in Bristol could become an affordable housing unit. Assistant Town Solicitor Teitz confirmed. Chairman Millard

expressed concern and asked if the discussion should be postponed until the Town Council and two representatives can explain the changes.

Member Clark expressed concern that the definition of dwelling has been removed, and that a bedroom could be turned into an affordable unit. Ed Tanner responded that “dwelling unit” is still defined in the ordinance, and it still has to have a kitchen, bathroom, living area, etc.

Chairman Millard asked if this will supersede the Historic District Commission (HDC). Assistant Town Solicitor Teitz responded that no, it would still go to the HDC if there were external changes.

Member Clark stated that previously, for external changes, it was preferred to be in the rear of the house right and not in plain view of the street. This new law removes that completely, and removes the requirement to provide notice to neighbors either through the paper or a public hearing. Assistant Town Solicitor Teitz that yes, that is the full intent of the legislation.

Chairman Millard asked for clarification on the application of the law in the Historic District. Assistant Town Solicitor Teitz responded that additions would still have to comply with Zoning setbacks, lot coverages, etc. The HDC can still require mahogany instead of plywood, for example.

Ed Tanner added that the Zoning ordinance still says that only one principal residential structure is allowed per lot. The change is that you can do a principal residential structure and then accessory residential structure.

Assistant Town Solicitor Teitz explained that if there is enough room and it’s going to be historically appropriate, pretty much any lot can have a second dwelling unit. That is the intent of the law.

Member Clark asked for the maximum number of people that can live in an accessory dwelling unit. Ed Tanner responded that it is unlimited for family, and four for non-family. Member Clark expressed concern that the entire ordinance has been rewritten.

Member Katz asked if it was fair to say that, legally, the way the law is written, it’s in effect unenforceable and full of ambiguities. Assistant Town Solicitor Teitz responded that in some ways yes, which is why the changes to the ordinance have been proposed. Member Katz responded that he would rather roll the dice until the law is sensible.

Chairman Millard added that he cannot see this Board voting on this without the legislators coming in to explain it.

Vice Chairman Murgo asked for clarification on whether a brand new building can be within six feet of the property line. Ed Tanner responded that zoning dimensional requirements and the ADU process and permits still apply. He also stressed that an affordable ADU has to have a 30 year deed restriction approved by Rhode Island housing and monitored by the East Bay CDC.

Assistant Town Solicitor Teitz added that if college students’ parents are paying tuition, they would not qualify or be considered for an affordable ADU. If they are paying their own way through college, they would qualify.

Member Clark responded that he is more concerned about five years from now and how this will be enforced. Ed Tanner responded that yes it is difficult, but there is a process and it is not unenforceable. We have to assume more people follow the rules.

Ed Tanner added that the intent was for this to be the beginning of a conversation.

Vice Chairman Murgo asked for clarification on his earlier question regarding a structure being 6 feet away. Ed Tanner responded that if it's an accessory structure that is detached from the house, as long as it's 22 by 24, and no higher than 20 feet, they could build that today. The difference is that now, they could build it as a unit. The unit has to be at least 300 square feet. The law has already passed, the ordinance just needs to catch up.

Member Clark asked about parking requirements. Ed Tanner responded that it is now two for the principal and one for the AFDU.

Member Clark asked if he had a typical three family triple decker, with three bedrooms in each, if the double parlor could now be rented out as affordable units. Assistant Town Solicitor Teitz that the entire unit could be changed to be affordable, but it would have to be deed restricted for 30 years.

Ed Tanner added that the current AFDU ordinance only applies to single family homes. Now, the law says single family or multifamily dwellings. It used to be that accessory dwelling units could only be connected to a single family home. Now, you can have one in a multi-family home, as long as one of the units in that multi-family home is owner-occupied. Assistant Town Solicitor Teitz added that the law does not give the ability to put this extra unit on a pure investment property.

Member Clark expressed concern about increasing density. Assistant Town Solicitor Teitz and Ed Tanner responded that is the goal.

Secretary Bilotti stated that the law is the law, but the Board has an obligation to make enough noise to the General Assembly. Chairman Millard agreed that we need to make as much noise as we can. Assistant Town Solicitor Teitz agreed, and added that the legislature ignored comments from progressional groups when these were adopted.

Vice Chairman Murgo stated that he does not feel the way the rest of the Board feels. He does not see a big building boom happening and that cost hasn't been considered. He added that if this can help people to stay in their homes, then he supports it.

Member Sousa asked for confirmation that some municipalities are going to wait for the state to come in and enforce this. Assistant Town Solicitor Teitz confirmed. Member Sousa asked if Bristol didn't take action and then denied an applicant, if the town could be sued based on the law. Assistant Town Solicitor Teitz confirmed. Ed Tanner responded that the law has to be followed.

A motion was made (Millard/Katz) to postpone the discussion until the Town Council president and two legislators can join.

In favor: Bilotti, Clark, Katz, Millard

Opposed: Murgo

Assistant Town Solicitor Teitz explained that the February meeting will be a public hearing for Robin Rug; they've asked for some waivers of the items that they have to supply before coming in for preliminary. Chairman Millard and Member Sousa will be recused.

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

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

Opposed: None

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Meeting adjourned at 7:53pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 2/9/2023 Planning Board: AG Bilatte