



BRISTOL PLANNING BOARD
SEPTEMBER 14, 2023 MINUTES

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

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TOWN CLERK'S OFFICE
BRISTOL, RHODE ISLAND

Held: September 14, 2023 in person

Present:

Charles Millard, Chairman; Anthony Murgo, Vice Chairman; Armand Bilotti, Secretary; Member Steve Katz; Alternate Member Richard Ruggiero; Alternate Member Michael Sousa

Also Present:

Diane Williamson, Administrative Officer/Director of Community Development; Amy Goins Esq., Assistant Town Solicitor; Chris Parella, Director, Department of Public Works

Not Present:

Member Brian Clark

Chairman Millard called the meeting to order at 7:01pm and led the assembly in the Pledge of Allegiance.

A motion was made (Murgo/Katz) to accept the July meeting minutes.

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

C1. Pre-Application/Concept Review 12 Brookwood Road - Referral from the Zoning Board. The applicant's concept proposal options for consideration is to access a proposed garage (pending before the Zoning Board for zoning relief) either 1) by a driveway from the end of the existing paved section of Fenmore Road over the paper road or 2) with a 15' extension to the pavement on the west end of Fenmore Road which is the paper road portion of Fenmore Road. Planning Board to provide recommendations to the Zoning Board regarding the improvement of Fenmore Road. Owners/Applicants: Lillian and Daniel Leeser, Plat 79, Lot 452.

Bruce Cox presented. He explained that his clients have an accessory structure on their property that they want to use as a garage. They would like to extend Fenmore 15 feet to access the structure.

There have been discussions about extending Fenmore Road; the town has had an engineering company to check it out, and the drainage system could handle the completion of Fenmore. Some neighbors support Fenmore being opened and some, including his clients, do not. This could be a two year project because it would have to be engineered, surveyed, approved, funded.

Bruce Cox explained that his clients currently have a hardship, and that this is a common sense question of extending Fenmore 15 more feet so that they can access the structure in their backyard while the Town goes through their process of extending it fully. This would not change the current status of Fenmore or where the snow goes.

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Chairman Millard asked what hardship his clients have. He mentioned that they have an oversized house and an oversized garage. Bruce Cox responded that it is the preexisting house, and that the variance that was obtained was strictly for improving the front of their house, not for the construction of the house as it was there already. The hardship is created by the size of the lot and the fact that it's a corner lot.

Assistant Town Solicitor Goins mentioned that this is in front of the Planning Board because the Zoning Board wants an opinion if this is in the best interest of the Town's planning practices.

Chairman Millard asked if this would be abandoning the property. Assistant Town Solicitor Goins responded that the applicants are not asking for abandonment, and that the Town is not giving them the land. Legally, abandonment would be transferring the title of the road to the applicant.

Bruce Cox added that his clients will pay for the road to be paved, but the town would still own it. They can drive through it now, it's just not paved. Chairman Millard mentioned that they are not extending Fenmore Road for the use of anyone else but themselves. Bruce Cox responded that it is not for their exclusive use, but it is for their benefit.

Chairman Millard stated that he drove through the paper street yesterday. Bruce Cox confirmed that the ability to drive on the paper street is there, but currently the snow plow stops and pushes the snow into that area. Chris Parella confirmed that this is not supposed to happen, but it does happen.

Chairman Millard asked for confirmation that the clients did not have access to the backyard when they purchased the house. Bruce Cox confirmed that they originally bought it as a second home, but now they are retiring and need to access their storage and park their cars. He confirmed that it is 22x24, which is the Zoning allowed standard for an accessory structure.

Chairman Millard inquired about the size of an ADU structure. Bruce Cox confirmed that it is not intended to be ADU, just a garage. Assistant Town Solicitor Goins added that the Zoning Board could add this as a condition.

Alternate Member Ruggiero asked why the clients are willing to open it 15 feet but not all the way. Bruce Cox responded that they currently use it as a side yard. Alternate Member Ruggiero responded that this will only serve the applicant and doesn't make sense. It puts others at a disadvantage and it's a safety factor. If Fenmore was opened all the way, emergency vehicles would have full access, and deliveries would be made easier.

Secretary Bilotti mentioned that he would like to hear pros and cons from the public. Chairman Millard responded that it's a concept review and is not open to the public.

Member Katz asked for confirmation that the Leaser's will pay if it's just extended 15 feet, but that the Town would pay if the road is extended fully. A private party would be paying for a town road. Director Williamson responded that this does happen a lot, and added that her recommendation to the Board was that if the Zoning Board sees fit to grant the variance, it should be conditional on the whole road being paved by the applicant, but if not it should go on the Town's list to get paved.

A motion was made (Millard/Murgo) to recommend to the Zoning Board that the entire paper road be paved prior to construction of any accessory building. If the applicants do not pay for the entire road to be paved, the Town should put this road on the paving list.

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

C2. Combined Preliminary and Final Review and Action for a Minor Subdivision at 5 Lang Avenue to re-divide merged lots resulting in two lots as follows: one lot at 5 Lang Avenue, containing 10,000 square feet, improved with a duplex that will be converted to a single-family dwelling; and one vacant lot on Mount Hope Avenue, containing 10,000 square feet, that will be a buildable lot. Property located at 5 Lang Avenue and Mount Hope Avenue. Zoned R10SW. Owners: Joseph Motta III, James S. Motta and John Motta as Co-Executors of Estate of Joseph Motta, Jr. Assessors Plat 156, Lots 46 and 127.

Joe Motta presented.

Vice Chairman Murgo asked for confirmation that the second lot will be sold. Joe Motta confirmed and added that they are trying to clear the estate. They recently found out they merged the lots when they tried to sell it, but it was two lots originally. Joe Motta added that the couple buying the lot will be using the second unit for their in-laws.

Secretary Bilotti asked for clarification on whether this is similar to other situations where lots are merged. Director Williamson mentioned that this is a duplex, which now requires 20,000 square feet. Joe Motta responded that originally it was a 10,000 square foot lot when the house was built, and then the second lot was bought.

A motion was made (Bilotti/Katz):

1. The subject property consists of 20,000 square feet of land, on two merged lots, improved with an existing duplex.
2. The application is to re-divide the property resulting in a vacant lot for development with 10,000 square feet of land on Mount Avenue and a lot of 10,000 square feet with the existing dwelling at 5 Lang Avenue which will have to be converted into a single family dwelling or a single family dwelling with an approved Accessory Dwelling Unit.
3. It is the intent of the owners/applicants to sell both parcels.
4. The subdivision is in compliance with the Zoning Ordinance and Map with the conditions of approval. The subject property is in an R-10 zone.
5. The proposed subdivision is consistent with the general purposes stated in Article 1 of the Planning Board's subdivision and development review regulations.
6. The proposed subdivision is consistent with the Comprehensive Community Plan.
7. There will not be any significant negative environmental impacts from the proposed subdivision.
8. The lots will have physical frontage and access on existing public roads Lang Avenue and Mount

Preliminary and Final Approval is therefore granted for the Minor Subdivision as proposed resulting two lots of 10,000 square feet with one vacant lot on Mount Avenue and one 10,000 square foot lot with the existing dwelling at 5 Lang Avenue as shown on the plans by Stephen Murgo, Professional Land Surveyor, dated August 3, 2023 subject to the following condition:

1. *The new owner of 5 Lang Avenue has 6 months from the date of deed recording to convert the dwelling to either a single-family dwelling or a single-family dwelling with an*

approved Accessory Dwelling Unit, subject to the verification of the Zoning Enforcement Officer. Failure to comply will result in a zoning violation being issued.

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

C3. Final Review and Action for Modification to a Major Land Development Project at 1200 Hope Street - Proposal for a final review of a modified layout to the development at 1200 Hope Street (aka Longfield). Modified layout of 1200 Hope Street to revise the driveway and building layout from the original approved plan for the re-development of 1200 Hope Street resulting in 10 residential units (2 in Longfield and 8 in 4 new buildings). Property located at 1200 Hope Street. Assessor's Plat 103, Parcels 2 and 14. Owners: M1 1200 Hope Street, LLC. Zoned: R-10 and 1200 Hope Street is an individually listed property in the Bristol Historic District.

Kyle Ritchie presented, and explained that he is looking to finalize plans and move to construction for 1200 Hope Street. There are some small maintenance / documentation items, but would like the Board's approval to accept the final review and approval to move forward to build out the 10 units.

Chairman Millard asked for the elevation of the garage units. Kyle Ritchie responded that it was submitted in the preliminary plans, The doors will be approved by the Bristol Historic District.

A motion was made (Millard/Bilotti):

1. The application is for a modification to a previously approved Major Land Development under the provisions of Section 28-283 of the Zoning Ordinance "Resource Conservation and Creation Development". The preliminary approval included the modification and an Administrative Subdivision to convey 24,394 square feet of land from 1202 Hope Street to 1200 Hope Street.
2. The modification proposal will revise the original approval with a newly configured driveway and building layout. The driveway will now enter from Hope Street and exit on Knowlton Court as a one-way circulation flow. Additionally, while the number of units will not change, the layout will be reconfigured such that the proposed 4 unit building on the south side will be removed and replaced with two 2-unit buildings – one on the north side and one on the south side. This will add more symmetry and balance to the site and allow the buildings to have more open space. Each of the buildings will now have garage parking as well. The proposal would have public water and public sewer and private trash and recycling private driveway and drainage maintenance; and, private snow plowing.
3. The proposed development is consistent with the general purposes stated in Article 1 of the Planning Board's subdivision and development review regulations because the development locates improvements to provide for the maximum protection of critical landscapes and resources as they relate to Bristol's historic and cultural values.
4. The proposed development is consistent with the Comprehensive Community Plan because it preserves an historic resource listed on the National Register of Historic Places, listed in the Local Historic District, and important to the community.
5. This proposed development is considered in compliance with the Zoning Ordinance having received variances from the Zoning Board. The revised layout does not trigger the need for any additional variances.
6. The applicant has also revised the affordable housing compliance from the original approval that allowed a fee in lieu payment. The applicant will now provide 3 units off-site at property at Washington Street.

7. There will be no significant negative environmental impacts from the proposed subdivision, with the conditions of approval.
8. The Board considered any testimony from the public hearing at the preliminary phase of review.
9. The Historic District Commission has reviewed the revised proposal.

Final Plan approval for the major land development of "Longfield" at 1200 Hope Street is granted to restore the historic residential structure into 2 dwellings and construct 4 new buildings with 8 residential units (total 10 units) and Administrative Subdivision approval as shown on Site plans by LDEC, Michael E. Russell, P.E. Entitled "Major Land Development Final Plan Application 1200 Hope Street, and 1202 Hope Street Assessors Map 103, parcel 2 and 14, Bristol, Rhode Island, for M1 1200 Hope Street, LLC, dated as revised August 11, 2023, Sheets 1-7 as follows:

Sheet 1 – Cover Sheet dated revised August 11, 2023

Sheet 2 – Site Layout Plan

Sheet 3 – Grading and Drainage Plan

Sheet 4 - Utility Plan

Sheet 5– Erosion Control Plan

Sheet 6 Landscape Plan by Verde Landscape Architects

Sheet 7– Construction Details

Sewer Plan and Profile Sheet 1 of 1

Architectural Plans as approved by the Historic District Commission on March 30, 2023 (Application #23-028)

Existing Conditions and Administrative Subdivision Plan by Robert L. Mason, PLS dated as revised March 7, 2023.

Subject to the following conditions:

1. *Building Permits for any of the "new" buildings shall not be issued before a Building Permit is issued for repairs to the historic structure, and such repairs shall commence within ten (10) days of issuance of such Building Permit. Building Permits issued for the construction of the "new" building(s) shall be restricted to completion of all site work required to receive new foundations, and installation of footings and such foundations per the plans submitted. Prior to amending of Building Permits for any work beyond such foundation work on any "new" building, the exterior repairs to the historic structure shall be significantly underway per the plans submitted, with "significantly underway" to be determined by the Administrative Officer. NOTE: THIS CONDITION WAS IMPOSED AT MASTER PLAN AND CARRIED FORWARD*
2. *No Certificate of Occupancy shall be issued for any of the new buildings until and unless a Certificate of Occupancy shall have been issued for at least one (1) of the two units in the historic structure, and no Certificates of Occupancy shall be issued for the last two (2) "new" units to be completed until and unless a Certificate of Occupancy shall have been issued for the second of the (2) two units in the historic structure NOTE: THIS CONDITION WAS IMPOSED AT MASTER PLAN AND CARRIED FORWARD*
3. *Deed recording for the off-site affordable units prior to recording final plan;*
4. *Recording of a deed covenant / agreement for revised plan, subject to the review of the Town Solicitor, that the development will be private. Trash and recycling, water and sewer, snow plowing and maintenance of the driveway and drainage will be private and always remain so in perpetuity with no Town maintenance.*

5. *Driveway to be one-way with entrance on south side from Hope Street and exit on Knowlton Court, including one-way traffic signs.*

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

C4. Release of Maintenance Guarantee for the public improvements at San Francisco Minor subdivision with a road extension.

Director Williamson explained that the developer has to take care of a few minor things, including mowing the basin, taking some debris out of the drainage area, and replanting two or three bushes..

A motion was made (Millard/Katz) that the funds be released once the above mentioned items are completed.

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

C5. Review of State Law Updates with the Assistant Solicitor

Assistant Town Solicitor Goins presented. She explained that the new housing package legislation will take effect January 1st. The scheme for land use review and approval in RI is changing dramatically. Her office and Town staff are drafting the Zoning ordinance amendments that will be required.

One thing that will impact this Board is proposals that come to the Planning Board that also need Zoning relief will no longer go to the Zoning Board. We will have to adopt an approach called Unified Development Review. This Board will be the Zoning Board for applications that require both Planning Board approval and Zoning relief.

At a more basic level, the definitions and approval procedures for subdivisions and land development projects are changing dramatically. Under current law, a minor subdivision is 5 or fewer units. Now a minor subdivision will be anything with 9 or fewer units. All minor projects will receive only administrative review by an Administrative Officer or the Technical Review Committee. This Board won't see an application unless it's for 10 or more units.

This is a heads up for the Board. State law governs no matter what the Town has on the books, but it's in everyone's interest to have our Zoning ordinance to reflect state law as of January 1st. The goal is to put these changes into place so that developers know what the process is going forward, what's permitted, etc. This affects everything from residential to non residential buildings. There are now limitations on what the Town can control related to density, for example.

Most of the law doesn't leave much room for discretion for municipalities to make choices. The Board will be asked for a recommendation to the Town Council related to special use permits. The law says all special use permit uses must have more specific and objective criteria, vs simply stating that it is consistent with the Comprehensive Plan.

The League of Cities and Towns did advocate on the towns' behalf, but the goal of the new legislation is to promote development and shorten the approval process.

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Member Katz inquired about the State's position on affordable housing. Assistant Town Solicitor Goins responded that payment in lieu of affordable housing is still an option. The bar for denying a permit has been raised. The new law has ceilings and floors on density on comp permits.

C6. Review of Draft Hazard Mitigation Plan Update

A request was made for the Board members to read the draft before October 4th.

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

In favor: Bilotti, Katz, Millard, Murgo, Ruggiero

Opposed: None

Meeting adjourned at 7:58pm

Respectfully submitted by Doran Smith, Recording Secretary

Date Approved: 11 January 2024 Planning Board: 