



## BRISTOL PLANNING BOARD NOVEMBER 14, 2024 MINUTES

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

**Held:** November 14, 2024 in person

**Location:** Planning Department, 235 High Street, 1<sup>st</sup> Fl, Bristol, RI

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

**Also Present:** Ed Tanner, Principal Planner; Amy Goins, Esq., Assistant Town Solicitor

**Not Present:** Member Richard Ruggiero

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

Chairman Millard asked if there were any questions or comments regarding the October meeting minutes.

Member Murgo refrained from voting as he was not present at the October meeting.

Alternate Member Jarest stated that she was not a voting member, and it needs to be removed on Page 9.

A motion was made by (Clark/Sousa) to accept the October meeting

In favor: Clark, Katz, Millard, Sousa

Refrained: Murgo

Opposed: None

**C1. Proposed CDBG Projects – Planning Board to review and make a finding of consistency with the Comprehensive Plan**

Bob Plain for Church Community Housing (CCH ) present.

Mr. Plain stated that CCH has been helping Diane Williamson, Nick Toth, and Ed Tanner manage the CDBG program. He stated that there are two activities that will be voted on at the Bristol Housing Authority, one being \$200,000 for upgrades to the bathroom at the Benjamin Church Manor, and the second being \$400,000 for the Bristol Home Repair Program to help those who are eligible to pay for repairs for safety issues or code violations. He further stated that the Planning Board is asked to certify that these are proposed projects are not in conflict with the Comprehensive Plan.

Chairman Millard and Member Clark both inquired as to how many bathrooms were to be repaired and Mr. Plain stated that it could be anywhere from 10 to 20 bathrooms as it was an old building which might have asbestos. Member Sousa said that it was a big project. Chairman Millard was concerned about the cost of the project.

Mr. Tanner stated that he had a memorandum from Diane Williamson containing an outline of the project description with the relevant Comprehensive Plan reference.

A motion was made (Katz/Millard) to make a finding that the proposed projects do not conflict with the Town's Comprehensive Plan.

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

Opposed: None

**C2. Housing Element Update from Horsley Whitten and Camoin Associates**

Jeff Davis for Horsley Whitten present.

Robert O'Brien and Rachel Selsky for Camoin Associates present.

Mr. Davis gave a quick overview of what has been happening. He stated that the bulk of the presentation is an economic analysis and strategies for a plan and that key decisions were to be made after Mr. O'Brien's presentation that will inform additional edits. He stated that there were a couple of iterations of this. They received initial feedback from Ms. Williamson, and they pulled a lot of policy statements of moderate housing from the 2009 Plan and existing Comprehensive Plan. He stated that they would see a lot of those policies and approaches. He further stated that he had a summary of the public engagements and the feedback they received from the public at those meetings and the online survey. Mr. Davis said that there was a presentation at a public meeting in May and it was online in the summer. He advised that the goals were revised from that meeting and the feedback from the Board and as were the strategies for low to moderate income housing. He said that the big takeaway now was to hit the 10% goal for low to moderate income housing. He stated that there would be inclusionary zoning if it was to be reinstated with parameter uses and that it is currently being considered that 15% should be affordable for a development with five (5) units or more. He stated that there needs to be clarification as to what should realistically be approved. He stated that this is conditional with zoning changes and variances. Mr. Davis said that right now based on assumptions being given even if it is 50yrs in the future, the incentive would be 9.6% if they stay the course with tools they have before them. He stated that as long as the State saw progress, that's what counts. He said that depending on results of tonight's conversation, they would be going back and recalculating everything.

Mr. O'Brien started a slide presentation. Mr. O'Brien discussed five (5) models. The first discussed was ADUC incentives and comparing the costs and benefits of grants verses loans. He stated that in order to build a new 800sqft ADU, it would cost approximate \$300 per square foot and cost approximately \$240,000 just for a stick build and that there would be additional costs for the foundation, utility hook ups and the like for an approximate additional cost of \$60,000 for a total of \$300,000.

Chairman Millard stated that it seemed unrealistic. Attorney Goins asked if that was for a stick build which Mr. O'Brien said that it was. Mr. Davis said that there were kits available, but Mr. Tanner stated that those kits may not meet Rhode Island building codes. Alternate Member Jarest stated that Dwell magazine used to have kits available for purchase in them. Alternate Member

Sousa questioned if it was for an 800sqft, 1 bed stand-alone dwelling and Chairman Millard said it sounded like the size of a doublewide.

Mr. O'Brien stated that if a homeowner was to build an ADU inside an existing structure, then it would be cheaper. Alternate Member Sousa asked what the conservative estimate would be on that option and Mr. O'Brien stated that it would be a market value estimate. Member Katz stated that he looked online and saw a luxury 20x40 tiny house for \$10,766 which was approximately 600sqft. Member Clark stated that it was like a container home. Member Murgo stated that he thought he saw that park mobile homes were not allowed. Member Clark stated that as long as it did not have an axle, it was allowed.

Mr. O'Brien said that for the model, just assume that it was stick built. He then explained what the cost would be if a person was to do a \$300,000 loan amount with 20% down and \$240,000 borrowed at 7% interest at the present time. He stated that the monthly payment would be \$1,597 and the owner of the unit would have to make those payments and over 30yrs at \$167 per month, the total recapture would be \$1,764. That would be in addition to the overall construction, paying increased property taxes, additional insurance, and increased utilities for usage.

Member Clark stated that a 3bd house has approximately \$5,000 in taxes. Mr. O'Brien stated that he used \$1,000 as a guess for the additional taxes on top of the original tax amount of the house and a total of \$2,000 in monthly expenses in addition to the utilities without any profit. Member Clark stated that the homeowner would need to rent the ADU for at least \$2,600 to make any profit. Mr. O'Brien agreed and said that it was mind blowing. He presented four (4) models to discuss how to reach these goals: 1. Grants toward loan downpayment assistance; 2. Grants toward points to buy down loan interest rates; 3. A revolving loan from the inclusionary zoning funds; and 4. Construction loans from Town bonds.

Member Katz stated that this is not a Town requirement and that the State should pay, not Bristol regarding the funding by way of grants or loans in Rhode Island to whomever wants to build an ADU and that he was opposed to it. He then asked what happens when housing trust fund was depleted? Mr. O'Brien said that it should be something permanently in place for the State. Member Sousa said that low to moderate income housing rents were to be based on income and not what rents are at the time. Member Katz agreed. Mr. O'Brien stated that it was confusing and that he was not trying to get subsidized rents but rather trying to get rents that the local workforce could afford. Attorney Goins stated it was for real world affordable. Alternate Member Sousa asked how that relates for Bristol to qualify. Member Katz stated that exceeded what affordable housing in Bristol is. Attorney Goins stated that this was not resolving a problem that the State wanted Bristol to resolve. Mr. Davis stated that it would help provide housing for the community and how they could make it work. Mr. Tanner stated that there was no opinion from Mr. O'Brien or Mr. Davis as to whether this was a good idea or not. Alternate Member Sousa asked what the target was. Mr. Tanner said that he was not recommending they do this. He stated that the Town hired Horsley Whitten and Camoin Associates to rewrite housing element with five (5) potential scenarios. Chairman Millard asked for one that works. Mr. O'Brien said that a housing trust fund would help hit low to moderate income (LMI) goals. Alternate Member Jarest said that more housing would get Bristol farther away from LMI goals. Member Clark said that Bristol would never reach it. Alternate Member Sousa said that he wanted to see what LMI amount is for Bristol. Member Murgo stated that the median income in Bristol is \$91,000. Mr. Plain stated that it was \$70,000 a year. Mr. Davis said he would get that information for the Board. Member Clark stated that 30% is \$1,842.50. Alternate Member Sousa stated that if that's the case then we are sitting better than the goal.

Mr. O'Brien continued by showing the grants on the screen for comparison. He stated that the second option in the grant versus loans in ADU affordability shows a cost of \$9,600 per grant and with that Bristol can do up to 54 loans with a loss of \$232. He further stated that the third option is a revolving loan fund, but the issue is the size of the loans to make it happen. He explained the various loan options and costs and what it would take to make it profitable at the end of the loan. Mr. Davis stated that it could work if the numbers lined up. Chairman Millard asked if there would be deed restrictions. Mr. O'Brien stated only for discounted loans. Member Katz stated that if the homeowner took out a loan, the Town would be the lender and be on the title and would own the ADU but not the land it was on. Member Clark stated that the remedy for the Town would be risky. Mr. O'Brien stated that the Town could put a lien on the property until it was remedied, but that the Town would not drag the ADU off the property. Alternate Member Sousa stated that every five (5) years there would be an adjustment for LMIs. Attorney Goins stated that the monitoring agency would certify if the occupant met the requirements and that someone could qualify when they moved in, but if they got a raise or won the lottery, then they wouldn't be. Alternate Member Sousa stated that the LMI rate as of today increases every five (5) years which means the Town would receive more money every year. Member Murgo stated that the premise would be to secure a \$5million loan. Mr. O'Brien stated that he has an ADU and that it will pay for taxes, insurance, and utilities after his house is paid off. Alternate Member Sousa stated that it would not be a profit to the homeowner over the years. Mr. O'Brien stated that after two (2) years, the homeowner will make a profit. Alternate Member Sousa stated that if the LMI is more than \$1,650 then that would be a better return.

Rachel Selsky for Camoin Associates stated that for a 1 bed unit in Bristol, the rent is \$1,100. Alternate Member Sousa stated that \$1,100 rent was not in Bristol. Ms. Selsky stated that they would figure it out. Member Clark stated that Bristol was in a high rate area and it goes up and down. Mr. O'Brien stated that the median rent is \$1,552 in the Providence/Fall River areas and that a trust fund can be dispensed to low-income housing and it would allow for more. Member Clark state it was a stretch for 80% of the Town. Mr. O'Brien stated that at 7% interest, rates might fall and the private sector can do it on their own and wouldn't need Town assistance; however, trying to go to LMI, they may need another carrot. Chairman Millard asked if there was a solution. Mr. O'Brien state ADUs.

Mr. O'Brien then went on to the second option, that being short-term rentals. Mr. Davis said that for a 2 bed unit in the area, the rent is \$1,614. Mr. Davis clarified that short-term rentals refers to a rental of less than 30 days like an Air BNB. Mr. O'Brien said that in September of 2024, there were 77 listings with half occupancy for 3.6 days for short-term rental. Member Katz asked where the data was obtained. Mr. O'Brien stated he looked at the Air BNB site. Member Katz asked what was the ordinance on Air BNB? Chairman Millard stated that he had an apartment over his garage for short-term rental use, but if he was told to do it for longer term rental, he wouldn't do it. He said that it was the choice of the homeowner. Alternate Member Jarest said that this was different from a company that would come in and flipped properties into Air BNBs which has happened. Member Clark said that there is always someone quietly buying properties. Alternate Member Sousa stated the Town Council suggested to raise tax rates for rentals.

Mr. O'Brien shows a slide map which indicated the short-term rentals in Bristol. Member Murgo asked if the dots on the waterfront were boats? Mr. O'Brien said yes, they were. Alternate Member Jarest stated that there was a houseboat docked in Providence in front of Hot Club which was a short-term rental. Mr. O'Brien stated that there are over 12,000 visitors each year and that they are spending \$1.4million every year in Bristol and that it has an impact on the economy. Member Clark asked where the information was obtained. Member Murgo stated that those visitors did not have children in the school system.

Mr. O'Brien then showed a slide with a pie chart and map with information regarding approximately 4,200 people drive into Bristol for work, 7,000 people drive out of Bristol for work, and that approximately 1,600 people live and work in Bristol. Alternate Member Sousa asked if part of the chart showed people coming into Bristol. Mr. O'Brien said yes. Mr. O'Brien stated that they lose some people due to travel and that it would be beneficial if they could find affordable housing in Bristol.

Next, Mr. O'Brien went through the valuations of multi-unit dwellings versus single family dwellings. He stated that using local tax records, the values of multi-unit dwellings goes down. He said that per square foot, a single-family dwelling is higher in price. Alternate Member Sousa asked if introducing a multi-family unit to a single-family street would drive the value of the single-family dwelling down. Mr. O'Brien said that was the public's assumption, but he spoke to a realtor and walked through some examples. He said there were very few in Bristol, but that there were two duplexes off Metacom. He was not sure of the selling price, but the estimated worth was \$546,000. Member Clark said that the duplexes were next to a commercial zone behind Enterprise Rental, but if they were located further down on Hopeworth, then it would affect the value. Mr. O'Brien stated while looking for comparable, he noted one example in a historic neighborhood and according to Zillow there was no decrease in value. He talked to a real estate agent and asked about the pros and cons and was advised that it was not negatively affected as it was a mixed use and that ADUs do not elicit the same concerns as multi-family dwellings as they are managed by the homeowner. Member Katz stated that the duplexes came before the Board 3-4yrs ago. Alternate Member Sousa said that if zoning lends itself to it then there is a way of allowing some type of buffer between the multi-unit and single-family dwellings. Alternate Member Jarest said she would love to see it because it would be a great mix. Member Katz said that no one has ever complained about it. Chairman Millard said it would be good for downtown. Member Clark stated there is a 5-plex on Garfield Street which has older style and turn of the century homes, and it blew up the whole look of the neighborhood. Alternate Member Jarest stated that the duplexes did not look good. Mr. Davis asked if it would be allowed throughout Bristol or just in specific areas. Alternate Member Sousa said that an overlay would be good, and it should have covered parking and that it is something to look into.

Mr. O'Brien then continued onto the Housing Land Trust point while showing slides to the Board. He stated that the concept of it was a mission based, private organization leasing land to a resident who then can construct a unit on the leased land, like a trailer park. They can construct a dwelling or buy a house that already exists on the land. He said that the organization leasing the land would have a right to say how much it can resell for. This option would take the cost of the land out of the purchase price, reduce entry fees, and would be good for retirees or for someone who wants to move into a home to build up credit. There are different ways it can be used. He said what would make sense more for Bristol to work with a brand-new entity or with an existing statewide organization. Mr. O'Brien talked to a statewide organization, and it really needs a full-time director 24/7 to field information, monitor, mediate, enforce, and oversee administration reporting to a board of directors. He stated that if a person calls to say they have land to donate, there needs to be someone there to receive that call. It needs someone who can do the administration and accounting, office expenses, supplies, fees, producing legal documents, and if the homeowner defaults, you may need to do a lawsuit or defend in a lawsuit. There can be clauses to say you have the first right to buy back. There are some organizations that will share expenses. A director might be able to have more flexibility for the job. Mr. O'Brien said that some land trusts have for profit investments and may own rentals to subsidize for being self-funded and that grants very rarely pay for overhead. He said that it would need some legal and

real estate people with skill sets and definitely would need a director for a salary of approximately \$100,000.

Attorney Goines stated that a land trust was discussed and that in the State, some are municipal entities and others are 501c3 private organizations. She stated that some cities and towns manage to do it in-house and others in a land trust and that her office will handle the legal work. She stated that Bristol could have a municipal land trust. Mr. Davis said that it is the same concept for different purposes and that Bristol could have some land for conservation and some land for development. Chairman Millard asked if the Town could take some conservation land and develop it. Mr. Davis advised that it was only for land that was designated for development, not conservation.

Mr. O'Brien further stated that properties that need to be demolished could be donated to the Town and a land trust would require the donors to pay any closing costs. He stated that a land trust works like a non-profit organization.

Mr. Plain stated that Church Community Housing actually manages the oldest and largest community land trust in Rhode Island and that a few times people have reached out to the home repair program. He said that an option is for Bristol to purchase the land, let the homeowner keep the house and fix it up, and when they sell the house Bristol could buy the house and it would then be a part of Bristol's stock of affordable housing. Chairman Millard found it interesting. Mr. Plain said that it happens all over Jamestown and that Jamestown was considering buying land and a homeowner retains ownership of dwelling and that this was positive progress.

Mr. O'Brien said that the important thing is that the Town can get a lot of support around this. He said that he spoke to the Community Housing Land Trust which is a statewide program. He stated that a director for this would be needed and that it would be a permanent position and Bristol would not need to worry about finding a director every year. He also said that if a property is sold a few times, banks do not generally inform land trusts so there is a need for someone to be there to monitor that. Member Clark stated that there are enough employees in Bristol and that should not be hard to find someone to do it.

Mr. O'Brien ended his presentation and stated that he would be sending the Board another brief chapter on senior housing, low-income tax credits, as he needed to talk to a couple of people before that to make sure his information was complete.

Mr. Davis said that he had a list and strategy to get closer to the LMI goal and that the point of this evening was to give the Board additional information. He said that the Board did not have to come to a conclusion tonight and that he was going to make additional amendments to the chapter and will get it to Ms. Williamson.

Alternate Member Sousa asked what the ultimate goal was. Mr. Davis stated to meet the needs of people in Bristol, and he said that not all of the answers were in the Town's control.

The Board then opened the discussion on the presentation.

Attorney Goins asked the Board for their thoughts on digging into this and updating the zoning and regulations. She advised that some graphs were going to require revision and that hopefully it can be on the Board's agenda next month. She said that it is realistic and asked Mr. Tanner how he wanted to handle it.

Chairman Millard asked how much Bristol paid for the update as he felt it brought nothing to the table, and it was a waste of time and money. Mr. Tanner said that it was through a grant from Rhode Island Housing. Member Katz also stated that it was from a grant. Mr. Tanner stated that this was just a small piece of information, and that Mr. Davis was just helping to draft the chapter for the Comprehensive Plan by 2026 and that it is not done yet and that there will be more discussions.

Alternate Member Sousa stated that this was just to lay out what the goals were for the Town. Member Katz asked if it was affordable housing that they were trying to accomplish. Mr. Tanner apologized that the intent was not clear and felt that some piece of communication was missing. Mr. Tanner stated ultimately it is was to help rewrite the housing chapter in the Comprehensive Plan.

Alternate Member Sousa said the points on the short-term rentals was not clear. Mr. Tanner said that they just wanted to show the Board that short-term rentals have become a big thing and how it would impact housing. Member Clark said if rates go down, all of the things that were a good idea would no longer be good. Mr. Tanner said that the final product will show more information.

Member Clark said the goal for the Board was to get serious about trying to fix the affordability factor in the Town which needs to be looked at now. He said there may be an opportunity at the Almedia apartment complex which is owned by Roger Williams University who has not paid income taxes on the complex. He said that the complex is zoned LB, so his thought is that the Town needs to get control of that property when RWU is done with it. Mr. Tanner said there was a whole paragraph about that. Member Clark said that those have a wait list for occupancy and that the zone should be changed so anyone buying property could have a better use for it. He said that RWU needs to be paying taxes on that complex. Mr. Tanner said a recommendation should be made about it. Member Clark said that it should be advised as to what they should do and that big piece of property would solve a lot of problems for the Town.

**C3. Review draft updates from the Solicitor's Office for Zoning Ordinance per revised State Law and make recommendations to the Town Council and finding of Consistency with the Comprehensive Plan and General Purposes of Zoning**

Attorney Goins asked the Board how long they wanted to spend discussing the next item on the agenda this evening and the Board agreed to go until 9pm.

Mr. Tanner stated that he received a memo from Diane Williamson regarding draft ordinances and that all of the drafts were for different chapters of the Zoning Ordinance. Attorney Goins advised that the Board should provide recommendations before they are adopted. She said that the changes in state law were made at beginning of the year. Mr. Tanner stated that the Town has to comply. Attorney Goins said that no action needed to be taken now, but they should discuss it. She said two topics in particular to be discussed was Bristol used to have inclusionary zoning and that in 2023 the General Assembly changed the rules and it was written out. She said that it has changed again and it will take effect on January 1, 2025. She said the question now was do they want to re-adopt the inclusionary zoning which would give them an additional tool in the box to get along. Chairman Millard said yes and to do it if it meant they can maintain control. Members Katz and Clark both asked if there was a downside to it. Mr. Tanner said that the staff opinion is to re-adopt it. Member Clark asked if there would be a burden for the petitioner. Attorney Goins said they are just going back to what was there before so no. Mr. Tanner stated that it was not a separate step if an applicant was building 5 or more units, they would only need 1 affordable unit

for every 5-6 units built. Chairman Millard asked if a vote was needed, and Attorney Goins said no vote needed as it was a consensus to send it to the Town Council.

Attorney Goins stated that as far as ADUs go, the State amended the statute on ADUs and now the Town has to reflect the State rules in the Town Ordinance. She stated that Mr. Tanner was receiving questions on the matter every day and the Ordinance needs to match the State's laws for clarity. Mr. Tanner said there would be no vote tonight. Member Clark stated that he had not read the draft Ordinance yet. Mr. Tanner stated that the ADU Ordinance was on page 1. Attorney Goins said that Cumberland refused to comply with the new ADU statute, but that Bristol should adopt it. Chairman Millard asked what would happen if Bristol said no. Attorney Goins stated that all municipalities have been advised to go by the State's law. Members Clark and Katz asked if a burden can be placed if they comply with State law and could they maintain control. Chairman Millard said they should not refuse like Cumberland did.

Attorney Goins stated that they don't want Bristol to get on the naughty list like Narragansett by trying to get around the new rules. She stated that when the next Comprehensive Plan permit application is done, the Town should be in a position to follow. She advised that they need to re-evaluate the use table. Alternate Member Sousa asked if there was any flexibility. Attorney Goins said that the law wasn't entirely clear and that ADUs in an existing footprint of a dwelling did not need permission and that it was permitted by right. Mr. Tanner added that they would just need the necessary building permits. Attorney Goins said that an expansion like a tiny house being built was a different story, but that didn't mean that everyone that applied was going to get it. Member Clark said that the variances in Bristol are the norm and not the exception and Little Compton should do the same.

Mr. Tanner said that going back to the chapter on ADUs, the Legislature had decided that more housing and ADUs are a way to get there but that Bristol doesn't like. Alternate Member Sousa asked if they could add architectural standards and Attorney Goins said no. Mr. Tanner said that the variances being asked for would mostly be in the downtown area. Member Clark asked if the goal was for more affordable housing. Attorney Goins said that they cannot require the housing to be affordable as it was not in the Ordinance.

Attorney Goins advised the Board that it was almost 9pm and that they will continue to work on this for the next meeting and that they will come with amendments and ask for an advisory opinion from the Board. Alternate Member Jarest said that it was good homework for next time. Mr. Tanner said that a lot of language needs to be included in the new zoning ordinance.

#### **C4. Review Proposed 2025 Planning Board Meeting Calendar**

Alternate Member Sousa stated that there needed to be a vote regarding the 2025 calendar. Board members were all in agreement.

A motion was made (Murgo/Clark) to approve the 2025 Planning Board meeting calendar.

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

Opposed: None

Motion to adjourn by Murgo.

Meeting adjourned at 9:05pm

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

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Date Approved: 9 January 2025 Planning Board: 