



# **TOWN OF BRISTOL, RHODE ISLAND**

## **PLANNING BOARD MEETING**

**\*REVISED**

**\*\* REVISED**

### **AGENDA**

#### **Planning Board Meeting**

**\*REVISED**

#### **\*\* REVISED AGENDA Agenda**

**Thursday, April 10, 2025 at 7:00 PM**

**Bristol Town Hall, 10 Court Street, Bristol, RI 02809**

**A. Pledge of Allegiance**

**B. Approval of Minutes**

**B1. March 13, 2025**

**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**

**D. New Business**

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

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

**E. Adjournment**

Date Posted: March 26, 2025

Posted By: pmc

## Bristol Planning Board Draft Minutes March 13, 2025



# BRISTOL PLANNING BOARD

## MARCH 13, 2025 MINUTES

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

**Held:** March 13, 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 (arrived at 7:15pm); Member Richard Ruggiero; First Alternate Member Michael Sousa; and Second Alternate Member Jessalyn Jarest

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

**Not Present:**

Chairman Millard called the meeting to order at 7:06pm and led the assembly in the Pledge of Allegiance.

Alternate Member Jarest requested to make a change on page 3 as it should read "Adam McGovern" not "Ed McGovern".

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

In favor: Millard, Katz, Murgo, Ruggiero, Sousa, and Jarest

Refrained: None

Opposed: None

**C. Old Business**

**C1. (Continued) Report on the Economic Analysis of Selected Housing Strategies, Affordable Housing Trust & Recommendations**

Board to request a Joint Workshop with the Town Council to review the draft Housing Element of the Comprehensive Plan update and also to invite the local State Representatives to discuss pending draft Land Use Laws.

A motion was made by (Katz/Sousa)

In favor: Katz, Millard, Sousa, Murgo, Ruggiero, and Jarest

Refrained:

Opposed:

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Ferreira stated that it was trees and brush which was not being removed, but will be added to with arborvitae. Mr. Ferreira then asked the Board if anyone knew of any plantings that deer would not eat and Alternate Member Jarest said they don't like green giant arborvitae and there should be a list on the internet of plants that are deer resistant.

Alternate Member Sousa then asked about the permeable pavement area. Mr. Ferreira advised that it was just a small portion of the driveway areas to provide drainage and that everything else would be asphalt.

Alternate Member Jarest then asked how wide the roadways were and Mr. Ferreira stated that the roadways were 20ft wide. He advised that it was presented to the Fire Department and approved. Alternate Member Souas advised that 20ft is preferred because it would make people drive slower and keep the children safer. Mr. Ferreira advised that they could put in speed humps, but Alternate Member Sousa advised that would not be good for plowing in the winter. Alternate Member Jarest said that as long as the Fire Department approved of it, then there was no issue.

Alternate Member Sousa then asked about on street parking. Mr. Ferreira advised that there would be designated parking spaces and a garage and that on street parking would only be for emergency vehicles.

Member Katz then asked about the water pressure. Mr. Ferreira advised that Principe did the calculations and the water pressure would be great, but that water volume might be of concern. Member Katz asked if there were fire hydrants close on Bayview and Mr. Ferreira said that was correct.

Mr. Ferreira stated that as of right now with the development he presented which was 23 units verses 20 units there is a calculated usage of 9.9 gallons per minute at peak. He said that the water line can produce 75 gallons per minute for plenty of water on site. He further stated that the Fire Department wanted fire hydrants to be 650ft from the corner of the building and that they were well within it. He advised that he can move the playground area as it gave them a little wiggle room, but needs to stay within the 650ft requirements.

Vice Chairman Murgo asked Ms. Williamson if the variances that are being sought goes through the Planning Board or Zoning. Ms. Williamson said that it was up to the Planning Board as it was a comprehensive permit, but that there might be other variances needed as the project gets further along. Mr. Ferreira agreed and said that it was just a draft of their previous plan because they were ready to completely submit the plan but they made changes as he wanted to do more under building parking.

Vice Chairman Murgo asked if the buildings had basements or were they on slabs. Mr. Ferreira advised that they were on slabs, but that there would be plenty of storage because of the garages.

Member Ruggiero stated that he had a lot of concerns, with traffic being the greatest concern. Mr. Ferreira stated that there was a traffic study done. Member Ruggiero stated that the traffic light on Metacom is difficult as it is and this project would just add 40 more cars to the problem. Mr. Ferreira said that they would look into what can be done to make it safer. Member Ruggiero asked if there was a way to force traffic to only make a left turn out of the complex. Attorney Goins stated that once an application is filed and

## Bristol Planning Board Draft Minutes March 13, 2025

Department had no issue with the width. Ms. Williamson stated that there is a peer review engineer who guides the applicant to make sure they take everything into account. Mr. Ferreira said they went through it with PARE already and they had a meeting with PARE and the Principe team. Ms. Williamson said that they need to review that study again. Alternate Member Sousa stated that if it is PARE then they need to be advised that the Board is interested in the traffic light and the optimization of that light.

Chairman Millard asked if there was anyone else who wanted to speak.

Anthony Barrow of 1090 Hope Street came forward to speak. He said that he did not hear any consideration about environmental issues. Mr. Ferreira asked if he was referring to electric vehicles. Mr. Barrow asked about putting in charging stations ahead of time; what was going to be done about trash collection; how much power was going to be required for the area; and whether solar panels were being considered. Mr. Ferreira stated that the units would be designed in a way to that the garage would have the electrical for a charging station if the owner chose to install one at a later time. He advised that all of the roofs would be south facing and be designed to accommodate solar. He also stated that the trash collection will be located at the end of the site where the truck would be able to turn around at the hammerhead. Finally, Mr. Ferreira stated that there will be charging stations for residents only in a designated spot in the parking area.

Alternate Member Sousa asked if the power and phone lines would be located underground. Mr. Ferreira stated that it will come overhead to the property but then it will be fed underground to the units and that National Grid would take care of it. He stated that he will pay National Grid to do the engineering for the usage on site and he will pay for the infrastructure. He advised that there will also be using heat pump systems and there will be HVAC in all units and will be super efficient, and no fossil fuels will be used.

Chairman Millard asked if there was anyone else who wanted to speak.

Kelly Barret of 1090 Hope Street came forward. She said that 206 Bayview Unit 3B was being marketed as not a family-oriented unit and that no pets were allowed. Mr. Ferreira clarified that because that unit was a shared space unit with other renters, they erred on the side of caution not to allow pets due to possible allergies of other renters in that shared space and that was the only unit that was not pet friendly.

Vice Chairman Murgio asked about snow removal in the complex. Mr. Ferreira stated that he would have that contracted out. Member Clark asked if the snow would be stored on site. Mr. Ferreira stated there would be an area to store snow and it would be shown on the submitted plan.

Chairman Millard asked if there was anyone else who had questions or concerns.

Trisha Chalmers of D2 Bristol Woods Drive. She asked what was their definition of an affordable unit. Attorney Goins stated that was governed by State law. Ms. Chalmers asked what the rent for a 3 bedroom would be in Bristol. Mr. Ferreira stated that it was based on the person's income. He stated that 80% of average income is used to calculate rent and that right now in Bristol a 2 bedroom unit on Chestnut Street is \$2,800 a month and his would be approximately \$1,900 a month. He advised that it is managed by the Bristol or local housing authority. Ms. Williamson advised that it was the East Bay CDC.

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Mr. Duhamel who is the engineer would be talking about the specifics of the project which is on 9.78 acres and which a substantial portion of the parcel was going to be left in its natural state.

Attorney Reznik stated that the hotel development was allowed by right in a general business zone and that they were not seeking any zoning relief, or waivers from the Planning Board regulations. He stated that it was in conformance with zoning and is supported by the Comprehensive Plan. He understood that it was requested by the Town and the Board that the applicant obtain a DEM permit prior to coming back for a master plan or a preliminary plan or a combined master preliminary and the applicant did do that. He further stated that the RI DEM permit obtained was formal and subject to substantial public comment and that the permit was not wrong. He said that the permit was presently subject to minor modification before DEM which meant that there would not be another public notice. He said that DEM had taken the position that it is a minor modification and he expected in a very short time they would have an updated DEM permit. Member Katz stated that's why he said they needed a corrected permit.

Attorney Reznik said that they also need a State permit from RIDOT which was a PAP, which they had submitted to RIDOT with substantial back and forth and the review has been positive and they should have that permit in a very short time. He said that this has been the most robust pre-application package that has ever submitted for a project. He said other than the landscape plan, fiscal impact report, and environmental report, the applicant is ready today to submit for master/preliminary if the Board would accept it. He explains the contents of the packets that were submitted to the Board, and introduces the project team.

Attorney Reznik understands that there is a need for buffering and landscaping and that it is being worked on. He said that the fiscal impact statement will show the Town the direct and indirect infusion to the economy that flows from this type of hotel which is supported in the Comprehensive Plan. He stated that he would not answer any questions that are more for the experts to answer and that he would make sure that all of the experts were present in future meetings to answer questions, but if there are questions for the experts during this meeting, then he would pass those along and a letter would be drafted to answer them. He further understands that there are a lot of concerns about the storm water management and that they will be available to sit down with the community to discuss everything. He said they would like to have an appointment of peer reviewers for anything that the Town thinks should be peer reviewed.

Chris Duhamel of DiPrete Engineering is next to discuss the project. He said they are at the pre-application submission stage for it. He stated that the site is a 9.7 acre parcel on Gooding Avenue with 506ft of frontage and it is opposite Broadcommon Road intersection, is adjacent to the Andersen Court residential development to the west, and is adjacent to the Town's property to the east and south. He stated that there is a 30ft sewer easement that encumbers the site. He shows a survey by Baker Land Surveying which was completed as a class 1 survey. Mr. Duhamel advises that the 30ft sewer easement transects the site from north to south and that the site is zoned GB. He advised that there is public water and sewer available to the site. He said the wetlands were delineated by Natural Resource Services and Scott Rabidoux. They have located a wooded swamp over the property with an associated 50ft buffer and that it was approved by DEM and that there is 6.7 acres of wetlands. He stated that the eastern branch of Silver Creek abuts

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underground storage for the runoff before being discharged. He said underground storage will infiltrate the water quality volume of the storm way such that a decrease in runoff volume of 4 CFS which is about 2,000 gallons a minute and about 0.18 acre feet which is 60,000 gallons. He said they wanted to make sure that there was no added flow to the waterway and no added flow to the downstream neighborhoods and no increase to the high school. He said that he expected a peer review of the analysis to make certain that what was stated was correct. He feels confident in it. He said that DEM had already approved the Mainstay hotel and that they evaluated everything that DiPrete Engineering has done for the design of the underground infiltration system. He said they showed a sieve analysis showing that it was loamy soil and that it could qualify for an infiltration rate that is double what was actually analyzed.

Mr. Duhamel stated that they were also required to evaluate the 350 acre watershed of the eastern branch of Silver Creek and how that would be impacted by this development and whether that impact would have the same peak discharge, even though it's less water, there would be a delay so that it would go with the peak of the 350 acres. They had to show that it does not compound it. He said they would not be increasing the flow in the waterway. He stated that they've done the analysis with DEM Peer Review and had done extensive analysis that showed all of the possible combinations have been met. He said they look forward to a peer analysis by the Town and the Town's engineer.

Alternate Member Sousa asked if the system penetrating the high ground water table which is anywhere from 0 to 18 inches below the existing grade. Mr. Duhamel said that they are 4 feet above it so it does not penetrate it as there is quite a bit of fill required for the parking lot and that there will be 6ft to 8ft of fill within the most southeasterly boundary of the site. He said there is a deeper water table at the entrance to the side so they had a 4ft minimum separation to the infiltration structures which was a requirement of DEM and it has been met.

Alternate Member Sousa asked if they would be removing all of the organic material and topsoil so the material underneath will be the free draining material that Mr. Duhamel mentioned. Mr. Duhamel said that was correct and they have done soil samples within the areas of the infiltration systems. He said they have done sieve analysis for it and it was sandy loam. He said they have proved that there is a reduction overall for CFS in discharge rate and a reduction of 0.2 acre feet in stormwater volume and will have no effect on the east branch of Silver Creek.

Mr. Duhamel stated that they would be filing in 4,700sq.ft. of wetland area and they had to prove that there was no degradation to the overall wetland complex. He said there are 26 standards that have to be met and that Scott Rabidoux evaluated the wetland itself and Scott put a value on the preservation of the 8.5 acres that will be preserved. He stated that DEM believes that the alterations are warranted and approved it. Mr. Duhamel said that a peer review would be needed to reaffirm what DEM approved. He advised that DOT had been pending for some time, and he fully expected that they will have DOT approval soon. He said they received some additional comments from Bristol Water Pollution Control and will be working with them. He stated that since the process for the Planning Board is at least 3 steps, there is a lot of opportunity to review and make changes. He said that since this meeting was a pre-application stage, they wanted to introduce the project, take notes, answer any questions, and meet with neighbors, and make any changes as necessary. Member Katz said that was greatly appreciated.

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Trisha Chalmers of D2 Bristol Woods Drive stepped up. She feels that the decimation of wetlands for an 80 room hotel and parking lot are both ridiculous and short-sighted. Like others, she too is concerned about the flooding issues. She would like Martin Wensic, the DEM Water Resource Supervisor, to come and explain why DEM approved this project. Her other concern was regarding traffic issues around Broadcommon Road as it is dangerous. She is concerned about what will happen when the hotel goes belly up as hotels in the area tend to do.

Judith Byrnes of 62 Seabreeze Lane came up. She asked if there would be another traffic study because the other was outdated and Member Katz said the Board had asked for a new one. She said she studied the traffic study and noted that they studied Metacom and Gooding Avenue and Gooding and Hope Street, but they did not do Broadcommon Road which needs to be looked at.

Emily Spinard of 35 Dartmouth Street came up next. She reminded the Planning board that she had submitted to the Town Council in December 2023 and to DEM a petition signed by 100+ people opposing the hotel regarding filling in and altering wetlands which may lead to more flooding. She then directs her comments to Attorney Reznik stating that he presented a very robust introduction but that this has been going on for 10 years and the wetlands should be protected. She has attended every meeting on this and stated that Diane Williamson had presented the Planning Board with the concerns of flooding, etc., but feels that they are still not being addressed. She said that the only thing that has happened is the presentation of another site plan like the one at the meeting tonight. She stated that the approved site plan by DEM was for a Mainstay hotel and now they are presenting a new site plan that has not been approved. Again, the concerns are for flooding, filling in the wetlands, coming up with different plans, and then trying to get those plans in at the last minute.

Veronica Tucker came back up. She stated that her dad, William Tucker, opposed the building of the high school because of the water concerns then. The high school was built and it has been underwater since that day. She only spent 2 years at the high school but remembers having to walk through water. She stated that people need to learn from it and know that they cannot fill in the wetlands. She said that the Town can keep filling in wetlands and expect that there won't be flooding as the water has to go somewhere. Learn from lessons. How many are we going to fill in and not expect flooding. She said that the wetlands needs to be preserved and repaired.

Anthony Barrow of 1090 Hope Street came up. Appreciates the detailed presentation on the application. He stated that after looking at the site plan, the hotel would need a minimum of 150 kilowatts fixed charge for it which would require the utility company to build a transformer or upgrade the transfer station. He feels that the cost of upgrading will be passed along to the residents. He asked if there would be any consideration for the installation of solar panels on the roof or a solar canopy over the parking lot. He advised that it should be taken into consideration to help the hotel financially. He suggested filing for an SBA 504 or 507 which could be a good way to fund the project and to offset the cost of electricity to the ratepayers. He was also concerned about the property's food waste and preventing rodents in the area.

Member Katz asked if there was anyone else who wanted to speak.

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Attorney Reznik stated that Bristol's Comprehensive Plan identified that General Business zoned area as a place to put a hotel. Member Ruggiero stated that just because it may be a place to put a hotel, did it make sense to do so. Member Clark asked Attorney Reznik if he wanted to respond, but Attorney Reznik said he already did.

Mrs. Spinard came back up. She stated that Attorney Reznik said it passed the Town's approval, but that it had not been corrected since 2015 in the narrative. She said that the narrative that was revised in 2022 still said that the Town supported the hotel but that was not correct. She stated that the Town Council wrote to DEM stating that they were neither for or against it and that DEM should take into consideration flooding, etc. She stated that the applicant needed to stop saying that the Town supports it as that was not correct.

Attorney Reznik responded, stating that he did not say that the project has been approved by anyone. He was referring to the Town's Comprehensive Plan and that it stated that the zoned area was appropriate for a hotel in the Future Land Use Map. He said that he was not making any representation about approval of the project. He said that the Comprehensive Plan and the Future Land Use Map stated that this development project was appropriate for the area.

Ed Pimental came up to speak. He was involved in the original review of the Mainstay hotel. When he got back into this project, he reviewed the regulations as there have been significant changes across the State of Rhode Island. He said that every community had to revisit their Comprehensive Plan, zoning regulations, and land development subdivision regulations, and vet them out as to what they deem to be appropriate usage. He said that the big thing is if a town feels that a use may be appropriate, then it should be looked at and scrutinized more on a site by site basis and that they should impose the requirements for a special use permit and with that provide specific and objective criteria. He stated that Bristol did so by downscaling the size and massing and he brought it to the applicant's attention and it was redesigned with a smaller footprint. He said that the Comprehensive Plan states that hotels are one of the most required land uses and it still says that and that it should have been revisited and amended, but it still allows for hotels in the GB district. He said that since there were concerns about hotels in the area, that it should have been revisited while reviewing the Comprehensive Plan and Future Land Use Map.

Mr. Spinard came back up and said that the Comprehensive Plan also stated that they should not be building on wetlands. He said that what the applicant referred to is only one element of the Comprehensive Plan as there is recreation, conservation, and economics and all state that you don't build on wetlands in the Town and particularly around Silver Creek because of the flooding issue.

Member Katz stated that this is a great discussion being had and that they were not rendering an opinion on it. He said that State law has changed over the last few years which had taken a lot of control away from the towns and cities, and Bristol had to make changes. He said that the Comprehensive Plan did state that this is a site for a hotel. He stated that the Town and the applicant were going to have to go through a series of steps together with reviews, plans, and peer reviews, and that they were not rubberstamping anything, and the applicant will have to prove their case consistent with State law and Town ordinances, and their peer review will have a say.

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Member Katz asked if anyone else wanted to speak.

Mr. Spinard approached again. He stated that the documents says that the Town supports it, and the Town does not support it. He said that he would like the document corrected as there is a letter from the Town Council.

Attorney Reznik clarified that they have not received any support or approval from the Town and he was just referring to the Comprehensive Plan.

Member Katz made a motion to adjourn.

**E. Adjournment**

Meeting adjourned at 9:55 pm by Katz

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: \_\_\_\_\_ Planning Board: \_\_\_\_\_

**Diane Williamson**

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**From:** Lisa Pecora <L.Pecora@perkinseastman.com>  
**Sent:** Thursday, April 3, 2025 5:17 PM  
**To:** Diane Williamson  
**Cc:** Bristol Warren; Ana Riley; Adam McGovern; Danielle Carey; Joe Drown; dpotter@parecorp.com; Annelise Boylan  
**Subject:** BWRSD - MHHS Request for Continuance

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department

Diane and Members of the Bristol Planning Board,  
We would like to request a continuance for the Mt Hope High School project, to be continued at the May 8, 2025 Planning Board Hearing  
Thank you,  
Lisa

**Lisa Pecora, AIA, LEED® AP BD+C, WELL® AP**  
Senior Associate

20 Ashburton Place, Floor 8 | Boston, MA 02108 | US  
M. 978 760 7677 T. 617 449 4036  
E. [l.pecora@perkinseastman.com](mailto:l.pecora@perkinseastman.com)

[www.perkinseastman.com](http://www.perkinseastman.com)

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## Town of Bristol, Rhode Island

### Department of Community Development

10 Court Street  
Bristol, RI 02809  
[bristolri.gov](http://bristolri.gov)  
401-253-7000

April 3, 2025

TO: Planning Board

FROM: Diane M. Williamson, Director

RE: **2025 Legislative Agenda and Housing Element Update/Affordable  
Housing Trust Fund  
Joint Workshop with the Town Council And Local Legislators**

As requested by the Planning Board, the Town Council has scheduled a joint workshop with the Board and the Local Legislators to discuss the 2025 Legislative Agenda, specifically those State Laws regarding Land Use and Housing. The joint workshop will also provide the Planning Board the opportunity to discuss the Draft Update to the Housing Element of the Comprehensive Plan and the Affordable Housing Trust Fund with the Town Council. That meeting will be held on April 14, 2025 at 7:15 p.m. in the Town Hall. The agenda is attached.

The Planning Board Solicitor, Amy Goins, is providing a memo on the proposed legislation for your review at the April 10 Planning Board meeting.

We have also been requested to forward any questions ahead of time to give the Legislators time to get answers prior to the joint workshop. Therefore, at the Planning Board meeting, we will be compiling any questions from the Board members to forward.

Thank you.

## TOWN OF BRISTOL, RHODE ISLAND

### TOWN COUNCIL

Nathan T. Calouro, *Chairman*  
 Mary A. Parella, *Vice Chairwoman*  
 Antonio A. Teixeira  
 Timothy E. Sweeney  
 Aaron J. Ley



*Council Clerk*  
 Melissa Cordeiro

### PUBLIC NOTICE

IN ACCORDANCE WITH THE CHARTER OF THE TOWN OF BRISTOL  
 ARTICLE 2, TOWN COUNCIL: SECTION 205-MEETINGS,  
 UPON INSTRUCTION OF THE TOWN COUNCIL  
 BE ADVISED OF THE FOLLOWING:

**A SPECIAL TOWN COUNCIL MEETING  
 HAS BEEN SCHEDULED FOR  
 MONDAY, APRIL 14, 2025**

**BEGINNING AT 7:15 PM  
 TOWN HALL - COUNCIL CHAMBERS  
 10 COURT STREET, BRISTOL, RI**

PLEASE BE ADVISED THAT THE COUNCIL INTENDS TO DISCUSS AND/OR  
 ACT UPON EACH AND EVERY ITEM APPEARING ON THIS AGENDA

### AGENDA \*AMENDED

1. Proclamation - Earth Day
2. Joint Workshop - Town Council, Planning Board & Local Legislators Re: Discussion of the 2025 Legislative Agenda \*Draft Update to the Housing Element of the Comprehensive Plan and the Affordable Housing Trust Fund
3. Adjournment

Per Order of the Town Council

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Melissa Cordeiro  
 Council Clerk

Posted: April 2, 2025  
 AMENDED: April 4, 2025

 **Ursillo, Teitz & Ritch, Ltd.**  
*Counsellors At Law*

2 Williams Street  
 (at South Main Street)  
 Providence, Rhode Island 02903-2918

Michael A. Ursillo \*  
 Andrew M. Teitz, AICP \* †  
 Scott A. Ritch \* †

Tel (401) 331-2222  
 Fax (401) 751-5257  
[amygoins@utrlaw.com](mailto:amygoins@utrlaw.com)

Troy L. Costa †  
 Amy H. Goins \* †  
 Peter F. Skwirz \* †  
 Admitted in RI\*, MA†

## MEMORANDUM

**TO:** Diane Williamson, Director of Community Development

**FROM:** Amy H. Goins, Esq., Assistant Town Solicitor  
 Andrew M. Teitz, Esq., AICP, Assistant Town Solicitor

**DATE:** April 3, 2025

**SUBJECT:** Proposed Legislation Affecting Land Use

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As you know, in February, Speaker Shekarchi announced a package of legislation aimed to encouraging the production of new housing units in Rhode Island. The legislation, known as the ‘housing package,’ represents the latest in an annual effort to streamline and standardize the process of local land use review and approval. Copies of these bills are attached for your review and summarized in this memorandum. As in previous years, we would expect some if not all of these bills to gain passage, but the legislation may change before it is enacted. Our office will monitor the status of this legislation and provide an update to this memorandum at the end of the legislative session. Please let us know if you have any questions in the meantime.

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### H 5794: Zoning Enabling Act (ZEA) & Development Review Act (DRA)

→ **Key Takeaway:** For the third year in a row, this legislation would amend certain portions of the Zoning Enabling Act (ZEA) and Development Review Act (DRA), which govern municipal land use. Some of these proposed amendments are in the nature of housekeeping or incremental changes and some of these amendments are more significant (noted below).

→ **Effective Date:** Upon Passage

This legislation would make the following changes to the Zoning Enabling Act and Development Review Act:

- Definition of major and minor subdivision: The definition of a “major subdivision” would be revised as follows (new language underlined): “A subdivision creating ten (10) or more buildable lots where a street extension or street creation is required.” The definition of a “minor subdivision” would be revised as follows: “A subdivision creating nine (9) or fewer buildable lots where a street extension or creation is required. A subdivision of an unlimited number of lots on an existing improved public street also qualifies as a minor subdivision.”
- Pre-application meetings: Would be optional (at the applicant’s request) rather than mandatory. Currently, pre-application meetings are required for major land development projects and major subdivisions.
- Certification of completeness: Would clarify the purpose of the administrative officer’s initial review of applications for completeness by adding the following language: “An application shall initially be reviewed by the administrative officer solely for the purpose to determine whether the application lacks information required for the respective applications [sic] type as specified in the local checklist. . . . An application shall not be deemed incomplete for reasons other than the failure to supply an item or items listed on the applicable checklist.”
- Preliminary plan review for major projects: Would remove the existing requirement that, prior to approval of the preliminary plan, the applicant submit (1) copies of all legal documents describing the property, proposed easements, and rights of way; and (2) required state and federal permits. Legal documents and permits would now be required prior to approval of the final plan. For permits issued by RIDOT, a letter evidencing the issuance of such a permit upon submission of a bond and insurance would suffice for final approval, but the actual permit would be required before a building permit would issue.
  - This would represent a significant change in procedure because the final plan stage is administrative, meaning that neither the Planning Board nor the public

can't be created through this process, but this amendment would extend modifications to all other dimensional requirements. Also, one of the standards for granting a zoning modification would be changed to reflect the revised standard (from previous legislation) for dimensional variances.

- **Inclusionary zoning:** This remains an optional tool for municipalities to encourage production of LMI Housing. This provision of the ZEA was amended in 2023 and revised again in 2024. This legislation would add the following two provisions to this portion of the ZEA: (1) "A municipality shall not limit the number of bedrooms for applications submitted under this section to anything less than three (3) bedrooms per dwelling unit for single-family dwelling units." (2) "Inclusionary zoning requirements shall not be applied where there is a limitation on development density at the subject property under the regulations of a state agency, such as the [CRMC or DEM] that prevents the use of the density bonus set forth in this section."
- **Unified development review:** Made mandatory in 2023, this procedure allows the Planning Board to grant zoning relief in connection with development projects. This amendment would clarify how those standards should be applied for projects involving subdivisions.
- **Transit-oriented development pilot program:** This portion of the amendments relate to legislation enacted in 2023 that aims to encourage development near transit centers. Regulations for this program have not yet been promulgated by the Department of Housing. These amendments would tweak the criteria for this program.

### **H 5795: Zoning Certificates**

→ **Key Takeaway:** This legislation would attempt to change the nature of zoning certificates, which are currently for informational purposes only.

→ **Effective Date:** Upon Passage

The description of this legislation in the press release seems to say a bit more than the legislation itself, which calls into question its actual legal effect. The intent of the legislation, as described in the press release, is to "allow purchases [of real property] to reasonably rely on zoning opinions issued by local officials. Presently, when a current property owner obtains a zoning certificate, the certificate is for instructive purposes only and not binding; this amendment would remove the non-binding nature of zoning certificates to allow property owners to rely on the municipal determination of the legality of the present use." However, in our view, this legislation may not affect the well-established principle in Rhode Island caselaw that if a municipal official makes a mistake where zoning compliance is concerned, a property owner is not entitled to rely upon that mistaken opinion. So while the text of this legislation appears somewhat innocuous, the intent may be to use this legislation in future litigation against municipalities for property owners seeking damages based on mistaken advice/information from zoning officials.

#### H 5798A: Attached single-family dwelling units

→ **Key Takeaway:** This legislation would amend the ZEA by providing that the construction of attached single-family dwellings shall be allowed in designated zoning districts.

→ **Effective Date:** 1/1/2026

This type of dwelling is defined as “a dwelling unit constructed side by side or horizontally and separated by a party wall and lot line.” Such dwellings shall be allowed in certain zoning districts, subject to the following requirements:

- “(i) The unit(s) have access to public water and sewer, or have adequate access to private water and/or wastewater systems approved by the relevant state agency; and
- (ii) The zoning ordinance shall allow each single-family unit to be located on its own lot, without increased requirements for minimum lot size, lot width, lot frontage or lot depth and shall allow for a zero-lot line setback along the common property line to accommodate the subdivision for these units; provided that, the unit(s) comply with requirements for building and fire codes; and
- (iii) Other dimensional requirements of the base zoning district shall apply to the outside perimeter property lines of the end-units of the development; however, there shall not be increased dimensional requirements solely applicable to attached single-family structures and not applicable to other residential structures containing the same density in the same zoning district; and
- (iv) Cities and towns may establish additional standards for such units; provided that, such standards do not restrict a dwelling to less than three (3) stories, restrict its floor area ratio to less than one, limit the bedrooms to less than three (3), or require more than one off street parking space for up to two (2) bedrooms, and two (2) off-street parking spaces for up to three (3) bedrooms.”

The law would further provide that such dwelling units shall be allowed “in residential districts which allow for the construction of two (2) or more units. The number of attached single family units allowed shall be the same as the corresponding residential density for the property and zoning district.”

#### H 5799A: Infill/oversized lot subdivisions

→ **Key Takeaway:** This legislation would add a new category of development known as “oversized lot subdivisions.” Additionally, the legislation would expand the scope of zoning modifications, which allow limited relief from certain dimensional requirements through an administrative process, to modifications that are based on the existing built environment around the subject property.

→ **Effective Date:** 1/1/2026

of the existing built environment around the property. For example, if most of the structures in the surrounding area are located within the front yard setback, a modification could be allowed to permit an encroachment into the front yard setback, even if that modification represents a 30% (or greater) deviation from the minimum setback requirement.

#### H 5800: Village/mixed-use zoning

→ **Key Takeaway:** This legislation would require municipalities to provide for “residential development in all or some of the areas encompassing commercial district(s)” within the municipality.

→ **Effective Date:** 1/1/2026

Municipalities would be required to adopt “objective standards and criteria addressing the following: (i) standards to ensure that residential uses are allowed and integrated with commercial uses in a mixed use or village development; (ii) provisions that allow residential uses above commercial uses on the ground floor or first floor of a structure(s); (iii) provisions to permit medium to high density residential development in the commercial zones allowing residential use; and (iv) flexible and reasonable dimensional standards that promote and allow for the mixed use or village development.” These requirements would be added to the section of the ZEA that sets forth the general purposes of zoning ordinances.

The House passed this legislation on April 1.

#### H 5801: LMI Housing Act

→ **Key Takeaway:** This legislation would restore the master plan stage for comprehensive permit applications, but only as an option to be elected by the developer.

→ **Effective Date:** Upon Passage [Section 1] & 1/1/26 [Section 2]

Section 1: In addition to some changes in the nature of housekeeping, this section of the legislation would allow developers to request review and approval of the master plan for the project. In 2023, the master plan stage was eliminated for comprehensive permits, leaving only a single public hearing to be held at the preliminary plan stage of review. This would restore master plan as an optional stage of review, at the choice of the developer. A public hearing would be held only if the developer submitted requests for adjustments (relief from the requirements of the zoning ordinance and/or local regulations).

Additionally, this section of the legislation would revise the required findings for comprehensive permits. Currently, the law sets forth a list of required findings for approval and a separate list of required findings for denial. This legislation would instead set forth a single list of required findings, all of which would need to be satisfied for approval. Notable changes to the criteria for approval include the following:

### H 5802: State-owned vacant properties

→ **Key Takeaway:** This legislation would facilitate the development of housing on state-owned property, with certain requirements and limitations.

→ **Effective Date:** 1/1/2026

This act would amend the Comprehensive Planning and Land Use Act by adding requirements for the State when it seeks to develop housing on property that is owned by the State and is vacant, abandoned property, or underutilized/excess land. When housing on such property would not comply with an approved and updated municipal comprehensive plan, and/or local zoning ordinance provisions, the state planning council must hold a public hearing on the proposal. At the public hearing, the state agency proposing such a project (presumably, the Department of Housing) must demonstrate the following: (1) that the project complies with the state guide plan; (2) that the project is needed for statewide health, safety and public welfare, including the need for affordable housing; (3) that the project has attempted to utilize design standards and recommendations of the municipality in which the property is located “to the extent feasible;” and (4) that expert reports “conclude that there will not be a detrimental impact on traffic, stormwater, wetlands, sewer capacity, potable water availability, or historic features.” Provided that this public hearing has been completed, the municipality has no authority to require that the proposed development be reviewed as a land development project and/or subdivision; further, the zoning ordinance will not apply to the project. The legislation provides that state agencies may partner with a non-public individual or entity and may transfer the property after completion of the project.

In our opinion, this does not represent a drastic change to the existing state of the law regarding the relationship of municipal comprehensive plans and zoning ordinances to State-initiated development.

### H 5803: Electronic permitting expansion

→ **Key Takeaway:** This legislation would expand mandatory electronic permitting for land use applications to state agencies.

→ **Effective Date:** Upon passage, with compliance date of 10/1/26 [upcoming municipal compliance date of 10/1/25 in existing law]

This act would provide for the “establishment and maintenance of an electronic permitting platform and regulations related to the use of the platform for use in all matters related to the applications and review for state and local building permits, municipal zoning applications, municipal planning applications, applications and permits for the department of environmental management, applications and permits for the department of transportation and applications and permits for the coastal resources management council.” This legislation expands upon a law enacted last year that set a deadline of October 1, 2025, for municipalities to go live with an e-



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## Press Releases

2/27/2025

### Speaker Shekarchi announces 2025 housing legislation

STATE HOUSE – House Speaker K. Joseph Shekarchi today announced a 12-bill package of legislation regarding housing issues, his fifth comprehensive suite of housing bills since becoming Speaker in 2021.

"When I announced my commitment to tackling Rhode Island's housing crisis, I commented that our housing shortage had been decades in the making and would take a sustained effort, over the course of years, to address. Four years and almost 50 new housing laws later, we are still chipping away at the barriers that have made development in Rhode Island more costly and more cumbersome than necessary," said Speaker Shekarchi. "The workers who are the backbone of our state – teachers, nurses, first responders, and other working families – deserve to be able to comfortably reside within the communities they serve.

"Furthermore, our housing shortage and homelessness crisis are very much intertwined. As home prices and rents increase, it's not just working families who are getting priced out of the housing market: people on the lower end of the income spectrum are disproportionately affected, and the data shows that homelessness increases in correlation with the cost of housing. I am so appreciative of all of the partners who continue to work with me to address our housing shortage," said Speaker Shekarchi.

Speaker Shekarchi was joined by Rep. June S. Speakman (D-Dist. 68, Warren, Bristol), chair of the Special Legislative Commission to Affordable Housing; Thomas E. Deller, chair of the Special Legislative Commission to Study Land Use; Randy Rossi, Executive Director, and East Providence Mayor Bob DaSilva, President of Rhode Island League of Cities and Towns; John Marcantonio, Chief Executive Officer, Rhode Island Builders Association; members of both commissions; legislators; housing and homelessness advocates; builders; and developers.

"We all know that the housing crisis is ongoing. Homes are too expensive and rents are too high. New families can't find starter homes. Seniors can't find apartments they can afford, and the needs of the homeless remain unmet," said Chair Speakman. "These bills take us further down the road to addressing the crisis by streamlining approval processes and encouraging more flexible uses of our land and existing structures. There's still more work to do, more pieces of the puzzle to fit in, but we're getting there."

The legislation announced today is a continuation of Speaker Shekarchi's efforts to address Rhode Island's housing crisis. In his previous legislative packages, Speaker Shekarchi has implemented significant reforms to make the development process in Rhode Island more consistent, concise, and equitable. The legislation has also been influenced by two housing commissions established by Speaker Shekarchi. His legislation is intended to be responsive to feedback from all stakeholders, and in that spirit, some of the legislation announced today would amend existing housing laws.

Much of the legislation stems from testimony and discussions of both commissions, which have been meeting regularly since July 2022 to address ways Rhode Island can meet its affordable housing needs in a manner that is sustainable and equitable.

"On the most complex of issues, the leadership and collaboration shown by Speaker Shekarchi on the housing issue is exemplary. From workforce training, permitting, land use and all the other variables involved, the Speaker continues to create a national example on how to bring people together to solve problems," said John V. Marcantonio, Chief Executive Officer, Rhode Island Builders Association.

"Speaker Shekarchi's announcement of his housing package is a critical step in addressing the housing challenges our state faces, and I am grateful for the Speaker's dedication to addressing this crisis," said Secretary of Housing Deborah Goddard. "We are excited to build on this momentum and expand accessible, affordable housing options in Rhode Island, which has been a top priority of the McKee Administration. We look forward to reviewing the details and continuing to collaborate with the Speaker's Office to make progress."

The bills announced today are:

- **Building code:** 2025-H 5804, sponsored by Speaker Shekarchi would build upon legislation introduced in last year's housing package (2024-H 7983B, 2024-S 2990A), which codified the structure of the State Building Code Office and clarified the role of the State Building Code Commissioner. This legislation would provide additional clarity and centralize roles and quorums in order to further streamline the process and centralize the duties of the state officials, employees, commissions, and boards related to building and fire codes and permitting.
- **Expansion of electronic permitting:** 2025-H 5803, sponsored by Speaker Shekarchi would build upon legislation introduced in last year's housing package (H-2024 7978A, 2024-S 3036A) to expand the use of electronic permitting for building permits, which is mandated for planning and zoning applications by October of this year. This legislation requires that applications for the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, and the Rhode Island Department of Transportation utilize the e-permitting system by October 2026.
- **Technical amendments to Zoning Enabling Act and Subdivision Act:** 2025-H 5794, sponsored by House Judiciary Committee Chairman Robert E. Craven (D-Dist. 32, North Kingstown) is based on feedback received from the Land Use Commission and various stakeholders, including local cities and towns, developers, advocates, planners and developers. The legislation seeks to clarify the processes set forth in the Zoning Enabling Act and Subdivision Act and to correct issues that are creating unnecessary delays and/or red tape. Additionally, Rhode Island's Adaptive Reuse law (2023-H 6090A, 2023-S 1035A) is further clarified to encourage projects to continue to convert underutilized or vacant commercial buildings.
- **Low and Moderate Housing Act amendments:** 2025-H 5801, sponsored by House Commission on Housing Affordability Chairwoman June S. Speakman (D-Dist. 68, Warren, Bristol) furthers the work of the Affordable Housing Commission and implements feedback received by and from the commission. The legislation builds upon substantial amendments made to Rhode Island's Low and Moderate Housing Act via legislation sponsored by Chair Speakman (2022-H 7949Aaa, 2022-S 3046A) in 2022. This legislation further clarifies standards and findings required for development to remove subjectivity in the process.
- **Development of state-owned vacant properties for housing:** 2025-H 5802, sponsored by Rep. Thomas E. Noret (D-Dist. 25, Coventry, West Warwick) would leverage data collected by the Commission to Study the Cost and Status of State-Owned Vacant Properties, which was established via a resolution (H-2022 7320Aaa) he sponsored to review state-owned vacant and/or abandoned properties that may be utilized for housing opportunities throughout the state. This legislation establishes a streamlined approval process to be used for such properties.
- **Temporary exemptions from the tax levy cap to accommodate new housing:** 2025-H 5793, sponsored by House Labor Committee Chairman Arthur J. Corvese (D-Dist. 55, North Providence) was requested by the Rhode Island League of Cities and Towns; it would allow an exemption from the local annual maximum tax levy for new construction of housing under certain conditions. The exemption would be contingent upon approval by the municipality and is only allowed where the new housing includes a portion of affordable units, among other criteria.
- **Reliance on zoning certificates:** 2025-H 5795, sponsored by Rep. Tina Spears (D-Dist. 36, Charlestown, New Shoreham, South Kingstown, Westerly) would allow purchasers to reasonably rely on zoning opinions issued by local officials. Presently, when a current or prospective property owner obtains a zoning certificate, the certificate is for instructive purposes only and not binding; this amendment would remove the non-binding nature of zoning certificates to allow property owners to rely on the municipal determination of the legality of the present use.
- **Village/mixed-use zoning requirements:** 2025-H 5800, sponsored by Chairman Craven would require municipalities to provide for village or mixed-use zoning to allow residential use in some or all areas of their commercial zoning districts.
- **Higher density development in areas within the urban services boundary:** 2025-H 5796, sponsored by Rep. Jason Knight (D-Dist. 67, Barrington, Warren) is designed to encourage higher density development in areas within the urban services boundary. The



**2025 -- H 5797 SUBSTITUTE A**LC002157/SUB A**STATE OF RHODE ISLAND****IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2025****A N A C T****RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES**

Introduced By: Representatives McEntee, Caldwell, Phillips, DeSimone, Fogarty,  
Shallcross Smith, Spears, O'Brien, Morales, and Bennett  
Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 45-24-31, 45-24-33 and 45-24-37 of the General Laws in Chapter  
2   45-24 entitled "Zoning Ordinances" are hereby amended to read as follows:

3           45-24-31. Definitions.

4           Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they  
5   have the meanings stated in that section. In addition, the following words have the following  
6   meanings. Additional words and phrases may be used in developing local ordinances under this  
7   chapter; however, the words and phrases defined in this section are controlling in all local  
8   ordinances created under this chapter:

9           (1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with  
10   no intervening land.

11          (2) Accessory dwelling unit (ADU). A residential living unit on the same lot where the  
12   principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An  
13   ADU provides complete independent living facilities for one or more persons. It may take various  
14   forms including, but not limited to: a detached unit; a unit that is part of an accessory structure,  
15   such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

16          (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental  
17   and subordinate to the principal use of the land or building. An accessory use may be restricted to  
18   the same lot as the principal use. An accessory use shall not be permitted without the principal use  
19   to which it is related.

1 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate  
 2 the appropriate suggested design elevation map for the exclusion every ten (10) years, or as  
 3 otherwise necessary.

4 (14) Cluster. A site-planning technique that concentrates buildings in specific areas on the  
 5 site to allow the remaining land to be used for recreation, common open space, and/or preservation  
 6 of environmentally, historically, culturally, or other sensitive features and/or structures. The  
 7 techniques used to concentrate buildings shall be specified in the ordinance and may include, but  
 8 are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the  
 9 resultant open land being devoted by deed restrictions for one or more uses. Under cluster  
 10 development, there is no increase in the number of lots that would be permitted under conventional  
 11 development except where ordinance provisions include incentive bonuses for certain types or  
 12 conditions of development.

13 (15) Co-living housing. A specific residential development with units which provide living  
 14 and sleeping space which are independently rented and lockable for the exclusive use of an  
 15 occupant, but require the occupant to share sanitary and/or food preparation facilities with the other  
 16 units in the occupancy. This section shall not be read to allow the conversion of existing dwelling  
 17 units into co-living housing unless authorized by a local zoning ordinance.

18 ~~(15)~~ (16) Common ownership. Either:

19 (i) Ownership by one or more individuals or entities in any form of ownership of two (2)  
 20 or more contiguous lots; or

21 (ii) Ownership by any association (ownership may also include a municipality) of one or  
 22 more lots under specific development techniques.

23 ~~(16)~~ (17) Community residence. A home or residential facility where children and/or adults  
 24 reside in a family setting and may or may not receive supervised care. This does not include halfway  
 25 houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the  
 26 following:

27 (i) Whenever six (6) or fewer children or adults with intellectual and/or developmental  
 28 disability reside in any type of residence in the community, as licensed by the state pursuant to  
 29 chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community  
 30 residences;

31 (ii) A group home providing care or supervision, or both, to not more than eight (8) persons  
 32 with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

33 (iii) A residence for children providing care or supervision, or both, to not more than eight  
 34 (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of

1 ~~(27)~~(28) Family member. A person, or persons, related by blood, marriage, or other legal  
 2 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,  
 3 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

4 ~~(28)~~(29) Floating zone. An unmapped zoning district adopted within the ordinance that is  
 5 established on the zoning map only when an application for development, meeting the zone  
 6 requirements, is approved.

7 ~~(29)~~(30) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

8 ~~(30)~~(31) Freeboard. A factor of safety expressed in feet above the base flood elevation of  
 9 a flood hazard area for purposes of floodplain management. Freeboard compensates for the many  
 10 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and  
 11 the hydrological effect of urbanization of the watershed.

12 ~~(31)~~(32) Groundwater. "Groundwater" and associated terms, as defined in § 46-13.1-3.

13 ~~(32)~~(33) Halfway house. A residential facility for adults or children who have been  
 14 institutionalized for criminal conduct and who require a group setting to facilitate the transition to  
 15 a functional member of society.

16 ~~(33)~~(34) Hardship. See § 45-24-41.

17 ~~(34)~~(35) Historic district or historic site. As defined in § 45-22.2-4.

18 ~~(35)~~(36) Home occupation. Any activity customarily carried out for gain by a resident,  
 19 conducted as an accessory use in the resident's dwelling unit.

20 ~~(36)~~(37) Household. One or more persons living together in a single-dwelling unit, with  
 21 common access to, and common use of, all living and eating areas and all areas and facilities for  
 22 the preparation and storage of food within the dwelling unit. The term "household unit" is  
 23 synonymous with the term "dwelling unit" for determining the number of units allowed within any  
 24 structure on any lot in a zoning district. An individual household shall consist of any one of the  
 25 following:

- 26 (i) A family, which may also include servants and employees living with the family; or
- 27 (ii) A person or group of unrelated persons living together. The maximum number may be
- 28 set by local ordinance, but this maximum shall not be less than one person per bedroom and shall
- 29 not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to
- 30 NARR-certified recovery residences.

31 ~~(37)~~(38) Incentive zoning. The process whereby the local authority may grant additional  
 32 development capacity in exchange for the developer's provision of a public benefit or amenity as  
 33 specified in local ordinances.

34 ~~(38)~~(39) Infrastructure. Facilities and services needed to sustain residential, commercial,

1 angles to its depth along a straight line parallel to the front lot line at the minimum front setback  
2 line.

3 ~~(51)~~ (51) Manufactured home. As used in this section, a manufactured home shall have the  
4 same definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections,  
5 which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more  
6 in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is  
7 built on a permanent chassis and designed to be used as a dwelling with a permanent foundation  
8 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and  
9 electrical systems contained therein; except that such term shall include any structure that meets  
10 all the requirements of this definition except the size requirements and with respect to which the  
11 manufacturer voluntarily files a certification required by the United States Secretary of Housing  
12 and Urban Development and complies with the standards established under chapter 70 of Title 42  
13 of the United States Code; and except that such term shall not include any self-propelled  
14 recreational vehicle.

15 ~~(52)~~ (52) Mere inconvenience. See § 45-24-41.

16 ~~(53)~~ (53) Mixed use. A mixture of land uses within a single development, building, or tract.

17 ~~(54)~~ (54) Modification. Permission granted and administered by the zoning enforcement  
18 officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional  
19 variance other than lot area requirements from the zoning ordinance to a limited degree as  
20 determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%)  
21 of each of the applicable dimensional requirements.

22 ~~(55)~~ (55) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully  
23 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with  
24 the provisions of that ordinance or amendment. Nonconformance is of only two (2) types:

25 (i) Nonconforming by use: a lawfully established use of land, building, or structure that is  
26 not a permitted use in that zoning district. A building or structure containing more dwelling units  
27 than are permitted by the use regulations of a zoning ordinance is nonconformity by use; or

28 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance  
29 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all  
30 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building  
31 or structure containing more dwelling units than are permitted by the use regulations of a zoning  
32 ordinance is nonconforming by use; a building or structure containing a permitted number of  
33 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per  
34 dwelling unit regulations, is nonconforming by dimension.

1 establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There are  
 2 only two (2) categories of variance, a use variance or a dimensional variance.

3 (i) Use variance. Permission to depart from the use requirements of a zoning ordinance  
 4 where the applicant for the requested variance has shown by evidence upon the record that the  
 5 subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the  
 6 zoning ordinance.

7 (ii) Dimensional variance. Permission to depart from the dimensional requirements of a  
 8 zoning ordinance under the applicable standards set forth in § 45-24-41.

9 ~~(69)~~(70) Waters. As defined in § 46-12-1(23).

10 ~~(70)~~(71) Wetland, coastal. As defined in § 45-22.2-4.

11 ~~(71)~~(72) Wetland, freshwater. As defined in § 2-1-20.

12 ~~(72)~~(73) Zoning certificate. A document signed by the zoning enforcement officer, as  
 13 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either  
 14 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or  
 15 is an authorized variance or modification therefrom.

16 ~~(73)~~(74) Zoning map. The map, or maps, that are a part of the zoning ordinance and that  
 17 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or  
 18 town.

19 ~~(74)~~(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or  
 20 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city  
 21 or town's legislative or home rule charter, if any, that establish regulations and standards relating  
 22 to the nature and extent of uses of land and structures; that is consistent with the comprehensive  
 23 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that  
 24 complies with the provisions of this chapter.

25 ~~(75)~~(76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to  
 26 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.  
 27 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,  
 28 institutional, open space, and residential. Each district may include sub-districts. Districts may be  
 29 combined.

30 **45-24-33. Standard provisions.**

31 (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall  
 32 address, through reasonable objective standards and criteria, the following general provisions  
 33 which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-  
 34 30(c), or § 45-24-30(d):

- 1           (9) Providing for the preservation and enhancement of the recreational resources of the city  
2    or town;
- 3           (10) Promoting an economic climate that increases quality job opportunities and the overall  
4    economic well-being of the city or town and the state;
- 5           (11) Providing for pedestrian access to and between public and private facilities, including,  
6    but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;
- 7           (12) Providing standards for, and requiring the provision of, adequate and properly  
8    designed physical improvements, including plantings, and the proper maintenance of property;
- 9           (13) Permitting, prohibiting, limiting, and restricting land use in areas where development  
10   is deemed to create a hazard to the public health or safety;
- 11          (14) Permitting, prohibiting, limiting, and restricting extractive industries and earth  
12   removal and requiring restoration of land after these activities;
- 13          (15) Regulating sanitary landfill, except as otherwise provided by state statute;
- 14          (16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor  
15   advertising devices;
- 16          (17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and  
17   enforcement of airport hazard area zoning regulations under the provisions established in that  
18   chapter;
- 19          (18) Designating areas of historic, cultural, and/or archaeological value and regulating  
20   development in those areas under the provisions of chapter 24.1 of this title;
- 21          (19) Providing standards and requirements for the regulation, review, and approval of any  
22   proposed development in connection with those uses of land, buildings, or structures specifically  
23   designated as subject to development plan review in a zoning ordinance;
- 24          (20) Designating special protection areas for water supply and limiting or prohibiting  
25   development in these areas, except as otherwise provided by state statute;
- 26          (21) Specifying requirements for safe road access to developments from existing streets,  
27   including limiting the number, design, and location of curb cuts, and provisions for internal  
28   circulation systems for new developments, and provisions for pedestrian and bicycle ways;
- 29          (22) Reducing unnecessary delay in approving or disapproving development applications  
30   through provisions for preapplication conferences and other means;
- 31          (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter  
32   37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island  
33   Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with  
34   Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

1 ordinance may provide for a procedure under which a proposed land use that is not specifically  
 2 listed may be presented by the property owner to the zoning board of review or to a local official  
 3 or agency charged with administration and enforcement of the ordinance for an evaluation and  
 4 determination of whether the proposed use is of a similar type, character, and intensity as a listed  
 5 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

6 (b) Notwithstanding any other provision of this chapter, the following uses are permitted  
 7 uses within all residential zoning use districts of a municipality and all industrial and commercial  
 8 zoning use districts except where residential use is prohibited for public health or safety reasons:

9 (1) Households;

10 (2) Community residences; and

11 (3) Family daycare homes.

12 (c) Any time a building or other structure used for residential purposes, or a portion of a  
 13 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire  
 14 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,  
 15 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former  
 16 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated  
 17 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the  
 18 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain  
 19 temporarily upon the land by making timely application to the local building official for the  
 20 purposes of obtaining the necessary permits to repair or rebuild the structure.

21 (d) Notwithstanding any other provision of this chapter, appropriate access for people with  
 22 disabilities to residential structures is allowed as a reasonable accommodation for any person(s)  
 23 residing, or intending to reside, in the residential structure.

24 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit  
 25 ("ADU") that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in  
 26 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-  
 27 73(a) shall be permitted through an administrative building permit process only.

28 (f) When used in this section the terms "people with disabilities" or "member, or members,  
 29 with disabilities" means a person(s) who has a physical or mental impairment that substantially  
 30 limits one or more major life activities, as defined in 42-87-1(5).

31 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted  
 32 use within all zoning districts of a municipality, including all industrial and commercial zoning  
 33 districts, except where prohibited for public health or safety reasons or the protection of wildlife  
 34 habitat.

1 and shall be considered legal nonconforming, and any rooftop construction shall be included within  
2 the height exemption.

3 (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow  
4 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any  
5 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a  
6 single-family home in the district or seek relief for the same under the provisions of this chapter.

7 SECTION 2. This act shall take effect on January 1, 2026.

LC002157/SUB A

**2025 -- H 5798 SUBSTITUTE A**

LC002158/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2025**

**A N A C T**

**RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES**

Introduced By: Representatives Speakman, Tanzi, Alzate, Kislak, Spears, Dawson,  
Furtado, Casey, Boylan, and Donovan

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 45-24-33 and 45-24-37 of the General Laws in Chapter 45-24  
2   entitled "Zoning Ordinances" are hereby amended to read as follows:

3           45-24-33. Standard provisions.

4           (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall  
5   address, through reasonable objective standards and criteria, the following general provisions  
6   which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-  
7   30(c), or § 45-24-30(d):

8           (1) Permitting, prohibiting, limiting, and restricting the development of land and structures  
9   in zoning districts, and regulating those land and structures according to their type and the nature  
10   and extent of their use;

11          (2) Regulating the nature and extent of the use of land for residential, commercial,  
12   industrial, institutional, recreational, agricultural, open space, or other use or combination of uses,  
13   as the need for land for those purposes is determined by the city or town's comprehensive plan;

14          (3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and  
15   other development by performance standards, or other requirements, related to air and water and  
16   groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or  
17   the availability and capacity of existing and planned public or private services;

18          (4) Regulating within each district and designating requirements for:

19          (i) The height, number of stories, and size of buildings;

1 (15) Regulating sanitary landfill, except as otherwise provided by state statute;

2 (16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor  
3 advertising devices;

4 (17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and  
5 enforcement of airport hazard area zoning regulations under the provisions established in that  
6 chapter;

7 (18) Designating areas of historic, cultural, and/or archaeological value and regulating  
8 development in those areas under the provisions of chapter 24.1 of this title;

9 (19) Providing standards and requirements for the regulation, review, and approval of any  
10 proposed development in connection with those uses of land, buildings, or structures specifically  
11 designated as subject to development plan review in a zoning ordinance;

12 (20) Designating special protection areas for water supply and limiting or prohibiting  
13 development in these areas, except as otherwise provided by state statute;

14 (21) Specifying requirements for safe road access to developments from existing streets,  
15 including limiting the number, design, and location of curb cuts, and provisions for internal  
16 circulation systems for new developments, and provisions for pedestrian and bicycle ways;

17 (22) Reducing unnecessary delay in approving or disapproving development applications  
18 through provisions for preapplication conferences and other means;

19 (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter  
20 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island  
21 Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with  
22 Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

23 (24) Regulating drive-through windows of varied intensity of use when associated with  
24 land-use activities and providing standards and requirements for the regulation, review, and  
25 approval of the drive-through windows, including, but not limited to:

26 (i) Identifying within which zoning districts drive-through windows may be permitted,  
27 prohibited, or permitted by special-use permit;

28 (ii) Specifying requirements for adequate traffic circulation; and

29 (iii) Providing for adequate pedestrian safety and access, including issues concerning safety  
30 and access for those with disabilities.

31 (25) Allowing the construction of attached single-family dwellings in designated zoning  
32 districts. For purposes of this chapter, "attached single-family dwelling" means a dwelling unit  
33 constructed side by side or horizontally and separated by a party wall and lot line. Such units shall  
34 be allowed in designated zoning districts of the city or town, provided that:

1 and local regulations, to establish its own minimum lot size per zoning district in its town or city.

2 45-24-37. General provisions — Permitted uses.

3 (a) The zoning ordinance shall provide a listing of all land uses and/or performance  
4 standards for uses that are permitted within the zoning use districts of the municipality. The  
5 ordinance may provide for a procedure under which a proposed land use that is not specifically  
6 listed may be presented by the property owner to the zoning board of review or to a local official  
7 or agency charged with administration and enforcement of the ordinance for an evaluation and  
8 determination of whether the proposed use is of a similar type, character, and intensity as a listed  
9 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

10 (b) Notwithstanding any other provision of this chapter, the following uses are permitted  
11 uses within all residential zoning use districts of a municipality and all industrial and commercial  
12 zoning use districts except where residential use is prohibited for public health or safety reasons:

- 13 (1) Households;
- 14 (2) Community residences; and
- 15 (3) Family daycare homes.

16 (c) Any time a building or other structure used for residential purposes, or a portion of a  
17 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire  
18 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,  
19 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former  
20 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated  
21 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the  
22 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain  
23 temporarily upon the land by making timely application to the local building official for the  
24 purposes of obtaining the necessary permits to repair or rebuild the structure.

25 (d) Notwithstanding any other provision of this chapter, appropriate access for people with  
26 disabilities to residential structures is allowed as a reasonable accommodation for any person(s)  
27 residing, or intending to reside, in the residential structure.

28 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit  
29 ("ADU") that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in  
30 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-  
31 73(a) shall be permitted through an administrative building permit process only.

32 (f) When used in this section the terms "people with disabilities" or "member, or members,  
33 with disabilities" means a person(s) who has a physical or mental impairment that substantially  
34 limits one or more major life activities, as defined in 42-87-1(5).

1           (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the  
2 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain  
3 and shall be considered legal nonconforming, and any rooftop construction shall be included within  
4 the height exemption.

5           (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow  
6 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any  
7 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a  
8 single-family home in the district or seek relief for the same under the provisions of this chapter.

9           (j) Attached single family dwellings. Notwithstanding any other provision of this chapter,  
10 all towns and cities shall allow attached single-family units, as defined in § 45-24-33, in residential  
11 districts which allow for the construction of two (2) or more units. The number of attached single-  
12 family units allowed shall be the same as the corresponding residential density for the property and  
13 zoning district.

14           SECTION 2. This act shall take effect on January 1, 2026.

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LC002158/SUB A

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# 2025 -- H 5799 SUBSTITUTE A

LC002159/SUB A

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

### AN ACT

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Cruz, Shekarchi, Potter, Kislak, Stewart, Cotter,  
Solomon, Slater, Casimiro, and Alzate

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-23-32 of the General Laws in Chapter 45-23 entitled "Subdivision  
2 of Land" is hereby amended to read as follows:

3           45-23-32. Definitions.

4           Where words or phrases used in this chapter are defined in the definitions section of either  
5 the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode  
6 Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.  
7 Additional words and phrases may be defined in local ordinances, regulations, and rules under this  
8 act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island  
9 Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning  
10 Enabling Act of 1991. The words and phrases defined in this section, however, shall be controlling  
11 in all local ordinances, regulations, and rules created under this chapter. In addition, the following  
12 words and phrases have the following meanings:

13           (1) **Administrative officer.** The municipal official(s) designated by the local regulations  
14 to administer the land development and subdivision regulations to review and approve qualified  
15 applications and/or coordinate with local boards and commissions, municipal staff, and state  
16 agencies as set forth herein. The administrative officer may be a member, or the chair, of the  
17 planning board, an employee of the municipal planning or zoning departments, or an appointed  
18 official of the municipality. See § 45-23-55.

19           (2) **Board of appeal.** The local review authority for appeals of actions of the administrative

1           (10) **Development regulation.** Zoning, subdivision, land development plan, development  
2   plan review, historic district, official map, flood plain regulation, soil erosion control, or any other  
3   governmental regulation of the use and development of land.

4           (11) **Division of land.** A subdivision.

5           (12) **Environmental constraints.** Natural features, resources, or land characteristics that  
6   are sensitive to change and may require conservation measures or the application of special  
7   development techniques to prevent degradation of the site, or may require limited development, or  
8   in certain instances, may preclude development. See also physical constraints to development.

9           (13) **Final plan.** The final stage of land development and subdivision review or a formal  
10   development plan review application. See §§ 45-23-38, 45-23-39, and 45-23-50.

11          (14) **Final plat.** The final drawing(s) of all or a portion of a subdivision to be recorded after  
12   approval by the planning board and any accompanying material as described in the community's  
13   regulations and/or required by the planning board.

14          (15) **Floor area, gross.** See R.I. State Building Code.

15          (16) **Governing body.** The body of the local government, generally the city or town  
16   council, having the power to adopt ordinances, accept public dedications, release public  
17   improvement guarantees, and collect fees.

18          (17) **Improvement.** Any natural or built item that becomes part of, is placed upon, or is  
19   affixed to, real estate.

20          (18) **Improvement guarantee.** A security instrument accepted by a municipality to ensure  
21   that all improvements, facilities, or work required by the land development and subdivision  
22   regulations, or required by the municipality as a condition of approval, will be completed in  
23   compliance with the approved plans and specifications of a development. See § 45-23-46.

24          (19) **Land development project.** A project in which one or more lots, tracts, or parcels of  
25   land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,  
26   units, or structures, including but not limited to, planned development or cluster development for  
27   residential, commercial, institutional, recreational, open space, or mixed uses. The local regulations  
28   shall include all requirements, procedures, and standards necessary for proper review and approval  
29   of land development projects to ensure consistency with this chapter and the Rhode Island zoning  
30   enabling act.

31          (i) **Minor land development project.** A land development project involving any one of  
32   the following categories which has not otherwise been specifically designated by local ordinance  
33   as development plan review:

34          (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,

1 subdivision process and the step in the process in which the public hearing is held. See § 45-23-39.

2 (23) **Modification of requirements.** See § 45-23-62.

3 (24) **Parcel.** A lot, or contiguous group of lots in single ownership or under single control,  
4 and usually considered a unit for purposes of development. Also referred to as a tract.

5 (25) **Parking area or lot.** All that portion of a development that is used by vehicles, the  
6 total area used for vehicular access, circulation, parking, loading, and unloading.

7 (26) **Permitting authority.** The local agency of government, meaning any board,  
8 commission, or administrative officer specifically empowered by state enabling law and local  
9 regulation or ordinance to hear and decide on specific matters pertaining to local land use.

10 (27) **Phased development.** Development, usually for large-scale projects, where  
11 construction of public and/or private improvements proceeds by sections subsequent to approval  
12 of a master plan for the entire site. See § 45-23-48.

13 (28) **Physical constraints to development.** Characteristics of a site or area, either natural  
14 or man-made, which present significant difficulties to construction of the uses permitted on that  
15 site, or would require extraordinary construction methods. See also environmental constraints.

16 (29) **Planning board.** The official planning agency of a municipality, whether designated  
17 as the plan commission, planning commission, plan board, or as otherwise known.

18 (30) **Plat.** A drawing or drawings of a land development or subdivision plan showing the  
19 location, boundaries, and lot lines of individual properties, as well as other necessary information  
20 as specified in the local regulations.

21 (31) **Pre-application conference.** An initial meeting between developers and municipal  
22 representatives that affords developers the opportunity to present their proposals informally and to  
23 receive comments and directions from the municipal officials and others. See § 45-23-35.

24 (32) **Preliminary plan.** A required stage of land development and subdivision review that  
25 generally requires detailed engineered drawings. See § 45-23-39.

26 (33) **Public hearing.** A hearing before the planning board that is duly noticed in accordance  
27 with § 45-23-42 and that allows public comment. A public hearing is not required for an application  
28 or stage of approval unless otherwise stated in this chapter.

29 (34) **Public improvement.** Any street or other roadway, sidewalk, pedestrian way, tree,  
30 lawn, off-street parking area, drainage feature, or other facility for which the local government or  
31 other governmental entity either is presently responsible, or will ultimately assume the  
32 responsibility for maintenance and operation upon municipal acceptance.

33 (35) **Slope of land.** The grade, pitch, rise, or incline of the topographic landform or surface  
34 of the ground.

1           (47) **Subdivider.** Any person who: (i) Having an interest in land, causes it, directly or  
 2 indirectly, to be divided into a subdivision; or who (ii) Directly or indirectly sells, leases, or  
 3 develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest,  
 4 lot, parcel, site, unit, or plat in a subdivision; or who (iii) Engages directly or through an agent in  
 5 the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision  
 6 or any interest, lot, parcel, site, unit, or plat in a subdivision.

7           (48) **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts,  
 8 or parcels or any adjustment to existing lot lines is considered a subdivision.

9           (i) **Administrative subdivision.** Subdivision of existing lots that yields no additional lots  
 10 for development, and involves no creation or extension of streets. This subdivision only involves  
 11 division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process  
 12 by which an administrative officer or municipal planning board or commission reviews any  
 13 subdivision qualifying for this review is set forth in § 45-23-37.

14           (ii) **Minor subdivision.** A subdivision creating nine (9) or fewer buildable lots. The process  
 15 by which a municipal planning board, commission, technical review committee, and/or  
 16 administrative officer reviews a minor subdivision is set forth in § 45-23-38. Minor subdivisions  
 17 shall include oversized lot subdivisions.

18           Oversized lot subdivision. Subdivision of an existing lot, including a lot which was legally  
 19 merged or replatted, which result in the creation of a vacant lot or lots for residential use which are  
 20 equal to or greater in lot area than the area of fifty percent (50%) of the residential lots within two  
 21 hundred feet (200') of the lot proposed for subdivision, as confirmed by a registered professional  
 22 engineer, surveyor or certified planner based on city or town records including geographic  
 23 information system and/or tax assessor data. A lot, qualifying for this type of subdivision shall be  
 24 allowed to subdivide even if the resulting lots fail to meet minimum lot size requirements of the  
 25 district in which such lot is located, subject to the applicable requirements in § 45-24-38. The  
 26 resulting subdivided lots shall have the benefit of reduced requirements as set forth in § 45-24-38,  
 27 and/or are eligible for the processes set forth in § 45-24-46, as applicable.

28           (iii) **Major subdivision.** A subdivision creating ten (10) or more buildable lots. The  
 29 process by which a municipal planning board or commission reviews any subdivision qualifying  
 30 for this review under § 45-23-39.

31           (49) **Technical review committee.** A committee or committees appointed by the  
 32 municipality for the purpose of reviewing, commenting, approving, and/or making  
 33 recommendations to the planning board or administrative officer, as set forth in this chapter.

34           (50) **Temporary improvement.** Improvements built and maintained by a developer during

1 All proposals exceeding such reduced requirement shall proceed with a modification  
 2 request under § 45-24-46 or a dimensional variance request under § 45-24-41, whichever is  
 3 applicable.

4 (c) ~~Provisions~~ Except as set forth otherwise in this chapter and in chapter 23 of title 45,  
 5 provisions may be made for the merger of contiguous unimproved, or improved and unimproved,  
 6 substandard lots of record in the same ownership to create dimensionally conforming lots or to  
 7 reduce the extent of dimensional nonconformance. The ordinance shall specify the standards, on a  
 8 district by district basis, which determine the mergers. The standards shall include, but are not to  
 9 be limited to, the availability of infrastructure, the character of the neighborhood, and the  
 10 consistency with the comprehensive plan. The merger of lots shall not be required when the  
 11 substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the  
 12 lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement  
 13 officer.

14 45-24-46. Special provisions — Modification.

15 (a) A zoning ordinance shall provide for the issuance of modifications from the literal  
 16 dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or  
 17 structural modification of a structure or lot of record. The zoning enforcement officer is authorized  
 18 to grant modification permits. The zoning ordinance shall permit modifications that are fifteen  
 19 percent (15%) or less of the dimensional requirements specified in the zoning ordinance but may  
 20 permit modification up to twenty-five percent (25%). A modification does not permit moving of  
 21 lot lines. Within ten (10) days of the receipt of a request for a modification, the zoning enforcement  
 22 officer shall make a decision as to the suitability of the requested modification based on the  
 23 following determinations:

24 (1) The modification requested is reasonably necessary for the full enjoyment of the  
 25 permitted use;

26 (2) If the modification is granted, neighboring property will neither be substantially injured  
 27 nor its appropriate use substantially impaired;

28 (3) The modification requested does not require a variance of a flood hazard requirement,  
 29 unless the building is built in accordance with applicable regulations; and

30 (4) The modification requested does not violate any rules or regulations with respect to  
 31 freshwater or coastal wetlands.

32 (b) Upon an affirmative determination, in the case of a modification of five percent (5%)  
 33 or less, the zoning enforcement officer shall have the authority to issue a permit approving the  
 34 modification, without any public notice requirements. In the case of a modification of greater than

1 or building code analysis of the legality of the existing dimensions of the comparable existing  
 2 parcels.

3 (4) Within ten (10) days of the receipt of a request for NCBM, the zoning enforcement  
 4 officer shall make a decision as to the suitability of the requested modification based on the  
 5 following determinations:

6 (i) The modification requested does not require a variance of a flood hazard requirement,  
 7 unless the building is built in accordance with applicable regulations; and

8 (ii) The modification requested does not violate any rules or regulations with respect to  
 9 freshwater or coastal wetlands; and

10 (iii) The NCBM does not violate any provisions regarding separation included in the state  
 11 building or fire code;

12 (5) Upon an affirmative determination, in the case of an NCBM modification of equal to  
 13 or less than thirty percent (30%) of the requirements of the zoning district, the zoning enforcement  
 14 officer shall have the authority to issue a permit approving the modification, without any public  
 15 notice requirements. In the case of an NCBM modification of greater than thirty percent (30%), the  
 16 zoning enforcement officer shall notify, by first class mail, all property owners abutting the  
 17 property which is the subject of the NCBM modification request, and shall indicate the street  
 18 address of the subject property in the notice, and shall publish in a newspaper of local circulation  
 19 within the city or town that the modification will be granted unless written objection is received  
 20 within fourteen (14) days of the public notice. If written objection is received from any party  
 21 entitled to notice under this section within fourteen (14) days, the request for a modification shall  
 22 be scheduled for the next available hearing before the zoning board of review on application for a  
 23 dimensional variance following the standard procedures for such variances, including notice  
 24 requirements provided for under this chapter. If no written objections are received within fourteen  
 25 (14) days, the zoning enforcement officer shall grant the modification. The zoning enforcement  
 26 officer may apply any special conditions to the permit as may, in the opinion of the officer, be  
 27 required to conform to the intent and purposes of the zoning ordinance. The zoning enforcement  
 28 officer shall keep public records of all requests for modifications, and of findings, determinations,  
 29 special conditions, and any objections received. Costs of any notice required under this subsection  
 30 shall be borne by the applicant requesting the modification.

31 SECTION 3. This act shall take effect on January 1, 2026.

LC002159/SUB A

2025 -- H 5957

LC001943

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Introduced By: Representatives Santucci, Quattrocchi, Nardone, Fascia, Place, and Chippendale

Date Introduced: February 28, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and Moderate Income Housing" is hereby amended to read as follows:

**45-53-3. Definitions.**

The following words, wherever used in this chapter, unless a different meaning clearly appears from the context, have the following meanings:

(1) "Adjustment(s)" means a request or requests by the applicant to seek relief from the literal use and dimensional requirements of the municipal zoning ordinance and/or the design standards or requirements of the municipal land development and subdivision regulations. The standard for the local review board's consideration of adjustments is set forth in § 45-53-4(d)(2)(iii)(E)(II).

(2) "Affordable housing plan" means a component of a housing element, as defined in § 45-22.2-4(1), that addresses housing needs in a city or town that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(e)(1) and (f).

(3) "Approved affordable housing plan" means an affordable housing plan that has been approved by the director of administration as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council; provided, however, that state review and approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town having completed, adopted, or amended its comprehensive plan as provided for in § 45-22.2-8, §

1 45-22.2-9, or § 45-22.2-12.

2 (4) "Comprehensive plan" means a comprehensive plan adopted and approved by a city or  
3 town pursuant to chapters 22.2 and 22.3 of this title.

4 (5) "Consistent with local needs" means reasonable in view of the state need for low- and  
5 moderate-income housing, considered with the number of low-income persons in the city or town  
6 affected and the need to protect the health and safety of the occupants of the proposed housing or  
7 of the residents of the city or town, to promote better site and building design in relation to the  
8 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,  
9 requirements, and regulations are applied as equally as possible to both subsidized and  
10 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are  
11 consistent with local needs when imposed by a city or town council after a comprehensive hearing  
12 in a city or town where:

13 (i) Low- or moderate-income housing exists which is: (A) In the case of an urban city or  
14 town which has at least 5,000 occupied year-round rental units and the units, as reported in the  
15 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-  
16 round housing units, and is in excess of fifteen percent (15%) of the total occupied year-round  
17 rental units; or (B) In the case of all other cities or towns, is in excess of ten percent (10%) of the  
18 year-round housing units reported in the census, or the city or town has adopted an inclusionary  
19 zoning ordinance requiring that all housing developments include at least fifty percent (50%) low-  
20 or moderate-income housing units.

21 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and  
22 regulations to implement a comprehensive plan that has been adopted and approved pursuant to  
23 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides  
24 for low- and moderate-income housing in excess of either ten percent (10%) of the year-round  
25 housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided  
26 in subsection (5)(i).

27 (iii) Multi-family rental units built under a comprehensive permit may be calculated  
28 towards meeting the requirements of a municipality's low- or moderate-income housing inventory,  
29 as long as the units meet and are in compliance with the provisions of § 45-53-3.1.

30 (6) "Infeasible" means any condition brought about by any single factor or combination of  
31 factors, as a result of limitations imposed on the development by conditions attached to the approval  
32 of the comprehensive permit, to the extent that it makes it financially or logistically impracticable  
33 for any applicant to proceed in building or operating low- or moderate-income housing within the  
34 limitations set by the subsidizing agency of government or local review board, on the size or

character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

(7) "Letter of eligibility" means a letter issued by the Rhode Island housing and mortgage finance corporation in accordance with § 42-55-5.3(a).

(8) "Local review board" means the planning board as defined by § 45-22.2-4.

(9) "Low- or moderate-income housing" shall be synonymous with "affordable housing" as defined in § 42-128-8.1, and further means any type of housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of affordable housing and that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy.

(i) Any housing unit that qualifies under this subsection (9) and under § 42-128-8.1 shall be counted as one whole unit toward the municipality's requirement for low- or moderate-income housing.

(ii) Any mobile or manufactured home(s) that meet the requirements of § 42-128-8.1(d)(1)(ii) but are not subsidized by a federal, state, or municipal government subsidy and/or do not have a deed restriction or land lease as described in this subsection (9), shall count as one-half (½) of one unit for the purpose of the calculation of the total of low- or moderate-income year-round housing within a city or town, as long as a municipality contracts with a monitoring agent to verify that the requirements of § 42-128-8.1(d)(1)(ii) are met for these units. Such units shall not be required to meet the income verification requirements of § 42-128-8.1. The monitoring agent shall provide a listing of the eligible units to Rhode Island Housing, who shall provide a report as to the qualifying mobile or manufactured homes under this subsection (9) to the governor, speaker of the house of representatives, senate president, and secretary of housing on an annual basis, beginning on or before December 31, 2025.

(iii) Low- or moderate-income housing also includes rental property located within a municipality that is secured with a federal government rental assistance voucher.

(iv) For the period beginning on or after July 1, 2024, any housing unit that qualifies as low- or moderate-income housing under this subsection (9) and under § 42-128-8.1 and any rental property secured with a federal government rental assistance voucher that does not otherwise meet

1 the other requirements to qualify as low- or moderate-income housing under this section shall be  
2 counted as one whole unit toward the municipality's requirement for low- or moderate-income  
3 housing, as long as a municipality confirms with the issuing authority that the voucher is in good  
4 standing and active.

5 (10) "Meeting local housing needs" means as a result of the adoption of the implementation  
6 program of an approved affordable housing plan, the absence of unreasonable denial of applications  
7 that are made pursuant to an approved affordable housing plan in order to accomplish the purposes  
8 and expectations of the approved affordable housing plan, and a showing that at least twenty percent  
9 (20%) of the total residential units approved by a local review board or any other municipal board  
10 in a calendar year are for low- and moderate-income housing as defined in § 42-128-8.1.

11 (11) "Monitoring agents" means those monitoring agents appointed by the Rhode Island  
12 housing resources commission pursuant to § 45-53-3.2 and to provide the monitoring and oversight  
13 set forth in this chapter, including, but not limited to, §§ 45-53-3.2 and 45-53-4.

14 (12) "Municipal government subsidy" means assistance that is made available through a  
15 city or town program sufficient to make housing affordable, as affordable housing is defined in §  
16 42-128-8.1(d)(1); such assistance shall include a combination of, but is not limited to, direct  
17 financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses  
18 and/or internal subsidies, zoning incentives, and adjustments as defined in this section and any  
19 combination of forms of assistance.

20 SECTION 2. This act shall take effect upon passage.

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LC001943  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

\*\*\*

1        This act would redefine the term “consistent with local needs” relative to low- and  
2 moderate-income housing and specify that low- and moderate-income housing exists when a city  
3 or town has adopted an inclusionary zoning ordinance requiring that all housing developments  
4 include at least fifty percent (50%) low- or moderate-income housing units.

5        This act would take effect upon passage.

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LC001943  
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# Town of Bristol, Rhode Island

## *Department of Community Development*

10 Court Street  
Bristol, RI 02809  
[www.bristolri.gov](http://www.bristolri.gov)  
401-253-7000

April 4, 2025

Members of the Bristol Planning Commission  
c/o Diane Williamson, Director of Community Development  
10 Court St  
Bristol, RI 02809

Dear Members;

The Town of Bristol intends to apply for two CDBG Projects under the PY2023/2024 Competitive Grant Round.

1. Walley School Rehabilitation Phase II – Begin work on Phase II of rehabilitation of the former Walley School, creating a new Senior and Community Center.
2. East Bay Food Pantry Expansion and Remodel – The EBFP is in the process of expanding capacity for their Wood Street food pantry and thrift shop, and is seeking CDBG Funds to help fund the expansion of the food pantry specifically.

We thank the commission for its time and consideration.

Sincerely,

Nicholas Toth  
Planner/HDC Coordinator  
Department of Community Development

| Organization    | Project                      | Project Overview                                                                  | Total Grant Funding Requested | Comprehensive Plan Action Items Addressed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------|------------------------------|-----------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Town of Bristol | Walley School Rehabilitation | Begin Phase II Rehabilitation of the former Walley School into a Community Center | TBA                           | <p>SF-19 Amend the Zoning Ordinance to include a new a Public Zone to allow a mix of uses (but not residential) in the decommissioned school buildings on High Street (Walley and Byfield on Town Common and Reynolds on High Street). Move forward with renovations to the former Walley School to facilitate its re-use. Consider re-use as artist space, incubator space, or shared work space.</p> <p>SF-22 Given the expected increase in the Town's elderly population, the Town should conduct an assessment as to the space needs at the Senior Center to determine the feasibility of either a physical expansion of the existing facility or the development of a new Center. The Town should also address the potential need for an expansion of the services</p> |

### **6. Certification of Local Planning Board\***

*The following certification must be completed and submitted as part of the final application:*

I hereby certify that, at a meeting held on April 10, 2025 at Bristol Town Hall, the Planning Board of the Town of Bristol reviewed the proposals contained in this application and has been given opportunity to comment on said proposals. The Planning Board certifies that to the best of its knowledge, the activities proposed are not in conflict with the general policies set forth in the Comprehensive Community Plan of the Town of Bristol.

Date: April 10, 2025

Signature:

Title: Chair, Bristol Planning Board