



BRISTOL PLANNING BOARD FEBRUARY 13, 2025 MINUTES

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

Held: February 13, 2025 in person

Location: Bristol Town Hall, 10 Court Street, Bristol, RI

Present: Anthony D. Murgo, Vice Chairman; Steve Katz, Secretary; Member Brian W. Clark; Member Richard Ruggiero; First Alternate Member Michael Sousa (arrived at 7:30 during presentation of D1); and Second Alternate Member Jessalyn Jarest

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

Not Present: Chairman Millard

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

A motion was made by (Clark/Katz) accept the January 9, 2025 meeting
In favor: Clark, Katz, Murgo, Sousa, and Jarest
Refrained: None
Opposed: None

A motion was made by (Clark/Katz) to move the discussion of "D1" to the beginning of the meeting and then the discussion of item "C1" be moved to the second item of the evening.

In favor: Clark, Katz, Murgo, Sousa, and Jarest
Refrained: None
Opposed: None

D. New Business

Vice Chairman Murgo recused and Board Secretary Katz chaired the hearing.

- D1. 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.
At Master Plan approval, the Applicant was granted waivers of State permits that are required for submission at the Preliminary Plan stage of review pursuant to State Law and the Regulations. Specifically, in accordance with Section 5.4 of the Regulations and the Major Land Development Checklist item No. E7, the Applicant was granted a waiver to proceed to Preliminary Plan review

with the following permits to be provided prior to Planning Board action on the Preliminary Plan Phase - Rhode Island Department of Environmental Management (RIDEM) Freshwater Wetlands permit, RIDEM Stormwater Construction Permit, and RIDEM Water Quality Certification. Applicant has agreed that the public hearing on the Preliminary Plan shall remain open until receipt of the permits.

Motion made by (Katz/Clark) to open hearing to the public.

In favor: Clark, Katz, Sousa, and Jarest

Refrained: Murgo

Opposed: None

David Potter of PARE Engineering, and Chad Crittenden presented the plan and slide presentation. They stated that the Master Plan was approved in October 2024 and that DEM was reviewing their application. They came tonight to obtain feedback, but were not asking for a vote as they wanted to wait to hear back from DEM. They discussed the changes to the designs, where fields would be located, etc. Mr. Potter discussed the storm water issue and the improvements to the design for the project site with regard to detention basins, and a series of BMPs incorporated.

Alternate Member Sousa questioned the underground filtration system and Mr. Potter further explained the BMPs. Member Katz asked about the artificial turf system and Mr. Potter explained the setup of the filtration with the artificial turf system. Mr. Potter further explained that with the new measures to be implemented, there would be a reduction of approximately 35% in the flow.

Mr. Potter then discussed the flood plain and that the design was taken further. He stated that they relied on the FEMA flood plan of 2014 as there is nothing more recent. Army Corp. is working on one but has not completed its study. He stated that the new high school building would be located outside of the flood plain and that they were careful with the grading, and that the fields were flipped on the northern portion to eliminate ponding and avoid having to put fill within the flood plain.

Alternate Member Sousa asked how much fill would be needed and Mr. Potter stated it was 994 cubic yards. Member Clark asked if there were going to be two 48" pipes in the area and Mr. Potter stated that there were two. Member Katz asked if the pipes were going to be above or below grade and Mr. Potter said that they will be below grade. Member Clark asked what the existing culvert size was and Mr. Potter advised that it was 48". Member Clark asked if they were tripling it and Mr. Potter stated that they were not and that the others would be below and the new ones would be set up high. Alternate Member Sousa asked if they were there to alleviate additional flooding around the new parking lot and Mr. Potter stated it was to replicate the flow. Alternate Member Sousa asked what led to the selection of the 48" pipes and Mr. Potter said they looked at the amount that could go there and 48" made the most sense.

Mr. Potter then had Mr. Crittenden present the information regarding the irrigation. Mr. Crittenden then showed the photos of the drill testing for the irrigation. Showing the slide he explained that the drilling went down to over 600ft and that the gray matter in the image was a clay layer. He then showed the next slide which outlined the test results. Member Katz asked how far down the clay layer was located and Chad advised that it was approximately 10 to 15ft down which is considered shallow. Member Katz asked if water was resting on the top and Mr. Crittenden said it was wet because water couldn't move horizontally through the layer. Mr. Crittenden then explained the various scenarios regarding the well and irrigation to show what the best way to go as far as how many wells would be installed to handle the water.

Mr. Crittenden then went on to explain the construction logistics shown in the next slide. Member Katz asked that during the construction at one point there will be two high schools, the old and the new one, and asked if there would be a problem with flooding. Mr. Crittenden said that would be addressed with the storm water system. Mr. Potter then stated that the contractors are required to watch the weather and plan accordingly. He also said that the culverts will be in place. Alternate Member Sousa stated that perhaps the 48" pipes could be installed first, but Mr. Potter stated that the old building would have to come down first. He also stated that the transitional period would hopefully only be about three months during the summer at which time rain wouldn't be an issue.

Mr. Crittenden then passed the presentation on to the design team to design team.

Kris Bradner presented the five add-on alternatives to the design which were presented to the School District, School Building Committee and the School Committee. The School Building Committee made recommendations to the School Committee. She advised that when it goes out to bid, that the add-ons need to be selected in order as alternate #3 cannot be added if alternate #1 and #2 are not picked. Ms. Bradner advised that alternate #1 for the addition of the press box, the grandstand, and toilets to the track and field area; alternate #2 to add lighting to the five tennis courts along Chestnut Street; alternate #3 to add a baseball field with irrigation system, fencing, back stops, bullpen, etc.; alternate #4 toilet facility by baseball field and tennis courts; and alternate #5 is geothermal system which would replace the pumps that are at the school now. Ms. Bradner advised that the power boxes for the lighting on the tennis courts will be included in the initial bid so that the lighting can be installed afterwards. She advised that the same will apply for the infrastructure for the toilets will be put in so everything could be added at a later date if the funds aren't available at the time. Alternate Member Sousa reiterated that the lighting and toilet facilities could be added at a later date but that the geothermal system could not be. Ms. Bradner said that was correct.

Member Clark was concerned that the toilet facilities were still being considered as an add-on and not part of the actual bid. He stated that the toilets was something that needed to be there and not as an alternate and felt that it wasn't being received and that it needs to be included. Alternate Member Sousa stated that the alternatives were listed in order of precedence. Member Clark said that what if an artificial turf field wasn't done in order to budget for the toilets. Ms. Bradner stated that they want all alternatives to be added.

Member Clark then asked Diane Williamson why the alternatives weren't added to the original plan to being with. Ms. Williamson stated that it all came down to budget and then requested that the Superintendent should speak and explain further.

Adam McGovern, Chairman of the Bristol/Warren School District, then spoke. He stated that this was all still in the estimating process which may take two more months to complete. He said that their prime principle is the commitment that was made to the taxpayers 18 months ago when they were asked to support the bond. He further stated that they were roughly \$2million less than their commitment to the taxpayers. Mr. McGovern said that they heard everyone's concerns in October to do not just what is right for the site, but to do better for the site. He stated that they have made changes to the site and heard the abutters' concerns and are trying to be very accommodating. He said that he understands that there can't be a new turf field without new bleachers. Member Clark stated that is exactly what they were asking for from the Board right now.

Member Katz asked how the RFP was going to be written so that there may be value engineering clauses which would be beneficial so that whomever wins the contract they would have an opportunity to value engineer some of the things to lower the cost. Mr. Crittenden stated this was a design build project and that in recent history post-Covid, he has had projects do all alternatives, and that this was just at the negotiating point.

Member Ruggiero stated that if that is true, that the alternatives may be done after all, then why make them alternatives in the first place and that he just wants it included. Mr. Crittenden that it has been a difficult decision at the moment and that's just where it is at now and also it is there are favorable bidding conditions. Ms. Williamson stated that it would be on the plan that the Board would be approving.

Alternate Member Sousa said that since the geothermal system is a long-term energy cost relief and a requirement for all schools, why was it last on the list of alternatives? Mr. Crittenden stated that it was because it is the most expensive option.

Member Katz then asked if anyone from the public wanted to speak.

Bob Daponte of 36 Darmouth Street spoke. He expressed a major concern regarding the location of the project to his property line and the steps that were going to be taken to ensure that he was not going to have an issue with flooding as a result of the project. He stated that he was a retired contractor and was very concerned about the elevation of the gutter system and stated that it frequently clogged at the area of the gym. Member Clark agreed with him and said that the softball field was being eliminated. Mr. Daponte showed pictures that he took to the Board regarding the debris that has been filtering into Silver Creek and the surrounding area of his property.

Amy Goins, Esq., Assistant Town Solicitor, said that the pictures should be submitted and made part of the record and marked accordingly.

Mr. Daponte went on to state that he was not against the building of a new school, just concerned about the ongoing water problems. Member Clark stated that he has seen Mr. Daponte's property and understands his concerns. Ms. Williamson also said that she has seen the property.

Member Katz questioned as to how high the new field would be. Alternate Member Sousa referred to C5.7 and C5.8 of the application, and stated that the new field would be lower and the grading would be raised up towards Dartmouth. Mr. Daponte questioned how that could be possible and Alternate Member Sousa responded by stating that the elevation from the south side drops down to the field. Mr. Daponte continued raising strong concerns about the overall grading and flooding issues.

Attorney Goins reminded the Board that the Master Plan has already been approved by the School District.

Alternate Member Sousa advised Mr. Daponte that storm water issues have to do with the design of the project and continued to assure Mr. Daponte that his concerns were being heard. He stated that more culverts were being installed to help the situation and that the new field would be a foot lower as shown in the design. Mr. Daponte stated that he didn't see how it was going to be resolved.

Mr. Daponte asked if after everything is finished and major flooding to his property occurs, what would a course of action be for him. Attorney Goins stated that he would then have a civil action against the School District. Mr. Daponte stated that would mean getting an attorney involved. Attorney Goins stated that DEM and the Planning Board would also have some responsibility for it.

Alternate Member Sousa stated that everyone involved was trying to do their best to make sure it didn't happen.

Member Katz reminded Mr. Daponte that they did not have DEM permits yet and that the matter would be continued until they had DEM permits.

Mr. Crittenden said there were photos from the area.

Alternate Member Sousa asked if they could confirm the grading. Mr. Potter stated that they were going from the edge of the wetland going up to the tree line and then cutting downward south to the new drainage system which will be located on the right-hand side.

Mr. Daponte then asked how the sewer was going to get from the new school to the pumping station. Mr. Potter advised that they have a lift station that would take the wastewater through a pump over the third crossing to a gravity sewer line on Chestnut.

Member Katz asked if there was anyone else who wanted to speak and Emily Spinard of 35 Darmouth Street stood up to speak. She also voiced her concerns about the water/flooding issue on Darmouth and Chestnut Streets. Member Clark advised that the design only deals with the new school and surrounding grounds and that anything else should be taken up with the Town.

Ms. Spinard also voiced her concerns about the maintenance of the stormwater drains due to the fact that it has not been maintained very well in the past. She asked if there would be a budget to maintain it. Member Katz said that there should be a budget to maintain it. Alternate Member Sousa said that it would be up to the school to maintain it. Member Clark stated that the new system would be maintained by the school but that it would be designed to be as low maintenance as possible.

Ms. Spinard then asked about the artificial turf field and if there was any concerns about the potential for the materials to poison the water and filtration system. Member Katz stated that he was against the synthetic turf at first, but after the presentation and much discussion, they had won him over. Ms. Spinard stated that she thought the Town was making a lot of concessions for this new build. Member Katz emphasized that the synthetic turf was not using any rubber which could be toxic. He also stated that with a natural grass surface, there would be the use of fertilizer which does contain chemicals.

Lindsay Egan of 5 Dartmouth Street came forward and asked if there was a landscaping plan in place to add more trees. Alternate Member Jarest stated that there were a lot of trees in the plan and the landscaping. She stated that the Conservation Commission did look at the landscaping plan and gave their approval and had submitted a letter to the Planning Board.

Ms. Egan also inquired about the irrigation of the area as well as the building of tanks along with more culverts. Member Clark stated that there wouldn't be standing water.

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

Mr. Daponte came back up and asked about the retention pond. He said that the retention pond was never maintained and that there was debris in it. Alternate Member Sousa and Member Clark both stated that would be the School Department's issue. Member Katz said there would be money in the budget for the school to maintain the retention pond. Mr. Daponte asked how many retention ponds were going to be built. Alternate Member Jarest stated that there would be multiple ponds in different spots. Alternate Member Sousa stated that if anyone noticed that they were not being maintained to call the School Department and let them know and if nothing is done then they can notify the Town Council. Member Clark stated that it might be more of a problem involving the wetlands which would be a Town issue.

Mr. Potter then asked to continue the application to the next meeting as they are still waiting to hear back from DEM. Attorney Goins stated that it could be continued to March and if they had not heard back from DEM by then, they could just update the Board but that it would not be a public hearing and the public hearing could be in April instead.

Ms. Spinard came back up and asked if the synthetic field was a done deal. Alternate Member Sousa stated that it had been approved in the Master Plan. She also asked about the culverts and the baseball field. Member Katz stated that they were also approved. Ms. Williamson said that it is part of the plan.

Attorney Goins stated that the public hearing should be continued to March but if there was nothing new then a note should be submitted to the Planning Board with an update on that and then the public hearing would be continued to April. Member Katz agreed.

Alternate Member Sousa asked Mr. Potter when the DEM application was going to be submitted and Mr. Potter stated that it was going to be submitted in the upcoming week.

A Motion made by (Sousa/Clark) to continue the application to the March meeting.

In favor: Clark, Sousa, Jarest, Ruggiero, and Katz

Opposed: None

C. Old Business

Vice Chairman Murgo rejoined the meeting. Member Ruggiero stated he wasn't feeling well and left the meeting after the D1 discussion.

C1. Review Draft Updates from the Solicitor's Office for Zoning Ordinance per revised State Law and make recommendations to the Town Council and finding of Consistency with the Comprehensive Plan and General Purposes of Zoning

A discussion commenced with regard to the updates proposed to the Zoning Ordinance. Attorney Goins advised that Ms. Williamson provided a chart to walk through the different sections of the proposed amendments with the biggest being the section on ADUs. She advised that she has been receiving questions multiple times a week regarding ADUs from Bristol and that Ed Tanner had memorized the Ordinance and knows the laws on ADUs better. She stated that it is important to codify the Ordinance to match the new regulations that are already in effect. Attorney Goins stated that some applicants have already gone to the Zoning Board for relief from the new law as one of the pathways for an ADU is for properties that have 20,000sq.ft. or more of lot area. She also said that if an applicant wants to establish a new ADU that is not within an existing footprint and they don't have sufficient lot area, they can do so if they get a variance from the Zoning

Board for lot area. She further stated that the bottom line of all of this is that many more properties are going to be eligible for ADUs by right and that is a big impactful part of it. Member Katz stated that what has been done is consistent with state law. Alternate Member Souza asked if there was any mechanism in it that owners should get a Planning Board recommendation. Member Clark stated that is the whole issue and the new Ordinance would be done to bypass that. Attorney Goins said that some towns routinely send special use or variance applications to their Planning Boards for an advisory opinion, but that Bristol does not. Ms. Williamson stated that they are sent to the TRC.

Following the chart that Ms. Williamson provided, Attorney Goins discussed the floor area ratio portion which was just an update. She then talked about inclusionary zoning which could have some impact for Bristol stating that the Board discussed this topic at the last meeting where a sunset clause was discussed. She advised that if the Board voted to get it off of their plate during the meeting, then they could direct her to make the change with 2 years before it goes to the Council. Alternate Member Jarest asked if they had discussed 2 or 3 years. Member Katz stated that they were going back and forth on that. Alternate Member Sousa stated he thought it was 3 years. Member Clark stated that maybe it could be 2 years with a 1 year extension. Attorney Goins stated that putting in as 2 years would force the Council to take it up at the 2 year mark and the Council could extend it out and wait another year or they could state there is an impact and decide to eliminate the sunset clause and make it permanent like any other Ordinance. The Board agreed with that idea. Attorney Goins also said that the Council would like to know how many, if any, inclusionary units are generated on a yearly basis. She said that the State in the 2023 housing package wanted cities and towns to do annual reporting on implementation and basically how they were doing on their low mod goals and thinks that is the direction to move in.

Attorney Goins then went on to discuss the DPR section stating that the General Assembly changed the rules significantly in 2023 for development plan review and then it was changed again in 2024 saying basically that any new commercial development would be considered a land development project and would be considered a minor land development project if it is under the 7,500sq.ft. of new gross floor area threshold, and it would be a major project that would come before the Planning Board if it is above that threshold. She advised that the only uses that would trigger DPR would be a change of use with no extensive construction or improvements. She thought that they had specified that DPR would be just be limited to the change of use. Member Katz stated a change of use like a package store being changed into an auto parts store. She said that was correct and that certain adaptive reuse projects would also qualify for development plan review, as well as institutional development like Roger Williams and their institutional master plan would still come before the Board. Member Katz said it still does. Attorney Goins said that at one point it was called a major land development in the Zoning Ordinance and now it will be DPR. She further stated that the key difference between land development project and development plan review is state law list the required findings for subdivisions and land development projects and that DPR is now cities and towns now have to in their Zoning Ordinances and/or Regulations establish specific and objective criteria for approval and it may be a work in progress. Ms. Williamson asked that since Roger Williams is an institutional zone and that the trigger for a major would be anything over 7,500sq.ft. and that anything they would do would fall into that category, would it be a major rather than a development plan review? Attorney Goins said in her experience the idea of an institutional master plan is exactly so they don't have to go for that land development project review for every new dorm or academic building, so it is an exception to that but by making the institution come forward every 5 years and they give the plan and the master plan is approved. She said that the terminology is a bit hazy as DPR is not in the land development framework but that the Board needs to think of it as

approving the institution's overall 5 year plan and then when they go forward with their plan 1 or 2 years down the line they wouldn't need to go through the major land development.

Member Clark asked if they were talking about the zoning for Almeida at that time. Attorney Goins said no they were not and that all of these were just text changes and what Member Clark was referring to was a map change. Member Clark stated that needs to be discussed. Attorney Goins stated that is a separate item that can certainly be discussed during the meeting and the Planning Board could initiate a Zoning Ordinance amendment that they would recommend to the Council. Member Katz agreed it should be discussed. Member Clark stated that they have been double dipping, getting the benefit of not paying property taxes, but it is not zoned educational. Attorney Goins stated that there was a negotiated pilot that was expiring at some point whether it was this year or next year or so, but felt that an appropriate motion for this meeting, if that is the consensus of the Planning Board, separate from this discussion is to direct staff and legal counsel to prepare a proposed map change and it would come before the Planning Board at the next meeting and then go to the Town Council for them to decide. She said that Roger Williams should be informed. Ms. Williamson vaguely recalled something in the pilot, which is a payment in lieu of taxes, about the EI zoning and needed to find out more on it, that it is connected somehow and referred to the Livingston Estate. Member Katz said the Livingston Estate was purchased recently by Roger Williams and now the Town was losing the benefit of the property taxes on that because of that and it was his understanding that they are not using it for any educational purposes. Alternate Member Sousa said that just because they bought it, the zone remains as a taxable zone. Member Clark stated that the way to control that site is if it is zoned educational and then they want to sell the property, any developer that is going to buy the Almeida complex is going to have to come before the Board and ask for a zone change and at that point it can be discussed. Ms. Williamson said it is definitely a strategy and it needs to be made clear that if the payment in lieu of taxes is tied to zoning, and she would clarify that, they need to make it clear that it is not intended to penalize anyone or the Town. Member Katz said that it gives them an opportunity for affordable housing. Attorney Goins stated that a developer could come for a zone change or file a comp permit application and in that case it would not matter as much what the zoning map said even if they say a residential use is prohibited. She said it is important for the Town to address that site in a future land use map as part of the comp plan update because it would be key, and the Town should be aware of the reality that even if the Town acts to amend the map and amend the comp plan saying they didn't want residential there, the reality is that they had semi-residential use there they did have a site with a certain density so a developer could go in and say they're not changing anything, that it is something to bear in mind. Member Clark stated that they just want to set some speed bumps. Attorney Goins agreed and said that it is important to address it in the comp plan.

Vice Chairman Murgo asked that regarding ADUs, are they able to have separate utilities. Attorney Goins stated that the law prohibits cities and towns from requiring separate utilities unless the utility provider requires it, and that she had to delete that language from the existing ordinances of other municipalities as it is no longer allowed under the law. Member Murgo asked what if the homeowner wants it, could it be done. Attorney Goins said that yes, it is at the homeowner's option if they want it.

Vice Chairman Murgo asked about the Compliance Review Board issue. Both Attorney Goins and Ms. Williamson stated that was an option that was not going to be done. Attorney Goins said she mentioned it in her memo and that the key for the Board and the Town to be aware of is the General Assembly put out a press release when all of the legislation was enacted last year wherein the Speaker introduced it as a pilot program and sometimes pilot programs get expanded and made permanent, that it is possible at some point in a future year the General Assembly may

say that combined review boards are mandatory and that they would no longer allow separate planning and zoning boards and that they would want a single board for efficiency sake, but that's not mandatory at the current time and they were not presenting that to the Council as optional draft as there is not an appetite for it in Bristol or anywhere but that it may work in a smaller town with limited development activity.

Vice Chairman Murgo questioned the strikethroughs regarding ADUs on page 4 of the chart. Attorney Goins said she deleted the existing language because the language on the ADUs didn't jibe with the new law.

Vice Chairman Murgo had a concern about inclusionary zoning incentives. Attorney Goins and Ms. Williamson advised it was a typo and that it should be 1 to 1 as it was rolled back in the law and that it used to be 2 for 1 now it is 1 for 1. Attorney Goins added that there are some typos in the document and that it would be taken care of and cleaned up before the package is sent to the Council.

Ms. Williamson said the last three items were on street parking, land development, and land non-conforming by area. Attorney Goins said the land non-conforming area came up at the Zoning Board meeting and it should seem familiar as the General Assembly in 2023 said substandard lots get reduced setbacks and in 2024 they tweaked the method for calculating those reduced setbacks and you have to do some math for lot coverage but for setbacks if it is not conforming you apply the dimensional regulations from a district that it would be conforming. The Board expressed their concern and confusion on that matter. Attorney Goins said to image that it was a 8,000sq.ft. lot in an R10 zone and if the Town has an R8 then the setbacks would be applied as if the lot was in an R8. Member Clark stated what if there isn't an R8 but rather an R5 in an R10. Attorney Goins said it would depend on the lot size. Ms. Williamson said that if it was a 8,000sq.ft. lot in an R10 zone but there isn't an R8 zone and there is an R6 zone, then the R6 zone would have to be used. Alternate Member Sousa said that would be giving more relief if that's the case. Attorney Goins said that was the point of it and the main purpose of all of the new laws is to increase the number of housing units and to make it easier to put up homes on more lots where it otherwise would have been a barrier. Member Clark asked about the setbacks for ADUs. Attorney Goins said that ADUs can be established by right in any existing footprint for a lot where the primary use is residential and that now you can establish a legal ADU within the footprint of your house. Alternate Member Jarest stated that means any house can be a 2 family. Attorney Goins said that it came up at the Zoning Board that there is technically a difference between an ADU and a 2 family home, but in the end you still have 2 different dwelling units on the same property. Member Clark asked what about converting an existing building on the property. Attorney Goins said that if it was a garage and a homeowner wanted to convert the existing garage into an ADU, it can be done by right if there is no footprint expansion. Member Clark stated that regardless if the building is detached or attached and it is up to the 6ft line, a homeowner could put an ADU in. Attorney Goins said that was correct and directed the Board to look at the ADU section on the top of page 5 there is a section on eligibility and the first item was the more limited category stating there is no permission needed if a homeowner is creating an ADU in an existing building/new building if it is for a family member with a disability, the use is allowed but it might need setback relief for that accessory structure. She went on to say that the second category in the law if a homeowner has 20,000sq.ft. or more, the homeowner can put up a new structure or expand the footprint of an existing primary or accessory structure and turn it into an ADU. Further, she stated that the last category is what was discussed at the meeting where it is by right allowed as a use where the proposed ADU is located within the existing footprint of a primary structure or existing attached or detached building without any footprint expansion, so if footprint expansion is needed then the homeowner might need to go to the Zoning Board and get

a variance but the example of making an existing garage into an ADU, then no there is no relief needed for that. Member Clark said that if he had a 10,000sq.ft. lot and wanted to do an ADU then it wouldn't be allowed. Ms. Williamson said that a variance would be needed. Attorney Goins advised that a homeowner could build a garage and then a year later could state that it is an existing structure and now they are going to turn it into an ADU, but said that most people would probably prefer to go to the Zoning Board so they could build it as it is ultimately going to be used and that a lot of zoning boards in the area are seeing these applications. Member Clark stated that people are asking him all of the time about ADUs, and asked how many he could building on his lot. Attorney Goins stated that only 1 ADU per lot is allowed. Member Clark asked if that meant he could build a 10,000sq.ft. house. Attorney Goins said that it had to fit the definition and that there are dimensional requirements that were listed on the last page, that it has to be no more than 60% of the floor area of the principle dwelling and that there are some limitations as to what can be built, but if someone has a 2 family out on Poppasquash and has sufficient lot space, they could have a 2 family plus an ADU. Attorney Goins said that on Monday night the Zoning Board heard an application for a lot area relief for a proposed ADU on a vacant lot on Griswold as the young couple who had the property under agreement was proposing to have the mother live with them for child care purposes and she said to the Board that they were taking the couple at their word and what they were representing and the Board does not have any reason to think that they would flip the property, but when the Board grants relief for an ADU and the mom moves in and then passes away, it is still a legal ADU. She said there used to be a provision in the Zoning Ordinance that stated that the occupancy would be revoked if the person moved out or passed away, but now once an ADU is legally established, it's there forever. Ms. Williamson stated that all of the previously permitted ADUs that had family requirements are now grandfathered in. Alternate Member Jarest asked what the results were at the Zoning Board and Attorney Goins advised that it was approved.

Attorney Goins stated that unless the Board wanted to discuss this matter further, that a motion would be in order to direct staff and legal counsel prepare final versions of the proposed amendments, and she would clean up their version and add the 2 year sunset on the inclusionary. Member Katz stated that Rhode Island might end up looking like California where everyone was on top of their neighbors.

Ms. Williamson said that if the Board is in support of the Zoning Ordinance amendments as discussed, then the Board could make a recommendation to the Town Council with a finding of consistency with the Comprehensive Plan and the general purposes of zoning subject to the edits that Attorney Goins will make.

A motion was made (Katz/Clark) to send the Zoning Revisions to the Town Council finding they are consistent with the Comprehensive Plan and the General Purposes of Zoning subject to staff and legal making the edits discussed; namely correcting the typos and adding the 2-year Sunset Clause to the Inclusionary Zoning section.

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

Opposed: None

E. Correspondence

E1. Violation of Subdivision and Development Review Regulations - 97 Broadcommon Road

Discussion commenced regarding the structure at 97 Broadcommon Road. Ms. Williamson advised that the person who built it was taking the structure down as it was very unsafe. Alternate Member Jarest commented that it was a hoop house. Alternate Member Sousa stated it

was a major hazard. Ms. Williamson stated that it was very scary, and that the situation is remedying itself since the structure is being removed.

F. Adjournment

Meeting adjourned at 9:44 pm by Katz

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 13 March 2025 Planning Board: 