BRISTOL PLANNING BOARD
SEPTEMBER 10, 2026 MINUTES

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

Held: Thursday, September 10, 2026 in person

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

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

Also Present: Diane Williamson, Director of Community Development; Nick Toth, Planner; and David Marks, Esq., Assistant Town Solicotor.

Not Present: Member Richard Ruggiero; and Amy Goins, Esq., Assistant Town Solicitor

A. Pledge of Allegiance

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

B. Approval of Minutes – July 9, 2026

Member Katz correction was as follows: on page 2, 2nd line it stated "Airbnbs or BRBOs" and it should read "Airbnbs or VRBOs". With no other corrections or comments, Chairperson Millard asked for a motion.

A motion was made by (Katz/Clark) to accept the minutes of the July 9, 2026 meeting as amended.

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

C. New Business

C1. Review and make recommendations to the Town Council on proposed zoning ordinance amendments:

a. Short Term Rentals

Diane Williamson advised the Board that the draft Ordinance was reviewed by the Board in July and the recommendation from the Board was for the Town Council to adopt it as written. She stated the Ordinance required the Town Council were to make certain findings for

consistency with the general purposes of zoning and consistency with the Comprehensive Plan which wasn't done in July. Ms. Williamson said the Town Council had a first reading and scheduled a public hearing and referred it to the Planning Board for the Board's findings of consistency with zoning and Comprehensive Plan. She gave the Board a memorandum with what she recommended the Board should include as their findings. Ms. Williamson stated that Mr. Toth reminded her there was one edit from the Town Council's meeting that was made upon the Council's review.

Mr. Toth stated it was in regard to the exempt. He stated when it was originally presented to the Board, it exempted people who were renting for 7 or fewer total days per year. He said the idea was to give people a chance to rent their homes during periods like the 4th of July and the Council requested that it be increased from 7 to 14 total days per year while still requiring state registration as the state law requires. He said if a person was doing it for few than 14 total nights/days per year, it would exempt them from a special use permit. However, anything over day/night 15 they would need a special use permit from the Zoning Board. Member Clark said the language needed to be added, and Mr. Toth stated it has already been added pursuant to the request of the Town Council. Ms. Williamson said it was 7 days and the Council asked that it be changed to 14 days.

Member Clark advised Chairperson Millard that he was not present at the July meeting and after reviewing the Ordinance he had several questions about it. He felt the Town is over their skis on it. Member Clark felt it wouldn't hold up in a court if someone sued the Town. He said the Ordinance basically said that if someone was going to do a short-term rental the owner would have to be on the premises. Mr. Toth said that was correct as it was similar to the Ordinance that was adopted in Middletown and suggested to the Town by the Town Solicitor. Member Clark felt it didn't make any sense and didn't agree with it at all. He felt it was unnecessary and unfair to the homeowners as they had property rights and had the ability to rent their properties. Chairperson Millard agreed with Member Clark.

Ms. Williamson said the intent was to regulate corporations that come into Town and scoop up properties and convert them to short-term rentals. Member Clark asked how many short-term rentals in Town were corporately owned. Ms. Williamson wasn't sure. Alternate Member Sousa said Newport had a significant amount of corporate owned properties doing short-term rentals and the Town didn't want to become Newport. Member Katz agreed.

Alternate Member Jarest stated she agreed with Member Clark in a lot of ways. She stated she saw a post online about someone quietly buying up places in the downtown area of Bristol to turn into Airbnbs and it frustrated her since she lived in the area and didn't want that to happen. Alternate Member Jarest also didn't feel it was right to rent an Airbnb where someone was living down the hall from her while her family was there.

Member Clark went on to discuss Section 28-162(a) regarding applicability and asked Mr. Toth if the Council wanted to change the language in that section. Mr. Toth said no as it was a completely different exemption. He said that was an exemption effecting the grandfather clause for existing short-term rentals. Member Clark asked if it would transfer with the title. Attorney David Marks stated the grandfathered use would transfer with the title. Member Clark said if a home was on the registry as an Airbnb and it was sold, then the right to keep doing it as an Airbnb would carry over. Attorney Marks said that was correct as it would run with the land. .Mr. Toth said it was specified or stipulated on requiring that the registration remained current. He said if the owner kept it current with the State then they were given 1 year to let it lapse. Member Clark said, hypothetically, if Member Katz owned a building, he

was grandfathered in to do an Airbnb and then he bought it and he wanted to do it, he would have to apply for a different license. Mr. Toth and Attorney Marks said if he didn't let the registration lapse for more than a year then Member Clark would be all set. Mr. Toth said if Member Clark would let it lapse then 5 years down the line he decided he wanted to do it then he would have to get a special use permit.

Member Clark went on to discuss Section 28-162(b)(1). He stated that if a short-term rental is advertised for a rental period of more than 14 total nights, the owner responsible for it must reside on the property during the short-term rental period. Member Clark asked how that would that work. Mr. Toth stated the owner would just have to be there. Member Clark said what gave the Town the right to tell people that they had to do that. He stated there are people who have multiple properties in the Town. Ms. Williamson said that's what they talked about earlier regarding corporations buying up properties. Member Clark said there were many individuals who buy investment properties and rent them out as Airbnbs. Mr. Toth said those individuals were more than free to rent those investment properties out to long-term tenants. Member Clark asked why the Town was telling someone what they could or couldn't do. Alternate Member Sousa stated the discussion was all about what was in the best interest of the Town. He said they were not trying to defend Airbnb corporations; they were trying to protect the fabric and culture that exists in the Town.

Member Clark said if someone bought a property based on the fact that they could do an Airbnb and paid more for it because they knew they could rent it out, but then they have to reside there. He said if he owned two homes, lived in one and wanted to use the other house as an Airbnb, as he was reading the standards, he had to sleep in a bedroom while he was renting it. Attorney Marks stated if someone currently owned the home, then it would be grandfathered, but in the future, this is how it would be for new short-term rental properties. Member Katz said if it was currently owned and registered, it was good to go. Attorney Marks said that was correct, but in the future, this is how it will be. He said there was no state law that demanded otherwise nor was there any constitutional law that said the Town couldn't regulate it.

Alternate Member Sousa said to Member Clark that if he owned a 2-family home, it wouldn't be an issue because he would be staying in the same house. Member Clark gave the example of someone living on one street and purchasing a 2-family dwelling that happened to overlook Independence Park who then decided to Airbnb it during the summer to generate revenue, would pay more for the property. Member Clark said the buyer would be willing to pay more for the property, and the homeowner would make more from the sale. However, if the regulations say otherwise, that affects property values as the new owner would have to rent it long-term instead of short-term. Alternate Member Sousa asked for clarification of the definition of short-term. Mr. Toth said it was less than 30 consecutive nights. Alternate Member Sousa said that someone could still rent a property out for the summer as nothing would be getting in the way of it.

Member Clark went on to discuss Section 28-162(b)(2)(b). He asked why the Town was getting involved between an insurance company and the property owner regarding the amount of insurance coverage an owner needed to have. Mr Toth said the owner would essentially be running a business. Mr. Toth asked Attorney Marks if the Town typically requires business insurance and Attorney Marks said yes. Member Clark asked if other businesses in Town had $1 Million in insurance coverage. He felt it was a slippery slope for the Town. Member Katz stated there was no clarification if the insurance needed to be commercial general liability coverage, personal liability, property damage. He said the Town

hadn't defined what the insurance was, just that the owner needed to obtain a $1 Million policy. Member Katz advised that it needed to be clarified. Member Clark said his point was just because the Town didn't like it, it didn't mean it wasn't allowed. He wasn't for it either, as there was an Airbnb on his street as well.

Member Clark then discussed Section 28-162(b)(4) regarding parking requirements. He said if someone owned a 5-bedroom house that had a 6-car driveway, that person still needed to come up with 4 extra parking spaces. Mr. Toth said that was correct. Member Clark asked why was that necessary. Member Katz asked Mr. Toth how that was going to be done and how did it make sense to do so. He said in an R-10 neighborhood there were no marked parking spaces unless there were special privileges. Ms. Williamson said if someone had a duplex and the owner wanted to make 1 unit an Airbnb, they would need whatever the zoning requirement was for the duplex, *i.e.* 2 per unit. Member Katz asked if that meant onsite or off site. Ms. Williamson said that was meant for parking spaces in the driveway. Member Clark stated it read as 1 off street parking spot per bedroom was required in addition to the minimum parking spaces already required for the building.

Member Clark asked what was meant by the term "already required". Ms. Williamson said it was whatever zoning required for the building as it existed presently and then the owner has to add to it. Member Clark asked if the Town expected owners to pave their back or front yards in order to do so. He asked if owners were going to park on their front lawns as there was no Ordinance preventing them from doing so. Mr. Toth stated it was designed to prevent clogging up street parking. He said the language was taken from the regular bed 'n breakfast Ordinance. Member Clark stated just that alone would essentially eliminate any downtown Airbnbs. Alternate Member Jarest added it excluded the ones that were already in existence. Ms. Williamson said that was correct. Member Clark said the Town wants people to come and spend money yet they're penalizing their ability to do so. Mr. Toth stated the law was designed to specifically to preserve long-term housing stock as the Town wants people to also live there.

Member Katz didn't disagree but was concerned about how the Town was going about doing it. Ms. Williamson said at last check there were approximately 88 short-term rentals existing in the Town and others have registered since. She said there were possibly close to 100 short-term rentals in the Town. Member Katz said the sooner the Ordinance was in place the better. Member Clark said the Town couldn't create obstacles. Chairperson Millard said the Town had an obligation to do what it could to protect the Town and prevent it from turning into another Newport. Member Clark said owners also had the right to do what they wanted with their properties. Chairperson Millard said they could sell and move to Newport. Member Clark reiterated the owners shouldn't be straddled with burdensome regulations.

Member Clark referred back to the parking issues. He said essentially what the language stated was if an owner had a 5-bedroom house with a 6-car driveway, the owner would still need 4 additional parking spaces. Mr. Toth said however many zoning required plus however many bedrooms. Member Clark asked how many spaces were required in an R10 zone. Alternate Member Sousa asked if it went by how many total bedrooms there were in the dwelling or how many bedrooms were being rented as an Airbnb. Ms. Williamson said it went by how many were being rented as Airbnb bedrooms. Alternate Member Jarest said what about a toddler that was staying in 1 bedroom but obviously didn't drive.

Member Clark stated that meant the Town would be regulating how many people would be able to stay in the house at one time. Ms. Williamson said no more than 5. Mr. Toth said that

meant occupancy. Attorney Marks stated most towns regulated that as well for short-term rentals. Mr. Toth said that was designed to avoid party houses.

Member Katz said he was good with 2(a) and 2(b). He asked how was the Town going to know those points were satisfied as there was nothing in the proposal that said how those 2 conditions were going to be satisfied after a special use permit was granted. Member Katz recommended placing wording in the Ordinance that it must be satisfied within 30 days after the granting of the special use permit or something to that effect. Ms. Williamson said it would be a condition of the Zoning Ordinance if the special use permit was granted and then it would be presented to the Zoning Officer for the permit. Member Katz stated the Zoning Officer would then know that the clock was ticking that if they didn't receive it in 30 days, they could go after the owners. Ms. Williamson said that condition would be enforced through Zoning and the Zoning Officer.

Member Clark asked if having $1 Million in insurance coverage still going to be required when the Town didn't make any other business in town to do it and Ms. Williamson said yes. Member Murgo said the marina had it. Member Clark said that was a town dock versus a private residence. Member Katz said it should be specified if it needed to be commercial general liability. Alternate Member Sousa stated the Board went through the minutes and accepted the minutes which indicated that the Board had voted and approved the Ordinance which was in front of them at the current time. He further stated that the Ordinance had already gone before the Town Council for the first reading. Alternate Member Sousa said it wasn't a matter of whether they were going to keep that language in there as the Board had already voted and approved the Ordinance. He stated the Board wasn't in a position to remove it; it already went before the Town Council; the Board already voted; and now it's going to go for a second reading. Member Clark said since he wasn't at the meeting where it was approved. He saw it for the first time the week prior to the meeting and as a member of the Planning Board he had a right to speak about it. Member Clark said if the Chairperson wanted to shut him down that was fine. Chairperson Millard stated he respected Member Clark's opinion, but the Board couldn't change it. Member Clark wanted to go on record.

Chairperson Millard asked if the Ordinance was for the Comprehensive Plan. Alternate Member Sousa stated he was a bit confused by the meeting agenda as the item was listed as "review and make recommendations to the Town Council on proposed zoning ordinance amendments" and the short-term rental issue was the first discussion. He asked if the Board was reviewing and making recommendations. Attorney Marks said the Board had to still make recommendations as to whether it comports with the Comprehensive Plan. Chairperson Millard said that was the only recommendation the Board could make currently. Attorney Marks said that was the only recommendation the Board did not reach at the last meeting.

A motion was made by (Millard/Sousa) that the proposed Ordinance comports with the Comprehensive Plan

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

b. Flood Zone Definitions

Ms. Williamson stated it was before the Board for a recommendation and a finding of consistency with the Comprehensive Plan. She said the Ordinance was presented to the Town Council, and they had a first reading, and this was the first time the Planning Board

was seeing the Ordinance. Ms. Williamson stated the Ordinance would amend the definition of substantial improvement in a flood zone. She said it would be amended to say rather than a 10 year look back, which is currently required, it would only be a 5 year look back. Alternate Member Sousa asked what the look back was for. Ms. Williamson said when an owner did substantial improvements on a dwelling, there's a 10 year look back which meant that the Town went back 10 years and added up all of the permits in the 10 years and compare it to the value of the house from 10 years ago and if it was more than 50% then the owner wouldn't be able to go forward until they brought the entire building up to flood zone standards that are currently required. Chairperson Millard stated the flood zone standards were 10 years old.

Ms. Williamson said the problem that is being encountered with permits recently is that the cost of construction has become increasingly expensive and going back 10 years the home prices were much lower 10 years ago. She stated that people who want to do general maintenance on their home like windows, doors, HVAC upgrades, siding, etc., are getting held back by the 10 year look back because they're exceeding the 50%. Ms. Williamson recommended a 5 year look back as it would help many people. She stated it wasn't perfect, but she was also looking to bring more amendments in this category in the future. She said the Town participates in a community rating system program which was a voluntary program through FEMA and there were certain things the Town does like the 10 year look back that gave the Town points. Ms. Williamson said when a certain number of points is received, people get a percentage deduction on their NFIP flood insurance. She stated right now the Town was in a class where everyone receives a 15% discount. She was always reluctant to change the 10 year look back as she didn't want to lose those points. Ms. Williamson recently found out that if the Town were to go to the 5 year look back which would help residents who want to make simple improvements to their homes, the Town wouldn't lose that rating.

Chairperson Millard asked if the Town could go to a 3 year look back. Ms. Williamson said if the Town were to go to a 3 year look back then the Town would have to do other things to make up those points which is what she was looking at now. Member Clark asked what the damage would be by losing those points. Ms. Williamson said eventually the Town could possibly go to 3 or maybe even annually, but she wanted to include those revisions with other revisions in the zoning to add points back where the Town may lose points. Chairperson Millard asked Ms. Williamson if she was going to work on doing a 3 year look back and Ms. Williamson said yes. Chairperson Millard felt the Town needed a 3 year look back.

Member Clark asked if there was a monetary attachment to losing points and Ms. Williamson said yes. She said right now the Town was at 15%. Ms. Williamson said there was a new coordinator at the State who has been meeting with her and working through this with Ms. Williamson. She feels that the Town could get to a better class and get a better percentage discount on the insurance, but there was more work that needed to be done. Member Clark said dropping to 5 years wouldn't affect it. Ms. Williamson said the Town's class rating wouldn't be affected. She said she would keep working to bring amendments that will maybe eliminate it all together.

Alternate Member Sousa said if a property was along velocity zone along the coast, CRMC would allow an owner to do improvements up to 50% of the value of their home. He stated they wouldn't go back and look at what was done in the past, they would just do application to CRMC and wouldn't need to comply with the velocity zone requirements, it would be based on the current appraised value. Ms. Williamson said it was recommended by the State

and FEMA when the Ordinance was adopted in 2014. She said the intent was good, but it hadn't equaled any results. Ms. Williamson stated the intent was supposed to incentivize people to elevate their homes and flood proof homes and comply sooner rather than later, but nobody in 12 years has done so. Instead, owners have deferred maintenance or decided not to do it at all and that's not the intent and Ms. Williamson said the Town is getting fearful that it might result in blighted buildings because people aren't able to make improvements. Ms. Williamson said the 5 year look back would help several people right now that are in that predicament. She is going to try to advance it to a 3 year look back or annually. Chairperson Millard and Member Katz liked it.

Ms. Williamson said it would be for a recommendation and also for a finding of consistency with the Comprehensive Plan and the general purposes of zoning.

Motion to accept Katz/Sousa to pass on to town council

A motion was made by (Katz/Sousa) to accept the proposed Ordinance and pass it on for findings of fact to the Town Council
In favor: Millard, Katz, Clark, Murgo, and Sousa
Refrained: None
Opposed: None

C2. <u>Review and discuss zoning ordinance amendments to regulate AI Data Centers as referred from Town Council</u>.

Chairperson Millard felt it was a great proposal and had no questions. Member Clark didn't have an opinion either way on it and understood the pros and cons in both directions on it. However, he felt he hadn't had enough time to look at the subject matter carefully to make an educated decision and proposed to the Town to do a 1-year moratorium completely on data centers. Member Clark said during that time the Town shouldn't entertain any developers or anything until they could get their arms around what exactly it was they would be dealing with. Alternate Member Sousa agreed with Member Clark.

Ms. Williamson stated the proposed Ordinance would prohibit data centers in all zones. However, if the Planning Board received a super proposal from someone that they really wanted to approve, they could go to the Town Council and asked them to change the zone. She stated it would have the effect as a moratorium without a deadline and without enforcing a time limit on when the Board would get back to the Town Council. Ms. Williamson said that is why she supported the draft that was provided by Amy Goins, Esq., Assistant Town Solicitor. She reiterated it would be a "no" in all zones. Member Clark said if someone was looking to do something and looked at the zoning code and saw it was a "no" in every zone they weren't going to know that the Town had flexibility. Member Clark made a motion.

Alternate Member Sousa, after seconding the motion, proposed a discussion on the same. He stated that there were multiple levels of data centers. He said many were under 5 megawatts, 5 to 20 megawatts, some greater than 20 megawatts, greater than 50 megawatts, and to blanket across the board without going into detail about if they would have a package power plant or their own water supply system. Alternate Member Sousa did further investigate into the issues with data centers and felt Jack's Salvage would be the perfect location for a data center and the amount of money the Town would get from the taxes on the $100s of Millions of dollars of equipment that were inside of the data centers was significant. He asked if the Town was just going to say no across the board. To him,

completely saying no to something that the Town didn't what it was, the size, location, the kind of impact, if any, if it would have its' own electrical or water power, etc., would be a lawsuit.

Chairperson Millard said if a data center was to have its' own electrical power and water power, then where would it come from as Bristol was a small New England town. He said what possible advantage would a data center bring to the Town. Alternate Member Sousa said it would be a huge tax revenue to the Town. Member Clark said it would be tangible tax revenue that went to the Town and not to the State. Chairperson Millard stated it wasn't all about the tax rate but rather about the quality of life in the Town. Member Clark didn't disagree with Chairperson Millard and said that's why he suggested the moratorium in order to obtain more information on data centers. Chairperson Millard said they could always change their mind. Member Clark stated they wouldn't know if a data center would come if those companies look at the zoning codes and it said "no" all the way across the board.

Alternate Member Sousa said what if Jack's Salvage decided to close, what would happen to the property. Chairperson Millard said that was brought up at the last meeting as well but didn't think they should put a data center there. Alternate Member Sousa understood Chairperson Millard's point, but the potential income to the Town and something that would fit on the property where it wouldn't be impacting residential uses around it and potentially providing a cap should be considered. Chairperson Millard said Bristol was a very livable town with a reasonable tax base and decent quality of life and he didn't see a reason to turn Jack's Salvage into a Texas sized data center.

Member Clark said the reason for his motion was to give the Board and the Town more time to understand the subject matter.

A motion was made by (Clark/Sousa) for a 1-year moratorium on any data centers in the Town until the technology due to it changing every day turns out and that the Planning Board had enough information to make an educated decision.

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

Ms. Williamson asked how long the moratorium was for and Member Clark said it was for 1 year. She asked Attorney Marks if there needed to be other findings made for moratoriums. Attorney Marks said it was just a recommendation as it wasn't the actual Ordinance. Ms. Williamson said the recommendation was to enact a moratorium instead of adopting an Ordinance. Member Clark said to enact a moratorium for a year until more information can be collected. Attorney Marks said the Board made a motion not to recommend this Ordinance as written and instead would ask for more time and a moratorium of a year.

Chairperson Millard reiterated that there was going to be a recommendation that the Board did not support the Ordinance. Ms. Williamson said the Board would be sending a letter stating that the Board took a vote and the recommendation was to enact a 1-year moratorium to gather more information on data centers. Chairperson Millard asked if the Board could attach opposition opinion. Attorney Marks said there had to be one motion so something could be put on the record. Chairperson Millard said that's what he wanted to do and asked how he could do that. Attorney Marks stated he could make a motion to reopen the agenda item to add something to the recommendation and then add it to the motion. Member Katz agreed with Chairperson Millard to reopen the discussion. Chairperson Millard asked what

to do and Attorney Marks stated to put it on the record that they were going to reopen agenda item C2.

Chairperson Milard made a request to reopen agenda item C2 to make a new motion. Member Clark asked if that meant the motion that had previously passed was not moot. Attorney Marks said that something was going to be added to the motion.

Member Katz went on record to state that he was adamantly opposed to any data center in the Town of Bristol. Chairperson Millard agreed with Member Katz. Member Katz stated if a data center was to come into the Town, in his opinion, they would have to have: a) its' own power capability; b) its' own water capability; and c) it could not increase noise pollution over that which was currently in place wherever it was to be built. Member Clark said by requiring the data centers to have their own power and water capabilities would mean they would have to run diesel. Member Katz said the data centers wouldn't be able to operate in the Town in that case. Attorney Marks stated the amendment as proposed outright bands data centers.

Ms. Willamson said at the last Town Council meeting, the subject was brought up by one of the Town Councilmen. She stated the Council did what the Board just did about how they should go forward and threw it to Ms. Williamson and she advised the Council that the Planning Board was really the land use board and Planning was the body that the Council should probably get a recommendation from. She said the Town Council was now asking for a recommendation from the Planning Board. Ms. Williamson stated that she should have provided a little more homework for the Board. She said the Solicitor's Office said it has come up in many other communities and they're all adopting what was currently in front of the Board. She said there were different scales of data centers around. Mr. Toth said there was a data center for Verizon in Providence.

Attorney Marks made a recommendation that the Board continues the matter and draft new amendment that could last for a year or more to discuss. Chairperson Millard said the Board definitely needed more time to discuss the issue.

Ms. Williamson suggested the Board look at the definition of data centers provided as it was for AI and cloud computing and it didn't include server rooms and the like. Alternate Member Sousa said there was a variety of sizes for data centers and a data center in the Town probably wouldn't have any impact especially when it was located on a site like Jack's Salvage. Chairperson Millard said he needed more information on the subject. Member Clark stated that's why he suggested the 1-year moratorium. Attorney Marks also recommended for everyone to study the definition of a data center because what was being mentioned was in there. Alternate Member Sousa said the definition language needed to be tightened up and to include megawattage information.

Alternate Member Jarest said one thing that the Town was trying to do was to provide opportunities for jobs in the Town. She said from her research data centers were not creating a serious amount of jobs. Alternate Member Sousa stated data centers did create a serious amount of income. Alternate Member Jarest understood his point but said the Planning Board was the board that helps house the Town's residents, to be gainfully employed, and preserve the character of the Town. Member Clark said the more he read about some of the developments that data centers were promising 200 jobs and never delivered on their promises, but on the other hand there was a lot of good things going on as well. Alternate

Member Jarest agreed with Member Clark. Member Clark said the Board needed more time to understand everything and that's why he asked for a moratorium.

Ms. Williamson, after a discussion with Attorney Marks, said the consensus was the Board needed to be given more information, the Board needed to do their own research, and she needed to provide some better background for the Board. She stated while that was happening, she didn't want the door to be left open so while information was being studied, someone would come in with a proposal. Member Clark said that's why a moratorium was needed. Ms. Williamson agreed and advised the Board to do the moratorium and to continue the topic for another review. Member Clark said the Town didn't want someone coming it and stating they met all of the requirements and requesting a zoning certificate and they couldn't be stopped. Ms. Williamson said the Zoning Officer said if a use was not listed on the zoning use table it's prohibited unless it can be shown that the proposed use was similar to a use that was allowed. She stated that she couldn't see any use that was similar to one that was allowed. She said in the Zoning Officer's opinion he would already be able to say no if someone came, but the moratorium would help. She said the motion would be a recommendation for a moratorium while the Board conducts an additional study.

Member Katz asked if an amended motion was needed. Alternate Member Sousa said no as that was the motion on the record already. Attorney Marks stated they were not going to amend what was previously passed.

C3. Review annual update on projects from Roger Williams University as required by Planning Board conditions on Educational Institution Master Plan.

Member Katz recused himself unless it was a receive and file.

Ms. Williamson stated it was just to receive and file as the University had to provide an update on their projects every year. She stated it was to inform the Board of what the University was working on currently and what was on the horizon in the future.

Alternate Member Sousa asked if a discussion needed to be had on it. He asked what it meant by "receive and file". Ms. Williamson said it just meant that the Board reviewed it but didn't take any action as it was just really for their information. She stated that when the Board approved the University's master plan several years ago, one of the conditions was that the University would report annually on the status of their projects to keep the Board informed, so this was their annual report to the Board. Member Clark said the University was due for their 5 year. Ms. Williamson said that was coming up in 2028. Attorney Marks suggested that the Board make a motion to receive and file.

D. Correspondence

D1. Enacted Legislation affecting Land Use Law

Attorney Marks said there were a lot of changes to zoning procedurally and other things which were laid out in the memo before the Board. He stated draft proposed amendments to the code that will reflect the changes had already been started. He said there were changes that had to do with minor subdivisions and 1 important change was there weren't going to be conditions for

special use permits anymore. Attorney Marks said it was pretty comprehensive and they started to write the amendments to reflect those changes.

Member Clark asked if the issue regarding a homeowner having to give a person 90 days to leave if they had set up a homeless camp on that homeowner's property passed. Attorney Marks said it did not pass.

Alternate Member Jarest asked Attorney Marks what it meant that there was an exemption from state fire codes regarding safe units. Attorney Marks wasn't sure about the thinking behind that. Alternate Member Jarest asked if there was any way they could not have that. Attorney Marks they couldn't as the State law controlled what the Town was able to do. Alternate Member Jarest said if the Town was to provide housing for the homeless or people in need of a safe place, then the same standards for building should be used across the board. She said safety standards shouldn't be reduced. She took issue with redeveloping a space and not providing acceptable entrances in the same way that it would be for everyone else. Member Clark said also no exterior windows. Alternate Member Jarest said that it's creating a different class and that's a problem. Member Katz felt the intent was to rush through those kinds of shelters without considering the potential impact on its residents. Member Clark said it was like taking a strip center and converting it into units. Alternate Member stated without fire access for people to get out. Member Clark agreed as it said no windows, which wasn't right to do. Alternate Member Jarest said it conflicted with the health, safety, and welfare of people.

Attorney Marks said the law stated it was for periods of severe weather or during the aftermath of a natural disaster. Member Katz stated it would just be purely on a temporary basis.

Member Katz asked Attorney Marks about the wording regarding the issue of daycare. He was concerned with the wording "of less than 12 children at a time". He asked if that meant a daycare provider only had 8 registered kids they would lose their daycare license. Ms. Williamson said it meant they couldn't say the daycare couldn't have less than 12 children. Attorney Marks said the Town couldn't regulate it to allow the use. Member Katz asked what if it was less than 12 and Member Clark asked what if it was more than 12. Attorney Marks stated it meant the municipality couldn't restrict someone to having less than 12 kids. Member Clark said and yet the municipality could restrict someone to having less than 5 people in a house for a short-term rental.

E. Adjournment

Meeting adjourned at 7:55pm by Katz/Sousa

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 8 October 2026 Planning Board: 