

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

REPORT RELATING TO THE PETITION

**For a Major Land Development at
206 Bay View Avenue
Bristol, Rhode Island 02809**

**PREPARED FOR
Scott Spear, Esquire, for
Fair Wind Properties, LLC
Bristol, RI 02809**



PREPARED BY

**James A. Houle
Rhode Island Certified General Appraiser
License #CGA.0A00769
198 Union Street,
Portsmouth, Rhode Island 02871
(401) 662-1543**

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Report Date
04/03/2025

Scott Spear, Esq.
Blish and Cavanagh
30 Exchange Terrace
Providence, RI 02903

04 April 2025

Dear Mr. Spear:

Pursuant to your request, I have reviewed the petition of Fair Wind Properties, LLC, for their proposed development of the property at 206 Bay View Avenue, Bristol, RI 02809. The property is also identified as tax assessor's plat 47, lot 3. The property is zoned R-10.

The petitioners would like to construct seventeen new dwelling units on the site, as part of an overall plan for twenty dwelling units, three of which would be the currently existing units located within the building found at the site at this time. This will be defined as a Major Land Development, per Article VII of the Bristol, RI Zoning Ordinance.

The units to be constructed will each contain three bedrooms. The existing units are two (2) three bedroom units and one (1) four bedroom unit.

Of the 20 units, there will be 5 income restricted units, representing the 25% required within the Comprehensive Permitting Section of the Bristol Zoning Code, Section 28-363 (2)(a1).

As part of this Comprehensive Permit, the petitioners will be seeking several items of relief. These are itemized below:

Requested Relief
Waivers and Variances Requested

A waiver is requested from Land Development Projects Section 28-282 (d) Standards for Multifamily Buildings:

Sub-Section (2)

Distance between multifamily buildings on same lot: Minimum 25 feet between multifamily buildings in the same row. 10 feet provided.

• Sub-Section (8)

Not more than four contiguous townhouses shall be built in a row with the same or approximately the same front line. Special architectural design offsets utilized.

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Variances are requested from the following Zoning Regulations:

- A variance is requested from Zoning Ordinance Article IV Dimensional Regulations Sec. 28-111 Table B requiring 80' of lot frontage. 72.50' of existing frontage provided. 64 feet is permitted after application of the 20% reduction provided for under the Low- and Moderate-Income Housing Incentive Section 28-370 (d)(2).
- A variance is requested from Zoning Ordinance Section 28-3 and Inclusionary Zoning Section 28-370 (d)(1): Reduction in minimum lot area: The density bonus shall be 20 percent with density bonus:
 $92,656 \text{ s.f.} / 8,000 \text{ s.f.} = 12 \text{ units allowed; } 20 \text{ units provided (17 to be newly constructed).}$
- A Variance is requested from Zoning Ordinance Section 28-363 (2)(a1) Municipal subsidies, Density Bonus. For projects providing at least 25 percent low- and moderate-income housing the density bonus shall be five units per acre. The yield map created by Principe Engineering showed that the project site can support 5 dwelling lots without the density bonus. The lot size is 2.1270 acres. Therefore the given lot size multiplied by the density bonus is equal to 10.635 additional units. The total allowed units per the density bonus is 15.635 rounded up to 16 units. 20 units are provided with 17 units to be newly constructed.
- A variance is requested from Zoning Ordinance Permitted Uses, Section 28-3 and Section 28-82. This R-10 zone is intended for high density residential areas comprising single household and two-household structures within a minimum density of 10,000 square feet per dwelling unit where public sewer and/or public water are provided. Multi-household dwelling units are not allowed. The site has public sewer and public water. Multi-household dwelling units are proposed.
- Variances are requested from Zoning Ordinance Section 28-252 General Requirements for parking as follows: Parking spaces are required to be 10'x18'. The proposed spaces are 9'x18'. The required aisle width is 24'. The proposed aisle width is 20'.

Article VIII. Nonconformance. The use of the Existing Garage/Barn will be used for property owner storage and for site maintenance equipment and supplies. A property management office will be added to the building above the garages and will be used for property management offices.

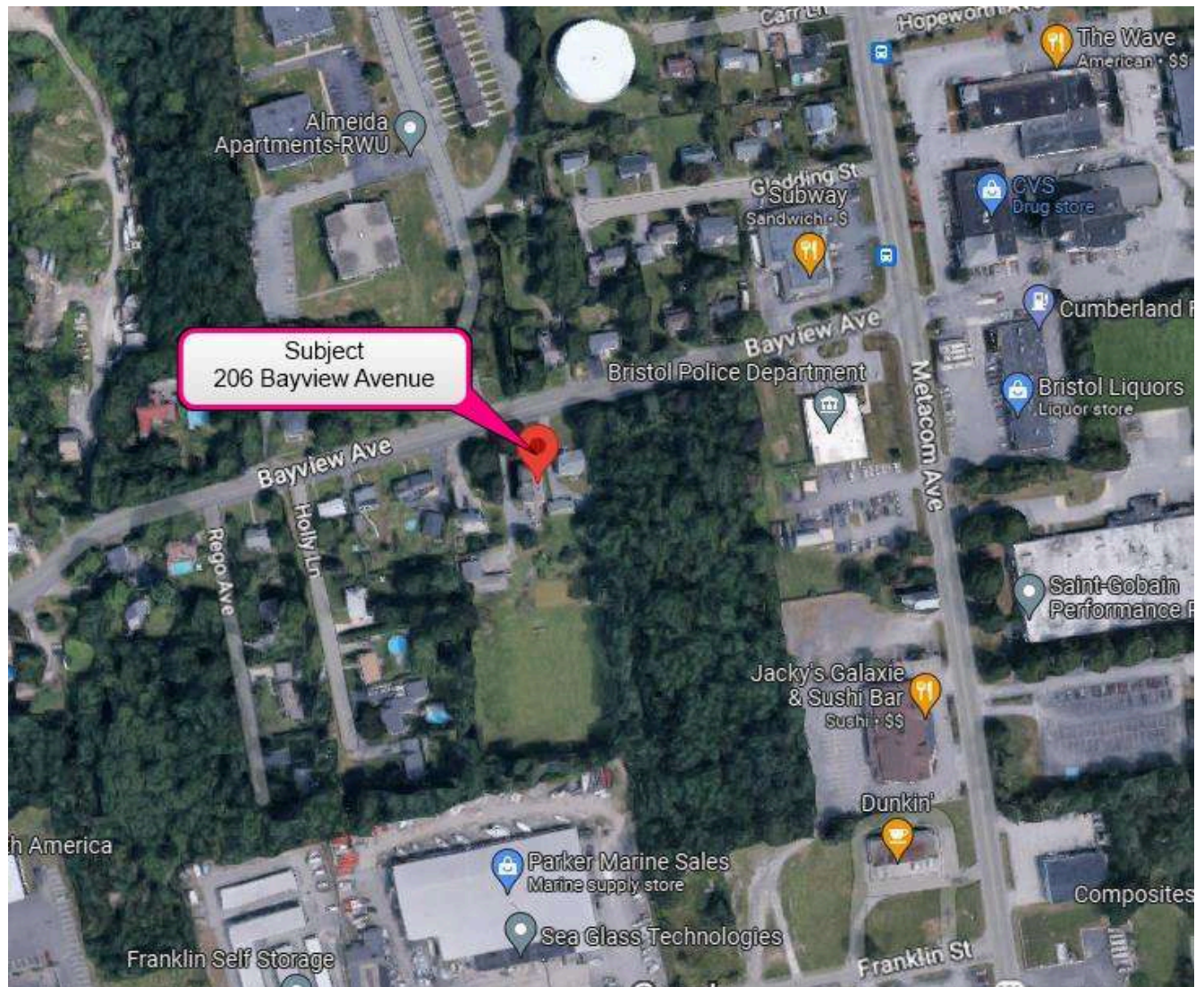
My assignment has been to review the proposal, forming opinions as to the plan's conformance to all applicable standards of the zoning code. Further, we are to review the Town's Comprehensive Land Use Plan, to form opinions as to the proposal's conformance with the goals of the Town as laid out in that document.

After my review of the plan, physical inspection of the subject and the surrounding neighborhood, and research in the Town's database, I have formed the opinion that the petition

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meets all relevant standards for the requested relief. The proposal is also seen to meet the Town's land use goals.

We begin our analysis by identifying the property and its location within the neighborhood. Next, we review the proposal and the applicable regulations which apply to the proposal, including the requests for waivers and variances and the standards which apply to those requests. Once completed, we are able to properly opine as to the conformance of the proposal to the standards and needs of the community.



Aerial View of Subject & Neighborhood

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Street View, Bay View Ave, Facing North

Comments:

Note Police Station to right and commercial uses along Metacom Avenue to distant left



Street View, Bay View Ave, Facing South

Comments:

Residential, single family uses to south



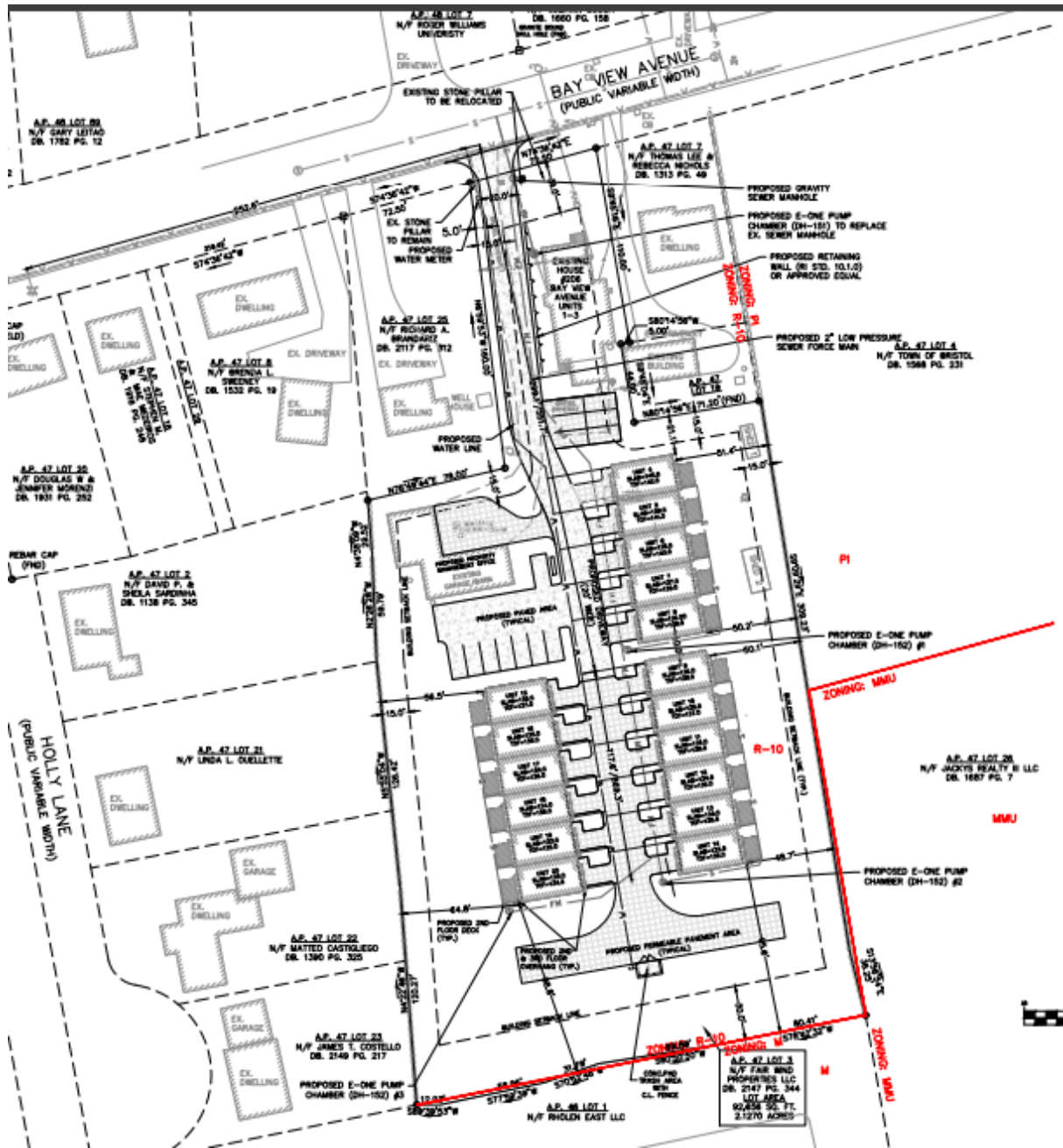
Apartment Complex Across the Street

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GIS Map of Subject

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Proposed Site Plan

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Sec. 28-282. - Land development projects—general requirements.

- a) *Authorization and general purposes. The purpose of this section is to encourage, and in zones to require, the comprehensive development of significant parcels, in order encourage a positive mix of uses and optimize scarce resources for the benefit of both the public and the developer. The method to accomplish this purpose is by authorizing the establishment of planned land development projects. Land development projects are intended to promote attractive, convenient, efficient development through careful site planning; to preserve open space, historic sites and valuable natural features of the land; to permit the creation of such uses as multifamily residential and mixed-use communities consistent with the character of the town and the neighborhood and the comprehensive plan; and to permit the design and construction of buildings, structures, and other facilities which by virtue of their location, orientation, landscaping and other features show unusual design merit. All such land development projects shall be governed in their establishment by the procedures of the town subdivision and development review regulations for major land development review.*

I have reviewed each standard for the variances and dimensional variances.

Comments:

We are taking these requested waivers and variances as a whole, rather than addressing each individually, as they tend to overlap.

We find from the Town Zoning code the following criteria:

Sec. 28-366. - Required findings.

(a) Required findings for approval. In approving a preliminary plan application for a comprehensive permit, the local review board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:

(1) The proposed development is consistent with local needs as identified in the comprehensive plan with particular emphasis on the affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

The proposal clearly conforms to local needs, with the noted particular emphasis on affordable housing.

In terms of the need to keep the improvements consistent with the Town's Comprehensive Land Use Plan, we have closely reviewed the plan and find the following goals within the Town's Land Use Plan to which we feel the entire project conforms:

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Land Use

Goal 1. Promote land use patterns that are sensitive to the Town's character and assets, recognize the Town's resource constraints, are economically sound, and facilitate smart growth to build capacity in sustainability and climate resiliency in Bristol.

Policies to implement Goal 1:

A. Protect Bristol's natural landscape and resources for present and future generations.

B. Respect the historic resources that link Bristol's present with Bristol's past and use these resources as guidelines for managing future growth.

C. Plan for both passive and active recreation, conservation, and open space, using a comprehensive approach and giving consideration to development trends and to the demands of the community.

D. Maintain a strong tax base, favorable tax rate and identify alternative revenue sources.

E. Maintain the character of Bristol and make sure that new development does not adversely impact the integrity of the Town.

F. Embrace Smart Growth principles, conservation development zoning and encourage sustainability of our resources in all land use decisions made by the Town of Bristol.

Housing

Goal 1. Work for a continued range of housing opportunities so that Bristol can continue to be home to our traditionally diverse population.

Goal 4. Create affordable housing opportunities and diversify the housing stock.

Housing Needs

The US Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) database provides information on the housing needs. According to the CHAS data tabulations from 2006-2010, of the 8895 total households, 3310 (37%) pay more than 30% of their income to housing. The CHAS data also indicates that 3120 households are low income with approximately half rental (1735) and half home ownership (1385). Based on the population projections and the current housing inventory, there will be a need for additional housing for seniors and/or provisions for more residents to age in place.

Affordable Housing

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Housing Affordability The Town of Bristol has 9,015 total year round housing units with 535 qualifying as long-term affordable. Of the 535 units, 359 are reserved for elderly, 100 are long term affordable units reserved for families and 76 are reserved for special needs.

Comments: So, we see that the CHAS data indicates approximately 35% of the households in Bristol are low income. Yet, at the same time, we see that only 5.9% of the housing stock can be deemed affordable. The need for additional LMI units is inescapable.

Affordable housing in Bristol shall:

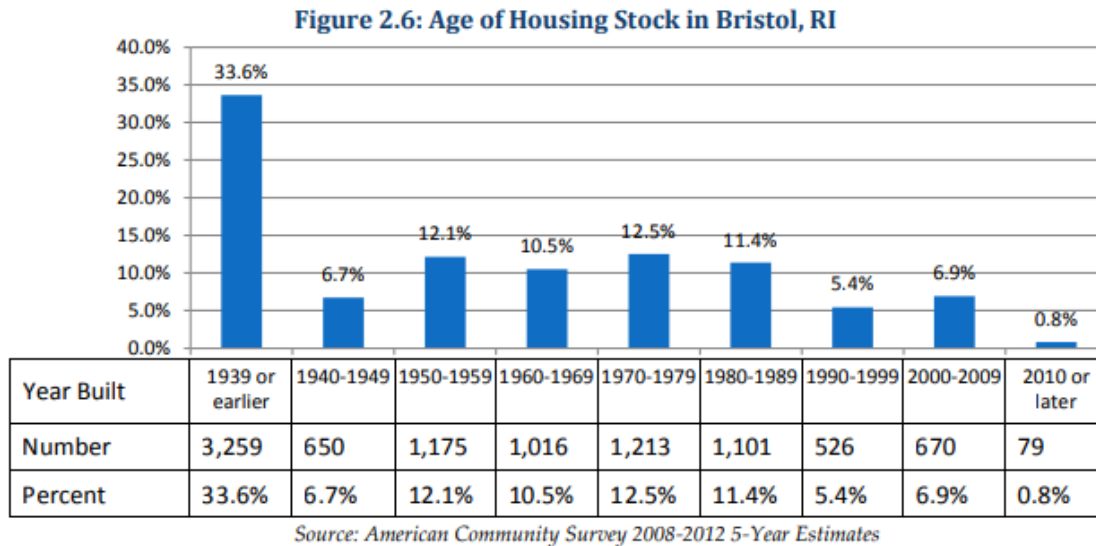
- 1. Be integrated with market price units.*
- 2. Be dispersed throughout town rather than being congregated in specific areas or projects. It shall be developed in areas that are suitable for any type of housing development.*
- 3. Be designed so as to physically blend with surrounding market price units in terms of height, massing, site design and architectural treatment.*
- 4. Be designed to give the residents and neighbors' pride in their homes.*
- 1. Be developed to give residents the opportunity to share in the ownership of at least some of the units where feasible given the particular needs.*

There is little land available for large scale development which could include a percentage of affordable housing; therefore, infill development will continue to be the preferred way to achieve the affordable housing goals. There needs to be smaller sized, well designed housing units to fit into existing neighborhoods. A public advertising campaign and strong leadership on the importance and need for affordable housing is also necessary. In order to meet the affordable housing goals, the Town will need to find creative solutions.

Housing Profile Age and Condition of Housing Stock

Information on the age of the Town's housing stock is presented in Figure 2.6. According to the 2012 ACS 5-Year Estimates, the Town of Bristol has a total of 9,625 housing units. The Town's housing stock is relatively aged with approximately 34% or 3,259 of all the housing units in Bristol built before 1939. Another 24.1% of the housing stock was constructed during the past 30 years, among which only 7.2% or 685 units were added during the past 15 years or so.

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So, we find that from approximately 1945- 1989, there were approximately 100+/- housing units built each year. For a variety of reasons, mostly economic, from 1990 to 2016, there have only been 50+/- units built each year.

However, this reversal of construction trends comes at a point in which greater numbers of dwelling units of all types are needed. This lack of supply has forced values of homes and rents higher and higher, while income has remained fairly static. This has increased the need for low and moderate income units.

We find that throughout the plan, there are goals which apply directly to the need for additional housing, especially the affordable units which are provided within the proposed development.

(2) The proposed development is in compliance with the standards and provisions of the zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.

All waivers and variances are seen to be of a minor scale, relative to the whole. We see a proposal which utilizes an “in fill” lot, one which has already being used for multi family housing. An expansion on this lot keeps development from spilling into previously undisturbed areas.

It is typical and common for proposals of this nature to require the types of minor modifications to the requirements of the zoning code, as in fill lots are naturally constrained by the pre-existing configurations.

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But perhaps most importantly, none of the waivers or variances sought are of a nature that outweighs the greater need for additional housing, especially affordable housing in the community.

(3) All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

The complex is set to allow all the moderate-income units to be spread evenly throughout the development. The units targeted for use in a restricted rental situation are seen as equal in all ways to the market rate units.

(4) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water runoff, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

I feel strongly within my review of other experts' reports and findings, as well as in conversations with the developer, that all of the related infrastructure and community well being questions addressed in this standard are fully satisfied.

(5) All proposed land development and all subdivision lots will have adequate and permanent physical access to a public street.

The entire development is on a single lot. That lot and the traffic circulation within will all have adequate and permanent physical access to a public street.

(6) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

No new lots are being created.

Final Conclusions:

We feel strongly that the lot size, coupled with the placement of the existing improvements at the site satisfies all requirements. Certainly, in spite of these minor waivers, the proposal

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remains very much in harmony with the “*best interest of good planning practice and/or design as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.*”

Therefore, in light of the requests for waivers for this project, the standards within the code are fully satisfied.

Within all the parameters of the zoning code, the comp plan and the needs for use, as well as the hardships outlined above, any relief needed is minimal. The applicant’s proposal appears to be minimally impactful, yet provides substantial community benefit. The variances needed to produce a feasible complex are seen as minor, yet within the intent of the zoning code and land use plan.

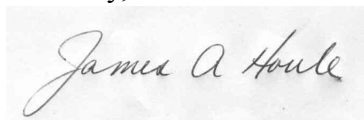
Because of impediments generated by the setting of the existing structure on what is a long and narrow lot, relief from strict application of the zoning code is necessary. In seeking this relief, we find there is no impact to the neighborhood or immediate neighbors which can be observed within the proposal.

We find that having a lot of the size of the subject, only improved with a three unit house is a woeful underutilization of an important site which can be used to much more effectively contribute to the needs of the community. To do this, some thoughtful variances are needed.

Therefore, when we study the requested waivers and variances, review the applicable portions of the Comprehensive Land Use Plan and its regulatory arm, the Bristol Zoning Code, and view the potential benefits which would be gained for the town as a whole, we see the larger petition properly and adequately answers any and all criteria related to the relief sought.

Thank you again for allowing me to have been of service.

Sincerely,

A handwritten signature in cursive script that reads "James A. Houle". The ink is dark and the signature is written on a light-colored, slightly textured background.

James A. Houle
RI Certified General Appraiser/Land Use Consultant

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QUALIFICATIONS OF APPRAISER

JAMES A. HOULE

LICENSING:

Rhode Island Appraisal Certification: #CGA.0A00769

Massachusetts Appraisal Certification: #1000015

Rhode Island Real Estate Broker: # REB.0009805

BUSINESS EXPERIENCE:

James Houle & Associates, Portsmouth, RI	1981- Present
Real Estate Appraisal, Consulting & Brokerage Services	
Deputy Tax Assessor, City of Newport, RI	1990- 1998
Appraisal and Mass Assessment Services	
Gold Star Group, Middletown, RI	1988-1989
Real Estate Education and Franchise Development	
Atlantic Properties, Middletown, RI	1985-1988
Principal Broker	
L.H. Houle Realty, Stafford Springs, Conn.	1975-1983
Consulting Broker	
Better Homes Realty, Middletown, RI	1978-1981
Principal Broker	
Heritage Realty, Newport, RI	1975-1978
Associate Broker	
Kennan Associates, Cumberland, RI	1973-1975
Associate Broker	

PROFESSIONAL QUALIFICATIONS AND RELATED BOARDS:

ACTIVE:

Licensed Real Estate Broker, Rhode Island

Certified Real Estate Appraiser, Rhode Island

Certified Real Estate Appraiser, Massachusetts

Approved by State of Rhode Island, Office of Municipal Affairs, to perform city- wide mass appraisals and revaluations, as required by Rhode Island law

Board of Realtors, (Officer of Newport County Board, 1975)

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RELATED EDUCATION:

BA, Clark University, Worcester, Mass. 1973

Society of Real Estate Appraisers, course #101 Introduction to Appraisal
Society of Real Estate Appraisers, course #102 Small Income Property Appraisal
R.I. Tax Assessor's Administrative Course
Graduate Realtor Institute, Board of Realtors
Uniform Standards of Professional Practice, University of Rhode Island
Income Approach to Property Valuation, University of Rhode Island
Practical Application of Income Approach to Value, University of Rhode Island

Seminars:

Impact of Environmental Issues in Appraisals, RI Board of Realtors
Rhode Island Tax Law, NLI Institute
Performing an In House Revaluation, International Order of Assessing Officers
Lead Issues in Real Estate, RI Board of Realtors
Tax Issues in Real Estate, RI Board of Realtors
Appraiser as Expert Witness, RI Board of Realtors
Appraising FHA Today, McKissock
Report Writing, MBREA
Oddball Properties, McKissock
Environmental Issues for Appraisers, McKissock
The Cost Approach, McKissock
History of Zoning, Appraisal Institute
Appraisal of Fast Food Facilities, McKissock
Appraisal of Land Subject to Ground Leases, McKissock
Appraisal of Owner Occupied Commercial Facilities, McKissock

Seminars as Approved Instructor:

Real Estate Tax Assessment: How to Judge its Equity
Real Estate Financing: Conventional and Creative

APPRAISAL EXPERIENCE:

Active since 1976, performing appraisals of single and multi family housing and commercial/ industrial properties.
Experience in appraising impacted/ contaminated properties
Experience in appraising specialty/ partial interests
Experience in appraising water related utilities
Accepted as expert in Rhode Island Family Court
Accepted as expert in Rhode Island Superior Court
Accepted as expert in Rhode Island Bankruptcy Court
Accepted as expert before several Rhode Island community Boards of Tax Appeals
Accepted as expert before several Rhode Island Zoning Boards of Appeal

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SIGNIFICANT CLIENTS

Ford Motor Company
NYNEX (Bell Atlantic)
National Grid
Stone Bridge Water District, Tiverton, RI
Church Community Housing Corporation, Newport, RI
City of New Shoreham, Rhode Island, Assessor's Office
City of Swampscott, Massachusetts, Assessor's Office
City of Newport, Rhode Island, Assessor's Office
City of Newport, Rhode Island Planning Office
City of Newport, Rhode Island, Public Utilities Department
Twin River Gaming Facility, Lincoln, RI
Appraisal Resource, East Greenwich, RI