**CHARLESTOWN PLANNING COMMISSION**

**REGULAR MEETING MINUTES**

**Wednesday April 23, 2025 at 7:00 p.m.**

**Charlestown Town Hall, Council Chambers**
**4540 South County Trail, Charlestown, RI 02813**

## 1. CALL TO ORDER/Pledge of Allegiance

Chair, Ruth Platner called the meeting to order at 7:01 P.M.

## 2. ROLL CALL

Members present: Frances Topping, Sarah St Laurent, Patricia Stamps, Laura Rom, Carol Mossa, and Ruth Platner

Members absent: Glenn Babcock

Others: Sean Henry, Town Planner and Attorney David Petrarca

## 3. MINUTES APPROVAL

### A. Minutes from January 22, 2025 Regular Meeting

The Commission reviewed the meeting minutes. Ms. Rom noted that her name was misspelled on the last change.

**A motion to approve the meeting minutes as amended was made by Ms. Topping. Seconded by Ms. St Laurent and carried by unanimous vote.**

### B. Minutes from February 26, 2025 Regular Meeting

The Commission reviewed the meeting minutes

**A motion to approve the meeting minutes as written was made by Ms. St Laurent. Seconded by Ms. Stamps and carried by unanimous vote.**

## 4. LEGISLATIVE UPDATE

### A. Comment letter pertaining to H-5794 Local Planning Board or Commission

Mr. Henry reviewed the bill in detail with the Commission. He explained that the bill before them tonight was House Bill 5794 Substitute A, meaning it has been amended since it was initially introduced. This is the version that has made it through Committee at the House, it has not been approved yet, therefore it is not a State Law. He explained that this is one of the bills that is up at the House that presents some very significant changes to our subdivision, zoning, and low-moderate housing act that governs what we are required or allowed to do at the local level. The APA of RI has been working on the bill and has submitted comments on this bill. They suggested that the towns, town council, boards and commissions be made aware of how things could change locally.

Mr. Henry highlighted some of the major changes:

**45-22-7 Powers and duties of a planning board or commission** – basically make clear that this Commission deals with Development Plan Review applications as a process that has moved over from zoning.

**45-22.2-8 Preparation adoption, and amendments of comprehensive plans** – will require that municipalities amend their comprehensive plans within the calendar year to adopt new housing plans to meet new state housing goals.

**45-23-32 Definitions**

Minor subdivision – will change the definition of a minor subdivision to consist of any number of lots if there is no creation or extension of a road.

Major subdivision – will change the definition of a major subdivision to consist of a subdivision of ten or more lots if a road or an extension of a road is required.

**45-23-35 General provisions – Pre-application meetings and concept review** – this would change the requirement for pre-application. It would not be a required step in the process but would be at the request of the applicant.

Ms. Topping said that she felt that the pre-application was an important step in the process. She felt the Planning Commission should be able to ask for a pre-application as well.

Ms. Platner added that the pre-application process is beneficial to the applicant for a number of reasons, and she listed a few.

**45-23-36 General provisions - Authority and application for development and certification of completeness** – the proposed amendment states that an application shall initially be reviewed by the administrative officer soley for the purpose to determine whether the application lacks information required for the respective application type as specified in the checklist and whether the applicant lacks items or information which was required as a condition of a previous stage(s) for the same project. It also adds that an application shall not be deemed incomplete for reasons

other than the failure to supply an item or items listed on the applicable checklist. Mr. Henry explained that as the planner, he cannot request as a completeness item information that is not specifically listed on the checklist. It removes some flexibility.

**45-23-39 General provisions – Major land development and major subdivision review stages – submission requirements –** Mr. Henry explained that currently, draft legal documents, legal documents, etc. are required to be submitted at preliminary phase. The amended bill is proposing to remove this requirement from the preliminary phase and move it to final plan. He added that it also would move state and federal permits from preliminary plan to submission at final plan. It was Mr. Henry's opinion that moving these items from preliminary to final plan could prove to be particularly difficult for this Commission to make their findings of fact to be certain that work will be done in a way that meets both state and federal requirements and would all have to be done prior to any construction of public improvements.

Ms. Topping stated with this proposed change it looked like an applicant would be looking for forgiveness rather than approval. The Commission discussed the impacts that a change like this could potentially have in Charlestown.

**45-23-60 Procedure – Required findings** – this change makes clear that zoning relief could be a part of the decision and/or approval. Zoning relief would now become a part of the application process. Attorney Petrarca further explained that this pertained to unified development review, which the Commission is already doing. The Planning Commission would have to make a planning and zoning dimensional variance decision simultaneously.

**45-24-37 General provisions – Permitted uses** – this section codifies adaptive reuse which exists in state law but has not worked its way down into local regulations.

**Density –** provided that all minimum building, rehabilitation and fire code requirements are met for all residential units, as applicable; and provided that, for projects with more than four (4) residential units, not less than (10%) of low-or moderate-income housing is provided, the local zoning ordinance shall not specify any maximum density of residential units.

Mr. Henry further explained that this is a very difficult thing to conceptualize because it is talking about zoning on a map but what it is really doing is providing a site-specific granting for certain projects that meet certain qualifications and an unlimited maximum density of residential units.

**45-24-38 General provisions – Substandard lots of record** – the minimum requirement for setbacks from property lines has been changed in recent years. The amount of relief that you are allowed is proportional to the degree to which the parcel is non-conforming. If the city or town has a zoning district in which the lot would be conforming as to size, the city or town may require compliance with the building setback, lot frontage, and lot width requirements for the said zoning district if such a requirement is a part of the zoning ordinance.

**45-24-46 Special provisions – Modification -** Mr. Henry explained the only modification in this section is that it specifies as to who is allowed to object. It defines who an abutter is. It limits the list of people who can object to those who received the notification in the mail under the process.

**45-24-46.1 Inclusionary zoning [Effective January 1, 2025.]** Mr. Henry stated should the town implement inclusionary zoning this will become effective retroactively.

He read from the proposed bill regarding inclusionary zoning:

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.

Inclusionary zoning requirements shall not be applied where there is a limitation on the development density at the subject property under the regulations of a state agency, such as the coastal resources management council or department of environmental management that prevents the use of the density bonus set forth in the inclusionary zoning section. This covers the SAMP area of the State mandated density requirements.

**45-24-46.4 Special provisions – Unified development review** – previously, applications that needed zoning relief had to go to both Planning and Zoning, under this proposed change, the application can be reviewed by the Planning Commission to include the zoning relief.

There was considerable discussion about granting zoning relief. Mr. Henry explained to the Commission that one of the standards for relief currently is that you cannot create your own hardship. He continued by stating, that under the new proposed change is if a developer does a "whoopsie", they can now go before the Commission to request some form of relief, and you cannot hold the "whoopsie" against them. Attorney Petrarca added that developers will not have to ask for forgiveness anymore and it would encourage "bad" behavior.

Attorney Petrarca brought to the Commission's attention that on the final page of the bill, it states, "This act would provide technical amendments to the chapters on subdivision of land and zoning ordinances for towns and cities. This act would take effect upon passage". He stated that the proposed changes within the bill would require time for towns and municipalities to implement them into their regulations and ordinances as many of them are more than technical changes. He gave an example of January 2026 as an effective date, and he felt that that may not be enough time for implementation.

Following the discussion of proposed House Bill 5794 Substitute A, Mr. Henry reviewed the draft letter that he had prepared on behalf of the Commission. The Commission discussed the contents of the letter and made a few additions. He commented that he would expand the letter to include their additional concerns as listed below:

The Commission was concerned that the bill appears to exempt future minor subdivisions that are administratively approved from some specific findings of fact. This topic was discussed in detail.

The second item that the Commission wanted added to the letter pertained to Unified Development Review. The bill proposes indirectly and by reference, that dimensional hardships from which applicants are seeking relief may now be caused by that same party. It was the opinion of the voiced some concerns about upzoning in the event future owners of the condos were to do anything when it is denser than currently zoned and close to the coastal zoneCommission that it is a very specific and uncalled for erosion of the dimensional relief standard and would be of no benefit to RI communities.

It was decided that the Town Council and State leadership would be added to the mailer.

**A motion to approve the letter prepared by Mr. Henry as amended tonight was made by Ms. St Laurent. Seconded by Ms. Rom and carried by unanimous vote.**

## 5. PLANNING TOPICS

### A. Inclusionary zoning

Ms. Platner informed the Commission that just today, the State Department of Housing came out with a proposed housing plan, Housing 2030. The plan has a housing goal for the Town of 150 units and 24 affordable. She said that they cannot really comment on it further as the report just came out today and no one has had the time to read it. She noted that 24 affordable units is 15% of what their production goal is, and we already have a goal of 10%. She explained that we cannot cause affordable housing to be built, but we could if the Town had a mandatory inclusionary zoning ordinance, which the Town almost passed in 2011 until someone sued another town over how the fee-in-lieu of was calculated. She stated that this was a topic to consider. Ms. Platner said that it is hard for the Town to reach the 10% goal because every time a subdivision is created, we just fall further behind. Mandatory inclusionary zoning allows whatever percentage a town wants to require. She added you would want a development to have slightly over 10% in all your subdivisions because otherwise, you would continue to fall behind the 10% goal.

Mr. Henry said inclusionary zoning is a way to chip away at the 10% affordable housing requirement without the big chunk that would be included in a comprehensive permit. Inclusionary zoning is designed so that every subdivision of a certain size, going forward would include affordable housing so that we are not falling behind as market rate housing is constructed.

Ms. Topping voiced some concerns about upzoning in the event future owners of the condos were to do anything when it is denser than currently zoned and close to the coastal zone.

There was a detailed discussion about affordable housing and inclusionary zoning.

The Commission decided to continue the discussion of inclusionary zoning discussion for a future workshop meeting.

**B. Future Land Use Map – Zoning inconsistencies**

Mr. Henry put together a very brief slide show to begin the discussion. He explained that state law has a comprehensive planning law requirement that all towns/cities have in their Comprehensive Plan a future land use map which shows what they think their community will look like in the future as well as a current zoning map. A requirement introduced in 2014 states it must also identify the discrepancies between future land uses and existing zoning use categories. It is a State Comp Plan requirement that we both identify and address them. He said that moving forward the Commission can work on a way to address the inconsistencies. Mr. Henry reviewed the Future Land Use and Zoning Maps as well as the map showing the Land Use Inconsistencies Map.

Mr. Henry explained the types of zoning inconsistencies as shown on the map:

1. Land intended for Open Space – currently zoned as residential. Will require rezoning by the Town Council

2. Up-zoning of pre-existing developments – there are two existing developments that show a different density on the Future Land Use Map than what they are currently zoned for. It is a pre-existing nonconformity. Mr. Henry felt that it may be just a housekeeping issue to make sure that our zoning accurately reflects what they actually are. They are already built, so it may be a lower priority issue.

3. Historic Designations/Boundary Modifications – the boundaries of the different historic districts may need to be adjusted.

4. Planned Development District – what are the zones of the Planned Development District?

5. Traditional Village District Boundary – needs to be better defined.

Mr. Henry said that while he was reviewing the maps he noted a mixed-use overlay that consists of four or five properties. Ms. Platner provided some background regarding the mixed-use overlay and the TVD.

Ms. Platner questioned if the necessary changes could be made in increments. Mr. Henry responded they could be done in phases.

**6. PLANNING PROJECTS**

**A. Charlestown Needs Analysis and Zoning Update (Housing Density Study)**

Ms. Platner stated that the report was presented to the Town Council. There was no action taken. She felt that the Town will not utilize the study, but that there was a lot of information contained in the report along with legislative options.

### B. Planning Commission Design Standards Subcommittee Update

Ms. Topping stated the Subcommittee has met twice but was unable to meet this month due to a lack of a quorum, but they are working collaboratively.

Mr. Henry said the Town Council is looking for a 6-month update on the subcommittee's progress. He has written a letter to the Town Council explaining that the subcommittee is having constructive discussions and are moving forward.

## 7. PLANNING ISSUES AND CONCERNS

### A. Chair Comments

Ms. Platner stated the Ordinance Commission has completed their portion of the review. Attorney Petrarca stated there will be two documents that will be prepared for public hearing. He explained there will be two hearings, probably scheduled for the same night. They are choosing to do it in two parts because one part of the ordinance consists of recodification while the other portion contains the more substantive changes. By doing the two public hearings, the portion of the ordinance that is more housekeeping will not be delayed by the other portion that will require a more detailed and extensive explanation and discussion.

### B. Planner Comments

Mr. Henry informed the Commission that he had received an email from Ms. Weinreich informing him that the Town Council was requesting an advisory pertaining to impact fees. It was decided that the advisory to the Town Council regarding impact fees would be discussed at the next meeting.

### C. Solicitor Comments

Attorney Petrarca reminded the Commission that Friday, April 25th was the deadline for members to submit their financial disclosure to the Ethics Commission.

## 8. ADJOURNMENT

**A motion was made by Ms. Topping to adjourn at 9:40 P.M. Second, by Ms. Stamps and carried by unanimous vote.**

Respectfully Submitted,

Janet Lombardo
Planning Assistant