



BRISTOL PLANNING BOARD

APRIL 10, 2025 MINUTES

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

Held: April 10, 2025 in person

Location: Bristol Town Hall, 10 Court Street, Bristol, RI

Present: Charles Millard, Chairman; Anthony D. Murgo, Vice Chairman; Steve Katz, Secretary; Member Brian W. Clark; Member Richard Ruggiero; First Alternate Member Michael Sousa; and Second Alternate Member Jessalyn Jarest

Also Present: Diane Williamson, Director of Community Development, Amy Goins, Esq., Assistant Town Solicitor

Not Present: None.

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

Vice Chairman Murgo proposed the minutes of the March 13, 2025 meeting and asked if there were any corrections or questions.

Member Katz advised that there were several corrections to be made including page 6, the second to last paragraph, approximately three lines up, it should read "and what are the applicant's mitigation's plans" and then it should say "and the applicant". Further, the last sentence should read "the Board would like the site staked out so that the Board could do a site visit to get a better idea". He said that on page 7 in the last paragraph approximately four lines down It should read "Andrews Court" not "Anderson". Further, on page 8, the second paragraph, the sentence should read "showed slides". Also, the fourth line should read that Duhamel "showed" a slide, and the last paragraph Duhamel "then discussed the drainage". Member Katz also stated that on Page 9, third paragraph, third line from the end it should read "at the entrance to the site". Also, on page 11, third paragraph, fourth line, it should say "she then directed her comments". Then, on page 12, third line from bottom of the first paragraph it should read the applicant "has" instead of what is there. Then in the third paragraph, second line, it should read Town had to put pumps "in". Further, on page 14, second paragraph, sixth line it should say "were revised" not "was", then in the next line after it should read "but they referenced" instead of "it". Member Jarest stated that it was stormwater guidelines from "2010" not "2015". Member Katz then said that in the middle of that paragraph, it should read "Member Katz suggested that Attorney Reznik" not "he". Also, two lines after that in the paragraph, it should read "with input as the document references are 10 years old". Further, in the fourth line of the next paragraph, it should say "Tanyard Brook" not "10 yard brook". Finally, the same sentence, it should read "now it is a mess because it was looked at improperly".

Alternate Member Jarest advised that unless she and Alternate Member Sousa are standing in for an absent member, they do not get listed as casting a vote and that where it is listed in the minutes, it should be removed.

A motion was made by (Katz/Murgo) to accept the March 13, 2025 meeting as amended.

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

Refrained: None

Opposed: None

C. Old Business

- C1. (Continued from March) Preliminary Plan Phase review for Major Land Development proposal** to construct a new Mt. Hope High School, including new tennis courts and athletic fields, at 199 Chestnut Street and to demolish the existing high school building. Owner: Town of Bristol / Applicant: Bristol Warren Regional School District/Lisa Pecora, Perkins Eastman, applicant representative. Zoned: Public Institutional. Assessor's Plat 117 Lots 3-7.

Applicant has agreed that the public hearing on the Preliminary Plan shall remain open until receipt of the necessary permits from the RIDEM.

***Applicant has requested a continuance until May 8, 2025 Planning Board Meeting**

A motion was made by (Murgo/Katz)

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

Refrained: None

Opposed: None

D. New Business

Member Murgo made a motion to discuss D2 before D1.

A motion was made by (Murgo/Clark)

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

Refrained: None

Opposed: None

D2. ** Review CDBG Application for consistency with the Comprehensive Plan

Bob Plain of Church Community Housing appeared before the Board. He stated he had helped Diane Williamson and the Planning staff navigate development block grants. Mr. Plain asked the Board to certify the two activities the Town of Bristol would like to apply for this year were not in conflict with the Town's Comprehensive Plan.

Chairman Millard asked for a motion.

A motion was made by (Clark/Katz)

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

Refrained: None

Opposed: None

D1. * Review of Proposed State Land Use Laws and provide comments on same.

Attorney Goins stated that this discussion was for internal preparation for the discussion with Town Council on Monday, April 14th. Attorney Goins advised that the Board received a memo on April 3rd which is now considered a little bit out of date because things are moving quickly in the legislature. She wanted the Board to see what was proposed so the Town had an idea of what might be coming in this year's round of legislation. She stated that there have been significant changes over the past few years and the Council will soon be reviewing the zoning ordinance that the Planning Board has already viewed and gave a positive recommendation letter on, and there is likely going to be some additional work. She said that the Land Use Commission is still active and that's where the bills originated from as all of the original stakeholders are asked what can be done to streamline it to make it a little more standardized. She advised that local control continues to be eroded a little bit.

Attorney Goins stated that the members might be aware of articles in the Providence Journal regarding all of the comprehensive permit applications in Tiverton as hundreds of housing units have been proposed in Tiverton which are all comprehensive permit applications. She stated that the Tiverton representatives have filed a mini package of bills that would set forth special rules for Tiverton. She said that she wasn't sure how it would play out. Member Clark stated that he hoped it would be favorable as it would help Bristol to possibly do the same thing. Alternate Member Sousa stated he didn't think it would play out well as because other municipalities were removing special rules. Attorney Goins said that although other towns may say that they are dealing with the same kinds of issues, other towns may have it worse than them as far as the volume of development that has been proposed. Member Murgo stated that some areas may find their school budgets exploding.

Attorney Goins addressed the first bill in the memo which was regarding the tax cap/4% increase in the levy year over year. She stated that the League of Cities and Towns was actually pushing the bill because the idea was to allow cities and towns to raise taxes when they are getting all of the new housing units. She stated that there needs to be some recognition of increased cost of services that come with new housing. Attorney Goins said that the bill was unique as it was a land use related bill but it was not changing any of the land use laws.

Member Sousa asked that since there was going to be a structure on the property wouldn't it increase the taxes for the town. Attorney Goins said it would but that the bill related to the 4% tax cap meaning that the tax increase year over year can't be increased by more than 4%. She said there were some exceptions to that rule and the bill would add an exception based on housing units that are added to the tax base. Alternate Member Sousa state there were new laws created in the State that opened up everyone to tons of housing popping up and that municipalities were going to be hurt by the tax cap. Member Ruggiero expressed his frustration with the legislature. Diane Williamson stated that the legislators were invited to the meeting to be held on Monday, April 14th. Member Ruggiero said that it would not do any good and Ms. Williamson said that at least they could directly ask the legislators questions. Member Clark asked who sponsored the bill and Attorney Goins advised that it was Arthur Corvese.

Member Ruggiero stated that the bill was ridiculous in that there is a lot of house building going on everywhere but yet the legislature wants to put a tax cap on everything which will hurt the municipalities.

Member Katz asked what the reasoning was behind the tax cap. Member Clark stated that since the growth might go too far too fast and the municipalities want/need to be able to raise taxes to

catch up, but the proposed legislation would cap the tax at 4%. Member Katz suggested that the State should follow what California had done and make the developer responsible for putting in roads, water, fire station, and things of that nature so the taxpayers in the community aren't saddle with increased taxes. Alternate Member Sousa suggested a special assessment be done. Member Clark stated that the legislature should not be taking all of the power away from the municipalities. Ms. Williamson stated that is why the legislature was invited to the meeting so people could ask questions and get clarification. Ms. Williams said that she was going to gather any questions, comments, and the like and pass it along at the meeting on Monday.

Attorney Goins said she will have a full explanation as to why this was a league priority because normally the league advocates for solutions that all of the municipalities can get behind. She was going to look for information as to why this was a priority as no one wants to raise taxes and this was about the reality of new housing units. Member Ruggiero asked why would a state dictate to a town how many new units the town has to build and then do something like this. Ms. Williamson asked if it was limited to the value of the new units being built. Attorney Goins said that Ms. Williamson may be right that it wouldn't allow for an increase on all of the housing units in town, it would just concentrate on the new ones. Alternate Member Sousa asked if that meant that only the new builds would be taxed at a higher rate than the rest of the residents. Ms. Williamson said that it might be the percentage of the assessed value.

Attorney Goins stated that Randy Rossi went and advocated for the bill and she was going to listen to his testimony to get more clarification. Diane Williamson said it stated that it was based on increases to the municipalities. Ms. Williamson stated that there were a lot of conditions on it like certificates of occupancy, etc. Alternate Member Sousa said that it was only for three years. Member Katz said after that it can go back to the 4%. Attorney Goins said she was going to look into it further.

Attorney Goins then went on to discuss a bill that comes back every year. She said it is housekeeping changes, but some were incremental changes to the process for planning and zoning which had a long explanation with bullet points with the first one regarding major and minor subdivisions. She stated that as of a couple of years ago, a major development is anything over nine units. Attorney Goins said that it would allow minor subdivisions to include an unlimited number of lots where its located on an existing improved public street and that if an applicant wanted to do 10 or 12 lots along an existing street, it could be put through as a minor subdivision which is currently approved administratively unless it needed zoning relief.

Alternate Member Jarest asked what was considered an improved existing street. Alternate Member Sousa stated it meant a paved street. Member Katz said it did not include a paper street. Attorney Goins said that if it was a paper street, then it would not apply. She stated that it would only be considered a major subdivision if an applicant is creating 10 or more lots and they need a street creation or extension. Member Clark said that each time it has come up for the past two years, it has been slowly eroding the checks and balances that the boards have in order to keep order and control and the continued planning of the town. Attorney Goins agreed with Member Clark. Alternate Member Sousa stated that someone could have a lot of frontage with a lot of land in the back and that person could go ahead and break up the front along an improved street while leaving room for future roads but the boards would not have any idea what that person would be planning on doing in the back lots nor would the boards have any control. Alternate Member Sousa further stated that when that person comes back in the following year to develop the back lots, it would be locked in and the boards won't have any say. Member Katz said that it would be too late at that point.

Attorney Goins went to the next bullet point which was the legislation would make pre-application meetings an option for the developer to elect to do rather than a required step in the process. Alternate Member Jarest expressed her concerns that there seemed to be no safeguards for the town. Alternate Member Sousa said that the definition of a planning board is planning how the town is developed and that this would eliminate the ability for a planning board to do its job. Chairman Millard stated that its going to become one state government.

Member Katz asked who sponsored the bill. Attorney Goins stated that Bob Craven sponsored the bill.

Diane Williamson said that she had sent June Speakman her top five problems which are all from this particular update. Ms. Williamson gave Basswood as an example of the problem with someone who kept creating more lots and extending the road which was done with the 4-way test, until they reached the swamp and as a result there are huge drainage problems and everyone in the area are now dealing with flooding issues and that the bill would possibly create a similar situation. Alternate Member Sousa said that this bill would remove the ability for the planning board to do what it was created to do. Ms. Williamson said that the town needs to have the option to ask for pre-application meetings.

Diane Williamson stated that the issue of the certification of completeness where errors cannot be pointed out and all anyone can do is notify an applicant that it is missing a checklist item is ridiculous. She said that if someone submits an application and it is full of mistakes or illegible, as long as it was submitted, then the applicant gets to go. Ms. Williamson stated that the town needs to have discretion.

Ms. Williamson then goes on to discuss the next bullet regarding preliminary stage. Attorney Goins stated that it didn't seem to have any huge changes as it is almost normal that applicants frequently request waivers regarding DEM approval and the like. She said it seemed like it made it non-discretionary and that an applicant would not have to have the permits in hand for preliminary and that the board would not necessarily see the permits and only the administrative officer would see the permits as final is now always administrative. Ms. Williamson stated what would happen if an applicant went to DEM and DEM required changes to the plan and then the applicant came back with a modified plan based on the DEM's permit then that would come back to the board because it was a change. Attorney Goins stated that it would come back if it was a major change not a minor change. Alternate Member Sousa asked what would be considered a major change or a minor change. Attorney Goins stated that the Town's regulations spell that out, for example, adding new housing units would always be considered a major change.

Alternate Member Sousa used the new Mount Hope High School as an example. He asked that if the applicant was given approval at preliminary and the applicant went to get approval from DEM and then DEM wants to make a change to the drainage system, would they have to come back before the Board for that change or could they just make the change. Attorney Goins stated that the applicant would have to come back to the Board if the changes were clearly contrary in any way to the Board's approval, but if it is in the spirit of the Board's approval then it may go through. She stated that it ultimately comes down to the administrative officer's discretion.

Alternate Member Jarest then asked if the administrative officer would then have their engineering or landscape architect consultant review everything prior to administrative approval. Attorney Goins stated that might depend on whether the peer review fees covered that. Alternate Member Jarest stated that the Board would want a peer review especially with something involving drainage modifications or wetland mitigation and the like. Attorney Goins said she

wasn't sure if there's a clock when someone submits an application for a change to an approved plan, and wasn't sure what it was or if it would even allow for it. Alternate Member Sousa stated what was considered serious by one person may not be considered serious by another. Attorney Goins stated that if there was any doubt whether it was major or minor, then it would go before the Board as a major change.

Attorney Goins went on to discuss some housekeeping changes. She stated that with regard to the part involving adaptive reuse, Attorney Andy Teitz has been heavily involved with the legislative committee of the Planner's Association in Rhode Island. Attorney Goins stated that Attorney Teitz drafted the changes to adaptive reuse that were incorporated into the bill and she believes that it is a win for the Town as it tightens up where adaptive reuse is allowed. She stated that it would exclude adaptive reuse projects if the building hasn't been vacant of an industrial use for less than one (1) year which would help keep certain buildings as industrial instead of turning them into residential. Member Katz stated that it was a good change.

Member Clark posed a question about the final approval expiration date. He asked if that particular point was doubling the final approval expiration date from 1 year to 2 years. Attorney Goins said that master plan had a 2 year expiration date with the right to extend it up to a total of 4 years and for preliminary it was a 2 year vested approval. She said it would give an applicant more rights but it was still consistent with the other two approval stages.

Attorney Goins then discussed the portion regarding dimensional requirements of substandard lots. She stated that it had been adjusted the past couple of years and feels that is favorable to the municipalities because the law on the books says that if a lot is substandard then the dimensional standards from another zoning district in the municipality where it would be conforming as to lot area are to be applied. Attorney Goins gave an example of that where a zoning official bumped it down one level in the table whereas the applicant's attorney wanted bumped down to the commercial downtown zoning district because there was no minimum lot area in that district and that would have given the lot a greatly expanded building envelope. She said that this portion would allow the zoning official to apply the most appropriate setbacks.

Attorney Goins said that another adjustment to inclusionary zoning came up due to an issue in another municipality where there was a development proposed in a certain special management area that under CRMC regulations had a limit on density so the town was trying to get the applicant to provide the inclusionary units even though they couldn't take advantage of density bonus. She said that this portion would eliminate that so if the underlying property has some kind of limitation on density because of CRMC or DEM regulations the inclusionary zoning requirement would not apply.

Attorney Goins advised that most of the major changes with the enabling acts have already happened and the big one was giving the Planning Board the power to grant zoning relief. She said that would eliminate a step in the process so the applicant doesn't have to go to Planning first and then to Zoning as they used to do.

Attorney Goins went on to discuss the bill regarding zoning certificates which was a concern from a liability standpoint. She stated that if someone is interested in a piece of property they would get a zoning certificate from the zoning official stating it's a legal 2-family, etc., and this section would try to make it binding. Member Clark stated that it would be a permanent use as opposed to relying on the zoning certificate. Attorney Goins stated that's what it seemed to be doing and that municipal officials make mistakes like everyone else. She said that there was a major case years ago where a building official issued a building permit then the next building

official that was elected to the position realized that the previous building official should have never issued the permit as the applicant had not done what was needed in terms of zoning compliance and the new building official rescinded the permit so the property owner sued the town as the property owner relied on it and built on it. Attorney Goins said that the court issued a finding that if a zoning ordinance has to be complied just because someone grants a permit that should not have been granted, a property owner should not be able to rely on a mistaken zoning certificate. She stated that the bill would almost try to reverse that even though it didn't say that in the bill, but that seemed to be the goal. Member Katz said it would become a waiver. Attorney Goins was not sure what the effect would be. She said that zoning officials would be reluctant to put anything in zoning certificates.

Attorney Goins went on to discuss a bill regarding development within the urban services boundary. Member Clark asked what an urban services boundary was. Attorney Goins said that would be the area within a town where sewer and water services were available. Ms. Williamson stated that the State has a map and on Bristol's map it would be everything in the area west of Metacom Avenue to the harbor except the Poppasquash peninsula. Attorney Goins said that there were boiler plate content in the Zoning Enabling Act that stated what zoning ordinances needed to address and the proposed legislation would add a bullet point to that. She believes the intent is that cities and towns should be taking a look at allowing residential use options other than single family dwellings meaning 2-family zoning at a minimum within the urban services boundary. She said that the idea of this bill is to allow denser residential development where there is capacity for it in terms of infrastructure. Attorney Goins said that she wasn't sure if this bill would go as far as eliminating single family zoning outside of the urban services boundary as it didn't specifically say that in the bill, but it seems like that's what it was getting at otherwise it's just adding a boiler plate and it feels like the intent was more than that. Alternate Member Jarest said that the City of Cambridge had just eliminated single family zoning which made sense for an urban place like Cambridge, but to put it carte blanche across Rhode Island seems crazy. Members Clark and Katz agreed with Alternate Member Jarest.

Attorney Goins continued the discussion with the next bill which was not a mandatory bill, just an option for municipalities to allow co-op or co-living housing which was already passed by the House, but again it would not be mandatory. Chairman Millard stated it refers to boarding houses. Attorney Goins agreed. Alternate Member Jarest said it's like hippy communes. Member Clark stated that Bristol does not allow for boarding houses. Attorney Goins said that it was new nomenclature for an old use and it's rebranding a rooming house or boarding house.

Attorney Goins then went on to discuss the next bill regarding attached single family dwelling units. Ms. Williamson asked what was the difference between a duplex and attached single family. Member Clark gave the example of the housing on Garfield Street which Ms. Williamson stated was a tri-plex. Member Clark said that it was set up as townhouse then garage and so forth. Ms. Williamson asked if that was the same as an attached single family. Attorney Goins read the explanation as a dwelling unit constructed side-by-side or horizontally separated by a parting wall and lot line. Alternate Member Jarest stated those were row houses. Ms. Williamson said that the dwelling on Garfield Street wasn't separated by lot lines. Member Clark said that a person can build a dwelling and the neighbors each own part of the dividing wall. Attorney Goins said that the bill passed the House on Monday with a floor amendment and Representative Donovan was on the list of sponsors. Member Katz said that the bill seemed to be describing town houses.

Attorney Goins stated that a lot of the bills stated an effective date as January 1st instead of effective upon passage so that no one is behind as far as bringing ordinances in line when it does

pass. Ms. Williamson said that on the particular bill regarding attached single family units, Bristol had major land development standards for multi-family townhouses currently and if what is on the books now is similar to the proposed bill, then the Town might not have to really change much. Chairman Millard said it sounds like condominiums. Attorney Goins said with the exception that they're on separate lots. Member Katz said it's more like townhouses. Member Clark gave the example that if he purchased a 50x500 piece of land and then put 5 units on it right to the lot lines, then his right wall of the unit would be the next owner's left wall and so on, which then can be sold as separate units and have little back yards.

Alternate Member Sousa asked how would an owner access the back yard. Alternate Member Jarest said through the unit or an alley way. Member Katz said that if they are separate lots the Town has an ordinance that states that a detached garage cannot be closer than 6ft from the neighbor's line and it seemed like this bill meant that the 6ft would go away and a person could put the garage right up to the neighbor's lot line. Attorney Goins said that the fire code and building code would still apply. Chairman Millard said that it would probably have a block/concrete fire wall between them. Alternate Member Jarest said that she had a client in East Boston who had an alley way to access the outdoor space without having to go through the unit and asked if that was part of the thinking from a safety standpoint. Member Clark said that it would probably have to be a big enough road for a service truck to get down it, but it wouldn't be big enough for a fire truck. Ms. Williamson said the bill stated that it would be allowed in designated zoning districts meaning it would not be allowed everywhere. Member Clark stated it shouldn't be allowed anywhere.

Vice Chairman Murgio asked if the regulations were to create more affordable housing or just housing in general. Attorney Goins said not exactly and understands that the thinking in general is that more housing units may equal more affordable housing units somewhere in there but the districts where it would have to be applied under the legislation would be any residential districts where the Town already allowed duplexes and the like. Member Clark said that looking at the legislation and look at the Speaker of the House, the Speaker of the House is the largest land use attorney in the State, and everything will be based on that because that's what the Speaker knows. Alternate Member Sousa asked if the Speaker of the House was still practicing. Member Clark said yes. Alternate Member Sousa asked if that presented a conflict. Attorney Goins said the majority of the officials have part-time jobs or are self-sufficient.

Attorney Goins went on to discuss the next bill regarding adding an entirely new category of subdivisions. Member Clark asked who sponsored the bill and Attorney Goins said that she didn't see anyone local on it. Attorney Goins stated the bill involved oversized lot subdivisions which would be reviewed as minor subdivisions. She said that it was subdivisions of an existing lot which would result in the creation of a lot or lots for residential use that are equal to or greater in lot area than 50% of the residential lots within a 200ft radius. She stated that if someone has a big lot in an area where there are lots of smaller lots then that person could subdivide it down to basically the minimal where the resulting lots are generally the same size as what's around it. Chairman Millard said that, for example, on Prudence Island there are 50x50 lots and he said that the rest of Prudence Island could potentially become 50x50 lots as well. Member Clark said that next to Hopeworth which used to be all smaller lots on the Indian side. Attorney Goins said that those would be minor subdivisions.

Attorney Goins pointed out that in the bill there was something interesting regarding zoning modification which were made mandatory a couple of years ago which has reduced the zoning board's docket. She said that Bristol previously had it on the books which not every town did, and it said that if there was a setback of 10ft and someone had proposed 8ft then they had to go to

the zoning board, and in other towns they let someone have 15, 20%, or even 25% relief, so zoning modifications were mandatory if a person checked off the boxes and they could get a 15% reduction across the board for setbacks, a bump up on lot coverage. She said that the bill would add a new category of zoning modifications that were based on what the built environment around the subject property looked like. Member Clark said read that the modifications would be available where the resulting lots had at least 3,000sq.ft. and allowed for dimensional relief for setbacks, height, frontage, and lot coverage. Attorney Goins said it would be allowed in conjunction with the infill or oversized lot subdivisions because the oversized lot subdivisions would allow someone to make many smaller lots but there would still be the dimensional regulations of the underlying district and the neighborhood character base modification would be needed to give relief for the smaller lots.

Ms. Williamson stated that at the present time they cannot give a modification for lot area, but does the bill imply that the zoning officer can grant modifications to lot areas. Attorney Goins didn't think so because the definition of a modification hadn't been changed. Ms. Williamson stated it was confusing because it said "resulting lot" and talked about lot size. Attorney Goins said that the first draft of the bill was even more confusing. She said that those neighborhood character based modifications would be allowed either in conjunction with subdivisions or, for example, if someone's property was the only one on the street without an attached garage, but all of the neighbors do and within the side setbacks, and then the person without one could get a modification to let them put a garage in the side setback even if it encroaches more than 25% into the setback. Attorney Goins said that it was more about what's around a property than the numbers and does it change the character of the neighborhood.

Ms. Williamson stated that there was something else that talks about it can't interfere with CRMC or DEM wetlands, so the zoning officer would have to be aware of the wetlands and the like. Attorney Goins said that was already on the books.

Alternate Member Sousa brought up the area of the Terrace School property where one side of the street is very dense and there is nothing on the other side of it and within 200ft is what? Ms. Williamson said to do an average. Attorney Goins said it was going to be a tricky thing with the bill is not all of the modifications are going to be done in connection with subdivisions but it was written as if they would be.

Alternate Member Sousa asked if the public, in general, are in favor of all of the bills. Chairman Millard said that the public probably doesn't know what's going on. Member Katz said that if he hadn't seen the bills on Shekarchi's website and brought it to Ms. Williamson's attention, then they wouldn't have had this meeting, and no one would have known about all of it. He said that the representatives needed to come visit with them to discuss things a few times a year and tell the cities and towns what they're working on and input.

Ms. Williamson stated there was a paragraph in the bill discuss redividing merged lots and Bristol already had a zoning ordinance regarding that subject. She said that some of the information in the bill wasn't that far from what was currently implemented. She said that there were just little nuances in it that just clarified things more. She said she discussed it with Ed Tanner and he was concerned about approving things and then it created a mess. Ms. Williamson said that the whole point of having the Board review it is the more eyes that review things, the more input. Member Clark said it was to share responsibility.

Attorney Goins then goes to the next bill regarding village and mixed-use zoning. She said the bill would require the Town to provide for residential development in all or some of the areas that

are commercially zoned. Member Clark asked who sponsored the bill. Attorney Goins said that it was Bob Craven and that it had already passed in the House, and it was encouraging mixed-use zoning. Member Clark said that it was not encouraging mixed-use zoning, and that it seemed to be eliminating it and seeking apartments in storefronts. Ms. Williamson said that the bill said "above the commercial uses". Attorney Goins said that there is nothing state wide really requires mixed-use zoning because the tradition was to separate residential and commercial uses. Member Clark said what if he had a business in his basement, would that be considered mixed-use. Attorney Goins said that the bill would force the Town to allow residential use in some commercial zones. Ms. Williamson stated that the Town already does that especially on Metacom Ave. Attorney Goins said that not every city/town does so it wouldn't have as much of an impact in Bristol as it would elsewhere in the State. Ms. Williamson said that in the Metacom mixed-use the Town states that residential has to be above the commercial use and sometimes they get push back that it can't be done and the bill would clarify that it can be done.

Attorney Goins then went to the next bill regarding comprehensive permits and continued changes to the LMI housing act. She advised that it was sponsored by June Speakman. Alternate Member Sousa said that it was not a requirement, but it allows for it. He said that if a developer wants to get the Board's opinion through master plan ahead of time, nothing wrong with that. Ms. Williamson agreed and said that the Town has a voluntary pre-application and a voluntary master plan then no one would see it until preliminary plan. Attorney Goins said that comp permits were a special procedure for land developments and subdivisions, and she did not see any changes in the bill that would take away the Town's ability. She said that the language that said they may require a pre-application is still in the bill and that the only change was that a municipality may require an applicant proposing a project who is not electing to have master plan so if an applicant said they wanted to come in for a master plan there would be no pre-application, but if an applicant said that they wanted to come for preliminary then the Town can say they want a pre-application first.

Attorney Goins advised that part of the comp permit bill would be effective upon passage and then a part that would be effective on January 1st. She said that the part that would effective upon passage is where there is a list of required findings and a separate list of permissible reasons that it can be denied as it is not enough to just advise an applicant that they have not met the findings if a planning board wants to deny a comprehensive permit they have to check off one of the reasons for the denial, and that particular section would eliminate that. She said that it would just outline the criteria for approval and if an applicant does not meet it then it will not be approved. Ms. Williamson said that was good. Attorney Goins said it would change the criteria for approval to make it more difficult for the Planning Board to deny it.

Attorney Goins then discussed bullet points, particularly the portions that change existing law. She said that if the Board wanted to deny a project because it was not consistent with local needs meaning not consistent with the Comprehensive Plan, it must also find that the Town has made significant progress in implementing its affordable housing. Member Katz expressed that it was absurd. Attorney Goins said that Rhode Island Housing had a chart that categorized municipalities as either good progress, significant progress, and the like, but not sure where Bristol is on that chart. Ms. Williamson stated that Bristol has made good progress. Attorney Goins said that Bristol probably has not made significant progress as only a few municipalities have hit the significant progress mark, and some have made no progress at all and at least Bristol has made some progress. Attorney Goins stated that finding would make it harder to deny a comprehensive permit for not being consistent with the Comprehensive Plan. She said that the standard that required the affordable units to be integrated with the development to be compatible in scale with the market rate units, that would be defined because there was no real existing

definition as to what compatible in size and scale would be. She said that would define it and makes it harder for a municipality to just say that the standard hasn't been met. Attorney Goins further said that the only thing was, and the planners have noted it as well, the second bullet point on affordable units said that the footprint and height of the affordable unit shall not be less than 25% of the footprint and height of the market rate units and they're trying to figure out if that is a typo or was it really meant to say that the LMI unit could be 25% of a market rate unit. She said that didn't seem to be compatible. Ms. Williamson said that she would ask June at the meeting on Monday for clarification.

Member Clark posed a question about the LMIs. He said that a client of his in Brockton is going to do 250 units and they are making an argument, which he doesn't disagree with, that all of the market units should be in one area and the LMIs should be in a separate area. He said what his clients want to do is gift land to an East Bay CDC type of thing where there would be federal money and they could afford to lose money and build the LMIs to the exact specifications as the market rate units and that his clients wouldn't be building it because they lose money. Member Clark said he was thinking about the future of Bristol and would something like that make sense for the area. Attorney Goins said that under Rhode Island law regarding comp permits, a developer must have the LMIs as part of the development. She said that a fee in lieu is allowed for inclusionary zoning or off-site development. Member Clark said that it was not fee in lieu and that basically his clients were partnering with. Chairman Millard said that it cannot be done that way. Member Clark said that they would all be on the same campus. Ms. Williamson stated that the LMIs can't all be in the same building separate from the market rate units. Chairman Millard said they had to be indistinguishable. Member Katz said that not all of the affordable housing was at Robin Run for example. He said that some of it was across the street and that there may have been some elsewhere in the Town. Chairman Millard stated that Bay View units were going to be a mixture of LMIs and market rate units. Attorney Goins said that a similar issue came up years ago in Narragansett where an existing apartment building was going to be redeveloped right next door to a brand new building and all of the LMIs were going to be in the old building and the town denied it.

Member Clark stated that the property that his developer gifted was going to have the exact same building as the rest of the developer's complex right next door. He said that it would be indistinguishable from the rest of the buildings, it's just that his developer can't afford to build it and rent it at a lower rate as they would lose money. He said that because the local CDC is flooded with federal money they can afford to build a new complex and lose money, so that's what they're trying to accomplish. Member Clark said that would make sense. Alternate Member Sousa agreed and believes the 25% reduction is bad and that it was taking planning away from the Planning Board. He said that no one wants to physically see that an LMI or affordable is different than the rest. Member Katz agreed.

Attorney Goins gave another example from South Kingstown. She said that a few years ago a comp permit was put in and the developer proposed to have all of the LMIs as ADUs. She said that the Town issued a conditional approval that it would be approved if they redesigned it so the LMIs were not ADUs. She said that the bill would more or less allow it. Ms. Williamson said that there was an exception in the bill regarding age restricted units and they wouldn't have to be integrated. She said that they might only need to be one floor.

Attorney Goins went on to discuss the next section and state that the first part of the section would not apply to Bristol. She said that cities and towns that have met the 10% threshold were allowed to deny a comprehensive permit application without even looking at it because they are considered except since they hit the 10% mark. Attorney Goins said that section 2 of the

legislation stated that even cities and towns that have hit the 10% mark would still have to accept comprehensive permit applications, it's just the minimum density bonuses that the law set forth wouldn't be mandatory in those towns. She stated that it wouldn't apply to Bristol yet, but the State is giving a clear signal if it passes that they don't want anyone to say no to affordable housing developments.

Attorney Goins went on to discuss the bill regarding state owned properties. She said that the State could go ahead and develop housing on its own property without having to comply with municipal comp plans and zoning regulations. Chairman Millard said that the State has no money to do so. Member Katz said that would mean that the State could build on a space like Colt State Park. Attorney Goins stated that the land has to be vacant or underutilized in order for the State to do so.

Ms. Williamson stated that the electronic permitting extension would be working with zoning and eventually with the planning board. Alternate Member Jarest said that it would make her job easier.

Ms. Williamson advised the Board that recently one of the state law changes allows cities and towns to count the Section 8 vouchers as part of the affordable housing. She said that the consultant that was doing Bristol's plan got the numbers from the Bristol Housing Authority and added it to the draft plan, as it would get Bristol a little bit closer to their goal. Member Clark asked Ms. Williamson how many Section 8 vouchers there were. Ms. Williamson said that she would find out and get back to Member Clark.

Ms. Williamson advised that at the meeting set for Monday night also on the agenda for the Planning Board and Town Council to discuss the housing element update that is being worked on. She further advised that there would be a discussion regarding the affordable housing trust fund money from the yarn mill being held as a match for a bigger project like the Almeida apartments or something else.

Member Clark asked Ms. Williamson if there was any progress on the zone issue. Ms. Williams said no but suggested that he bring it up at the meeting. Member Clark said that since the Almeida apartments were owned by Roger Williams, it was not zoned educational and that Roger Williams was not paying taxes on it. Ms. Williamson said that he should bring it up at the meeting on Monday. Member Clark stated that it should either be zoned educational or Roger Williams should pay taxes. He said that if they ever sold it, new owner would have to go before the Board for a zone change and then the Town would have some ability to have some kind of oversight. Alternate Member Jarest suggested that it be a question for the meeting on Monday night. Attorney Goins said to remember that even if they rezoned it, someone could put in a comp permit application and then the zoning may become irrelevant. Member Clark asked how it could be prevented and Attorney Goins said that there is no way to prevent it. Ms. Williamson said to remember that a comp permit may get the Town affordable housing, which is what the Town wants.

Ms. Williamson said that if any Board members had any specific questions or concerns for the meeting on Monday night to let her know and she would add it to her notes for June Speakman to review. She wanted to give June some insight so the meeting could be productive because if June is not aware of the concerns, then June wouldn't have the proper information to provide during the meeting.

Vice Chairman Murgo said that he read somewhere about the minimum of 40,000 per unit and wanted to know if it could be raised. Alternate Member Jarest said she had a similar question. Ms. Williamson said that it cannot be raised as it was done by state law based on the chart. Vice Chairman Murgo said that was a minimum of 40,000. Alternate Member Sousa said that he thought it was eliminated. Ms. Williamson said that the fee in lieu was eliminated and then the whole inclusionary zoning was eliminated, but it was proposed to bring it back. Alternate Member Sousa said that they did not want fee in lieu back. Attorney Goins said that fee in lieu was under inclusionary. Ms. Williamson said that inclusionary was set with a sunset clause. Alternate Member Sousa stated that he was not aware that fee in lieu was part of the inclusionary. Attorney Goins said that it is part of the state law that says a city or town can adopt inclusionary, but it is not part of it.

Attorney Goins then asked Ms. Williamson if the Town was going to proposed to bring back the fee in lieu. Ms. Williamson said she didn't think so. Attorney Goins said that the Town took away fee in lieu once there was a low per unit fee. Alternate Member Jarest said she understood the metric in how it was determined, but it still seemed low based on how much it cost to do anything. Attorney Goins agreed and said that a lot of towns had taken away fee in lieu that used to have it as an option. She said that now the options were onsite development, onsite development, or land donation. Ms. Williamson was going to check to make sure it was not in there as she believes it was eliminated from the draft. Member Clark said that it was actually more efficient for the local CDC because they wouldn't have to go and title a property.

Alternate Member Jarest asked if there was a way for a client to go and partner with the CDC so that they could build one of the pieces and then spread the units out. Member Clark said that the problem was that most of the big developers who were doing 200+ units were doing the apartment complexes, then filling them up, stabilizing them, and then selling them. Alternate Member Jarest said that they were selling them as condos. Member Clark said that no the developers were selling them to 401Ks on Wall Street as the developer didn't want the responsibility. He said that the problem was that management of them was expensive and since the developer would already be losing money on the LMIs when they're being built, they don't want to manage them. He said that the LMIs would be built to the same specifications and would look identical to the other buildings that are on the same campus, except the local CDC would manage it, collect the rent, and the CDC could build it because they would not have to worry about going before a board.

Alternate Member Jarest said that the only downside to that would be other families living in the complex wouldn't have a mix of socioeconomic situations around them and feel a part of the community. Chairman Millard said it would be essentially a ghetto. Member Clark said that it would not be a ghetto because the developer was not buying a 50-acre piece and would build up all of the beautiful parts and then way in the back would be poverty corner. He said it wouldn't be like that at all and that it would be all in the same area, but if a developer were to mix it in the same building, they would lose money. He said that the math didn't work. He said that if a developer had already done the engineering and everything else, then the local CDC could just come in and built it. Alternate Member Jarest said that from a community development standpoint, they're missing out. Member Clark said that the tenants would have access to the same amenities as everyone else in the complex. Ms. Williamson stated that the LMIs have to be integrated.

Ms. Williamson went back to the question about fee in lieu and stated that Attorney Goins checked the draft and confirmed that the fee in lieu language was removed from the draft ordinance.

Vice Chairman Murgo asked how the housing trust fund was going to be replenished since there would be no more fee in lieu. Ms. Williamson said that the consultant had given the Board some ideas. Alternate Member Sousa suggested tacking on a fee to the building permits. Attorney Goins said that it couldn't be done. Chairman Millard said that wouldn't be enough. Member Clark suggested eliminating the trust fund and make it part of the general fund. Alternate Member Jarest said that the consultant suggested one way was to give the money out as a loan and then make money back on the interest on the money that was loaned out.

Attorney Goins went back to discuss the tax cap legislation and said that idea might be to shift more of the burden of increased housing units onto the new development units rather than the existing taxpayers in town. Member Clark said that they would be creating a 2-tier tax system. Alternate Member Sousa said that it would only be for 3 years.

Alternate Member Sousa said the town is going to wind up with mini houses. Alternate Member Jarest said that the 25% must be a mistake because it would also make it distinguishingly different than market rate units. Alternate Member Sousa said it would go against everything that people said about LMIs not to be different. Attorney Goins said that it could be a mistake as math mistakes have been made before. She said that there was one bill that included a correction to what was existing on the books the fee for electronic permitting is that a surcharge is tacked on to the building permit which was 1/10th of 1% and it was incorrectly listed and they corrected it.

Alternate Member Sousa asked Ms. Williamson to let June Speakman know about the questions everyone had.

Ms. Williamson asked if there was anything else the Board wanted the legislators know about. Alternate Member Sousa said that the general concern is the Town losing the ability to plan.

Alternate Member Jarest had a question regarding environmental protection and natural resource conservation. She asked Attorney Goins if it could help the Town. Attorney Goins said that it wouldn't do anything for the Town as it was a boiler plate section and not helpful. She said that she would advise the Board of any new developments as they become available.

E. Adjournment

Meeting adjourned at 8:24pm by Katz

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 12 June 2025 Planning Board: 