



BRISTOL PLANNING BOARD NOVEMBER 21, 2023 MINUTES

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

Held: November 21, 2023 in person

Present:

Charles Millard, Chairman; Anthony Murgo, Vice Chairman; Member Brian Clark; Member Steve Katz; Alternate Member Michael Sousa

Also Present:

Diane Williamson, Administrative Officer/Director of Community Development; Amy Goins Esq., Assistant Town Solicitor

Not Present:

Member Richard Ruggiero

Chairman Millard called the meeting to order at 7:14pm and led the assembly in the Pledge of Allegiance.

A motion was made (Clark/Katz) to accept the November 9th meeting minutes.

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

Opposed: None

Chapter 28 - Zoning Ordinance Amendments for compliance with State Law including creating standards for the Special Use Permit uses, inserting Adaptive Re-Use and Unified Development Sections, amended provisions for comprehensive permit applications and variance standards definitions. Board to review draft amendments and make a recommendation to the Town Council including a finding of consistency with the General Purposes of Zoning and the Comprehensive Plan.

Director Williamson explained that she took Ed Tanner's notes, and that the table now reflects the decisions made in the previous meeting.

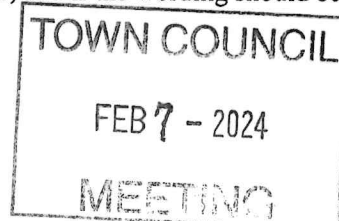
The Board started on page 19 with the Boatyard/Marina section. They discussed potentially limiting the sale of fuel. Vice Chairman Murgo brought up the controversy around the State Street fuel tank. Member Sousa mentioned that the existing fuel station at State Street is not deep enough for sailboats. The final decision was to add "commercial" to the first line ("Boatyard/Marina means a commercial facility"), and to add "and/or above ground structures storing fuel" to item #2.

The Board also decided to remove items #4, #6, #7, #9 and #10 on page 19.

The Board reviewed the Yacht Club section next on page 20. Member Clark questioned the 10pm limit on hours of operation, as the yacht club has a lot of private events. The Board discussed the current process of getting special use permits, liquor licenses, and if the wording should be

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amended to only reference outdoor, amplified music. The eventual decision was to remove item #2 on page 20.

The Board reviewed the “Structures in Flood Zone exceeding height limit” section on page 20-21. Director Williamson explained that the intent of requiring a special use permit for >25 feet in a flood zone was so the neighbors would know and get notice. The Board inquired whether the baseline for this measurement is the ground level or the top of the flood zone level. Director Williamson checked the ordinance and confirmed that it is >25 feet above grade for residential and >35 feet above grade for commercial, where grade is defined as the average point of existing elevation of natural ground within the footprint of the proposed structure. It was then confirmed that even though Bristol requires a special use permit for anything above these thresholds, the proposal could not be denied due to the State law.

Director Williamson explained that South Kingstown has a really detailed ordinance on the flood zone, and she excerpted from there. Assistant Town Solicitor Goins added that South Kingstown spent months on theirs, working with someone from her firm. Chairman Millard suggested using South Kingstown’s ordinance for both residential and commercial. The Board agreed, and noted that they can always amend in January if needed.

Assistant Town Solicitor Goins presented the Bristol Zoning Ordinance text amendments to the Board. She explained that she used the template that is meant to help municipalities implement the new State laws, but that there are a couple decision points that need to be made.

Assistant Town Solicitor Goins started with the Notice Requirements. The bill has already been in effect since June. The change is that now notices shall be sent by first-class mail, instead of certified mail. No decision necessary.

The first decision point Assistant Town Solicitor Goins covered was related to the decision making authority of the Technical Review Committee (TRC). Currently, the TRC sometimes advises the Planning Board, and sometimes is the permitting authority. The Board needs to decide if this should be the approach going forward.

Member Clark mentioned that there is a potential for a future Chairman of the Board to decide who should be included in the TRC, which takes the decision making power from the other Board members. He also mentioned that there is a difference between members of the Board who are elected to represent the people of Bristol, and employees who are paid by the Town of Bristol.

Chairman Millard stated that he does not think the TRC should be making any final decisions. The TRC should provide a service and make recommendations, and the Planning Board should be the permitting authority for Development Planning Review (DPR).

Chairman Millard asked if proposals that go to the TRC could be the first topic on the Planning Board agenda since they already went to TRC. Director Williamson responded that this might be hard to manage and they will have to stay coordinated.

Director Williamson reminded the Board that currently, the TRC can approve “by right” applications for DPR that they deem simple with no need to go to the Board, which is a fairly rare occurrence. Director Williamson added that the TRC has also reviewed final applications; Assistant Town Solicitor Goins responded that the State now requires all final approvals to be approved by the Administrative Officer. Director Williamson is the current Administrative Officer; it must be an individual and the Town defines who the Administrative Officer is.

Assistant Town Solicitor Goins brought the Board's attention to the Inclusionary Zoning section on page 25. She explained that Bristol already has Inclusionary Zoning and the trigger is the same at 5 or more units. The State has now said that if you have Inclusionary Zoning, which is still optional, 25% of the units must be affordable (instead of 20%), and the density bonus is two for one (instead of one for one); two for one meaning two market rate units for each affordable unit. Example: For an 8 lot subdivision: 2 affordable (25%), 6 market rate, plus a density bonus of 4 market rate units, resulting in 12 units.

A motion was made (Millard/Sousa) to remove the optional Inclusionary Zoning from the Zoning Ordinance to avoid the new density bonus.

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

Opposed: None

Member Katz inquired about affordable housing. Assistant Town Solicitor Goins explained that Comp permits are separate from Inclusionary Zoning. Director Williamson added that we received a small grant from the State to hire a consultant to look at the housing element of the Comprehensive Plan.

Assistant Town Solicitor Goins reviewed the high level changes that don't require a decision from the Board, which are bulleted on page 1.

- Variance standards/definition - Currently, if a dimensional variance is requested, you have to prove a number of standards, including "least relief necessary" and "that it not be primarily motivated by financial gain". These have been stricken.
- Dimensional modifications - The notice has changed. If a modification of less than 5% is requested, there is no notice. If a modification is requested between 5% and 25%, abutting neighbors are notified.
- Adaptive reuse - State now says that adaptive reuse (converting 50% or more of a previously commercial building into residential units, for example) is permitted as of right but the Town can review it. The standards are set forth in State law, and minimum density has been set on page 5. This change raised concerns for the Board.
- DPR - This will remain relatively consistent in terms of what uses require DPR, and the Planning Board will be the permitting authority.
- Comp permits - Planning Board used to see master plan first, then a more detailed preliminary plan, which were both public hearings. Now there is no more master plan; there is one public hearing to review the preliminary plan. The density bonuses are now defined and specific in State law.

Member Clark suggested inviting a member of the Town Council to the next Planning Board meeting to review the implications of the Adaptive Reuse as he is very concerned.. Director Williamson responded that there will be a hearing on December 6th that Assistant Town Solicitor Teitz will attend and will ensure this topic is addressed and stress the potential impact to Bristol. Member Katz suggested some of the Board should attend; Member Clark agreed.

A motion was made (Millard/Katz) to recommend all the changes, with amendments as discussed, to the Town Council, including a finding of consistency with the General Purposes of Zoning and the Comprehensive Plan.

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

Opposed: None

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A motion was made (Millard/Katz) to direct staff and legal counsel to revisit the changes related to flood zone and Adaptive Reuse in January.

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

Opposed: None

Member Katz suggested a joint workshop with the Town Council, Planning Board and State Representatives. Director Williamson will recommend this at the December 6th Town Council meeting.

There will be no Planning Board meeting in December, and the January meeting will be a training session.

A motion was made (Millard) to adjourn the meeting.

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

Opposed: None

Meeting adjourned at 9:18pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved:

11 January 2024

Planning Board:

