



## BRISTOL PLANNING BOARD JANUARY 11, 2024 MINUTES

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

**Held:** January 11, 2024 in person

**Present:**

Charles Millard, Chairman; Anthony Murgo, Vice Chairman; Member Brian Clark; Member Steve Katz; Member Richard Ruggiero (arrived at 8:04pm); 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:**

N/A

Chairman Millard called the meeting to order at 7:05pm and led the assembly in the Pledge of Allegiance.

A motion was made (Murgo/Katz) to accept the November 21st meeting minutes.

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

Opposed: None

A motion was made (Murgo/Clark) to move item C3 to the first agenda topic.

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

Opposed: None

### **C3. Joseph B. Jorge, 27 Surf Drive - Request for Abandonment of a portion of Surf Drive**

Joseph Jorge and Judy Jorge of 27 Surf Drive presented.

Joseph explained that they built the house on Surf Drive in 2016. The State got involved and then there were a lot of restrictions. They got pushed towards the street, so now they do not have good access to the backyard. When the street was built, there was a cul-de-sac that was used, but now it is not used.

In 2017, Joseph and Judy made a request to the Town to use that land, which was approved. Judy added that they only have access to the back yard via a curved stairwell, so they use the back of the cul-de-sac property to bring lawn mowers, kayaks, etc. to the back yard. The Jorges have been using and maintaining the land since then.

Joseph explained that the property next door is now for sale. The Jorges are worried that the buyers might be interested in some of the cul-de-sac, so they would like to formally request half the cul-de-sac.

Chairman Millard asked why the maintenance agreement can't stay in place until a house is built and someone wants access to the property. Judy and Joseph responded that they are not trying to jump the gun, but are trying to protect themselves so they don't lose the access to the property in the future.

Member Sousa mentioned that if the cul-de-sac was abandoned, the projection of their side lot line to the new street line would go to the Jorges, not the new neighbors.

Vice Chairman Murgo mentioned that the Board has never recommended that the Town abandon property. Director Williamson agreed, but that she had recommended the Jorge's come to the meeting to present their case and get a sense of the Board's recommendation. If the Board is not in support of this request, the Jorge's can withdraw their petition to the Town Council.

Vice Chairman Murgo asked if they already have the right to maintain it, if that is protected. Joseph Jorge responded that he does not think it is protected, as it was approved but nothing is in writing.

Assistant Town Solicitor Tietz stated that they can get a copy of the certified record of the Town Council. He added that when land is divided, it's usually along the middle. No one is entitled to the whole semi-circle.

Member Sousa stated that for it to be split unevenly would be unfair, and the Jorge's would be notified if the new neighbors requested this. He agreed with Chairman Millard that this seems premature, and that there is currently no hardship.

Member Clark reviewed the map with the Jorges and asked for clarification on the location of the fence, the property line, and the cul-de-sac. Member Clark asked what is the frontage requirement for the lot next door to build. Director Williamson responded that they have more than is required.

Director Williamson mentioned that if everything stays as is, the cul-de-sac is public property, and the Jorge's can walk across it with their lawn mowers and kayaks.

The Jorges expressed concern about how long it took to build the house due to the State's requirements. The Board reiterated that it is Town land, the maintenance agreement won't be taken from them and given to the new neighbors. and if there was a request made, they would be notified and able to respond.

A motion was made (Murgo/Katz) to recommend to the Town Council that the Planning Board is not in support of the abandonment. The petitioners still have a license to maintain.

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

Opposed: None

**C2. Mandatory Land Use Training - Part 2.** RI law requires every member of a planning board, zoning board, and historic district commission to have at least three hours of training by June 30, 2024. The first half was completed on March 9, 2023. This training will last approximately 1.5 hours and will go toward meeting the overall requirement. Topics will incorporate the new amendments to state law on Zoning, Planning, Comprehensive Plans, and Adaptive Reuse. This will also include zoning variance and special

use standards which the Planning Board will now need to apply with regard to Unified Development. The public is welcome to attend.

Assistant Town Solicitor Tietz started the training at 7:28pm.

Member Ruggiero arrived at 8:04pm.

Assistant Town Solicitor Tietz finished the training at 9:23pm.

The Board took a recess from 9:22 - 9:33pm.

**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 law which will take effect 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 appeals;
- Modified procedures for public notice of applications;
- Technical Review Committee composition and appointment.

A motion was made (Murgo/Clark) to open the public hearing at 9:36pm.

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

Opposed: None

Director Williamson copied and distributed an additional document related to the Development Plan Review. Assistant Town Solicitor Tietz explained that the first page of the handouts outline the decisions the Board needs to make. There are two review processes: administrative development plan review, and formal development plan review, which includes preliminary and final. The Board needs to decide what will be included in each of these review processes. The Board also needs to decide what types of waivers they want to be able to grant.

Assistant Town Solicitor Tietz reminded the Board of the thresholds for Development Plan Review in the Zoning Ordinance. Director Williamson copied and distributed for the Board's reference.

Member Clark mentioned that the Board already decided that there will be no TRC, that the Board represents the people of the Town, and should have the final say. Assistant Town Solicitor Tietz confirmed that the Board is the permitting authority, but the question is whether they want to handle everything in one meeting or two meetings.

Chairman Millard proposed starting with one meeting, and carrying over to a second meeting if necessary. Member Katz asked if the TRC could review and advise. Assistant Town Solicitor Tietz responded that this violates State law because they are trying to simplify the process.

Chairman Millard proposed having the TRC advise if an application is not going to pass, and save them from having to come before the Board. The TRC could be a vetting / advisory process to give developers guidance and to get the kinks out.

Assistant Town Solicitor Tietz read the law to determine if the stage one meeting could be the TRC, and the stage two meeting could be the Planning Board. There was discussion around whether or not the TRC would have to be a permitting authority. The conclusion was yes, if the TRC was the stage one meeting, they would have permitting authority.

Based on this, the Board discussed whether all Development Plan Reviews should not go to the TRC; they should go to the Planning Board. If more than one meeting is necessary, the application can be continued to a second Planning Board meeting.

Assistant Town Solicitor Tietz suggested having a voluntary/optional TRC meeting for Development Plan Reviews, prior to the required Planning Board meeting. Member Katz agreed.

A motion was made (Clark/Katz) to continue the public hearing to the February meeting.  
In favor: Clark, Katz, Millard, Murgu, Sousa  
Opposed: None

**Nomination for Planning Board Secretary**

Vice Chairman Murgu nominated Member Katz. Member Clark seconded.  
In favor: Clark, Katz, Millard, Murgu, Sousa  
Opposed: None

A motion was made (Millard) to adjourn the meeting.  
In favor: Clark, Katz, Millard, Murgu, Sousa  
Opposed: None

Meeting adjourned at 10:00pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 8 February 2024 Planning Board: 