



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Monday, March 4, 2024**  
**6:30 P.M.**

**THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.**

**THIS MEETING WILL BE LIVE STREAMED:** To view the meeting with no interaction:  
<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>

*The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.*

*Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. The Town Council hopes that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.*

*Attachments for items on this meeting agenda are available to the public on the Town website at:*  
<https://jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2023-meetings-minutes>

**I. ROLL CALL**

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS**

- A) Review of the FY2023 Financial Statements with Paul Dansereau, representing Damiano & Company, LLP.
- B) Review, Discussion, and/or Action and/or Vote: regarding Proclamation 2024-07 declaring April 26, 2024, as Arbor Day in the Town of Jamestown.
- C) Review, Discussion, and/or Action and/or Vote: regarding Proclamation 2024-08, in honor of Robert W. "Bob" Sutton, and his lifetime of public service and dedication to the Town of Jamestown and the community.
- D) Review, Discussion, and/or Action and/or Vote: regarding Proclamation 2024-09, thank you to Peter Ceppi, Bob Sutton, Mark Liberati, Jamestown Community Farm Board Members, and all contributors to the "One Chance" fundraising campaign.

#### IV. OPEN FORUM

*Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement, or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

- A) Scheduled request to address: None.
- B) Non-scheduled request to address.

#### V. PUBLIC HEARINGS, LICENSES, AND PERMITS

*The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes, and appropriate signatures as well as, when applicable, proof of insurance.*

- A) Town Council Sitting as the Alcohol Beverage Licensing Board.
  - 1) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on May 23, 2024:
    - CLASS F (NON-PROFIT)
    - Jamestown Historical Society
    - 92 Narragansett Avenue
    - Jamestown, RI 02835
  - a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE

**The Town Council adjourns from sitting as the Alcohol Beverage Licensing Board**

#### VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

*Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise:*

- A) Town Administrator's Report: Edward A. Mello
  - 1) Short-Term Rental Application and Licensing update.
  - 2) Ft. Getty Pier storm damage assessment and repair update.
  - 3) 6 West Street Property status update and Friends of Jamestown Seniors use agreement.
  - 4) Summer Employment Posting, Recruitment, and Application Process.
  - 5) Jamestown Conservation Commission (JCC)-Grant Application (Consent).
  - 6) Right of Way Program Policy Proposal (New Business).

## VII. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Review and/or Discussion of the Jamestown Affordable Housing Committee (JAH) recommendations:
  - 1) At the request and recommendation of the Jamestown Affordable Housing Committee, Town Council support of the Jamestown Sustainable Resident Program and permission to develop an enabling ordinance by the Town staff with final review by the Town Solicitor.
    - a) Jamestown Sustainable Resident program fact sheet and criteria, prepared by Jamestown's Affordable Housing Committee.
  - 2) At the request of the Jamestown Affordable Housing Committee Town Council support for the authorization to prepare a warrant for the Financial Town Meeting (FTM) for a bond in the amount of \$3 million to support the Jamestown Sustainable Resident Program, the Affordable Conforming Lot Program and the production of workforce and/or affordable housing.
    - a) Why we need a bond for Affordable Housing prepared by Jamestown's Affordable Housing Committee and Planning Department
    - b) Article about Telluride, Colorado seeking \$31.8 million bond for affordable housing
- B) Review, Discussion, and/or Action and/or Vote: At the request of Councilor Brine and the Tax Relief Ad Hoc Working Group schedule workshop(s) to further review potential tax relief concept(s) recommendations.
  - 1) Tax Relief Ad Hoc Committee Report to the Town Council

## VIII. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Proposed dates for the (3) three Budget Work Sessions and eventual vote to adopt the budget for Fiscal Year (FY) 2024-2025 (July 1, 2024- June 30, 2025) at the Financial Town Meeting:
  - 1) Town Council Budget Work Session: Operating Budget for FY 2024-2025, March 11<sup>th</sup> at 5:00 p.m. (before the 6:30 p.m. Zoning Ordinance Public Hearing) or an alternate date/time.
  - 2) Town Council Budget Work Session: Operating Budget and Capital Improvement Programs, for FY 2024-2025, March 12<sup>th</sup> at 5:00 p.m.; or 6:00 p.m., or an alternate date/time.
  - 3) Joint Town Council and School Department Budget Work Session and Hearing for FY 2024-2025, March 18<sup>th</sup>, March 19<sup>th</sup> or 20<sup>th</sup> at 5:00 p.m. or 6:00 p.m., or an alternate date/time.
- B) Review, Discussion, and/or Action and/or Vote: Review and/or Discussion: At the recommendation of the Jamestown Conservation Commission development of the Jamestown Adopt-A-ROW (Right of Way) Program:
  - 1) Draft Jamestown Adopt-A-ROW Program guideline, application, 2024 Shoreline Access Existing and Potential Rights-of Way map, and supplemental documents.

**IX. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS**

- A) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
  - 1) Jamestown 250<sup>th</sup> Commission, Five to Seven (5-7) member vacancy, for a term ending December 1, 2027, duly advertised in the February 15<sup>th</sup> and 22<sup>nd</sup> editions of the Jamestown Press:
    - a) Interested Applicant(s)
      - i) Dennis Webster
        - Application received February 27, 2024.
        - Interview to be scheduled.
    - b) Request to Order to re-advertise the vacancy(s)
  - 2) Juvenile Hearing Board, One (1) alternate member vacancy, with a two-year term ending December 31, 2025, duly advertised in the February 15<sup>th</sup> and 22<sup>nd</sup> editions of the Jamestown Press:
    - a) Request to Order to re-advertise the vacancy(s)
  - 3) Tick Task Force Ad hoc Committee, Five to Seven (5-7) member vacancy, for an unspecified term, February 15<sup>th</sup> and 22<sup>nd</sup> editions of the Jamestown Press:
    - a) Request to Order to re-advertise the vacancy(s)

**X. CONSENT AGENDA**

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to the approval of each item as if it had been acted upon separately for review, discussion, and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion, and/or potential action and or vote.*

- A) Minutes of Boards/Commissions/Committees
  - 1) Affordable Housing Committee, January 10, 2024
  - 2) Bike Path Committee, January 19, 2024
  - 3) Harbor Commission Mooring Sub-Committee, February 6, 2024
  - 4) Harbor Management Commission, January 10, 2024
  - 5) Planning Commission, January 17, 2024
  - 6) Planning Commission, February 7, 2024
  - 7) Zoning Board of Review, November 28, 2023
- B) Tax Assessor’s Abatements and Addenda of Taxes

| ABATEMENT/ADDENDA TO THE TAX ROLL   |          |                     |                     |
|-------------------------------------|----------|---------------------|---------------------|
| ACCT                                | TAX YEAR | ACCOUNT INFORMATION | AMOUNT              |
| 11-0404-30                          | 2022     | COURT SETTLEMENT    | -\$ 604.31          |
| 11-0404-30                          | 2023     | COURT SETTLEMENT    | -\$ 621.22          |
| <b>TOTAL ABATEMENTS TO TAX ROLL</b> |          |                     | <b>-\$ 1,225.53</b> |
| <b>TOTAL ADDENDA TO TAX ROLL</b>    |          |                     | <b>\$ 0.00</b>      |
| <b>GRAND TOTAL TO THE TAX ROLL</b>  |          |                     | <b>-\$ 1,225.53</b> |

- C) At the recommendation of Public Works Director Michael Gray, granting an Electrical Easement, Coulter Street, AP7 Lot 117, to SREG Residential LLC, to install underground electric service to the subject property.
- D) At the request of the Jamestown Conservation Commission approval to apply for the Rhode Island Wild Plant Society grant in the amount of \$2475.
- E) Ratification of the Administratively approved Short-Term Rental application for the period of January 1, 2024 through December 31, 2024:
  - 1) Charles Beal, STR-96, 53 Standish Road
- F) Trash Collector License 2024 Renewal Application(s):
  - 1) Waste Management of RI, Inc., 1610 Pontiac Avenue, Cranston, RI 02920
- G) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:
  - 1) Applicant: Senior Services Department  
Event: Aging Disgracefully  
Date: March 28, 2024  
Location: 6 West Street
  - 2) Applicant: St. Matthew's Church  
Event: Sunrise Easter Service  
Date: March 31, 2024  
Location: East Ferry Green
  - 3) Applicant: Jamestown Conservation Commission  
Event: Earth Day Fair  
Date: April 20, 2024  
Location: Jamestown Recreation Center
  - 4) Applicant: Jamestown Historical Society  
Event: Jamestown Museum Exhibit Opening  
Date: May 23, 2024  
Location: 92 Narragansett Avenue

**XI. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.*

- A) Communications Received:
  - 1) Copy of article to: Town Council  
From: Marian Falla  
Dated: February 15, 2024  
Re: Regulating Short-Term Rentals

- 2) Copy of letter to: Town Council  
From: Sav Rebecchi  
Dated: February 15, 2024  
Re: New Tax Formula Info
  
- B) Proclamations and Resolutions from other Cities and Towns:
  - 1) Burrillville Town Council Resolution Supporting House Bill – H7462, Relating to Amendments to the Energy Facility Siting Act.
  - 2) Resolution of the Town of Middletown, Increasing the Allowance for Reimbursement for New Library Construction, 2024-10.
  - 3) Resolution of the Town of Middletown, In Support of Fully Funding State Aid to Libraries to the Full Twenty-five (25) Percent, 2024-11.
  - 4) Resolution of the Town of Hopkinton in Opposition to H7062 Related to “Accessory Dwelling Units”.
  - 5) Town of Narragansett, Resolution in Opposition of House Bill 7382 That Redefines “Household” in the State Enabling Legislation, 2024-03
  - 6) Town of Narragansett, Resolution in Opposition of House Bill 7324 and Requesting the Rhode Island General Assembly Sustain Local Authority to Regulate Land Use, 2024-04

**XII. ADJOURNMENT**

***Pursuant to RIGL § 42-46-6(c), Notice of this meeting shall be posted on the Secretary of State’s website and at the Town Hall and the Jamestown Philomenian Library. Notice is also posted at the Jamestown Police Station and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).***

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to [rfagan@jamestownri.net](mailto:rfagan@jamestownri.net) not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on February 29, 2024.*

# TOWN OF JAMESTOWN



## PROCLAMATION OF THE TOWN COUNCIL

No. 2024-07

### ARBOR DAY

**WHEREAS:** Arbor Day is observed throughout the nation and world; and

**WHEREAS:** Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

**WHEREAS:** Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

**WHEREAS:** Trees in our town increase property values and enhance the economic vitality of business areas; and

**WHEREAS:** Trees, wherever they are planted, are a source of joy and spiritual renewal; and

**WHEREAS:** Our community has been blessed with a plentiful number and variety of trees which have beautified our landscape and added a touch of nature.

**NOW, THEREFORE,** the Town Council of the Town of Jamestown, Rhode Island does hereby proclaim Friday, April 26, 2024 as **ARBOR DAY IN THE TOWN OF JAMESTOWN**, and does hereby urge all citizens to support efforts to protect our trees and woodlands; and

**FURTHERMORE,** all citizens are urged to plant trees to gladden the hearts and promote the well-being of present and future generations.

By Order of the Jamestown Town Council,

\_\_\_\_\_  
Nancy A. Beye, President

IN WITNESS WHEREOF, I hereby attach my hand and the  
Official seal of the Town of Jamestown this \_\_\_\_ day of March, 2024.

\_\_\_\_\_  
Robert J. Fagan, Town Clerk







**PROCLAMATION OF THE TOWN COUNCIL  
NO. 2024-08  
“Honoring Robert W. “Bob” Sutton”**

**WHEREAS**, in the early 1970s Robert W. Sutton, as a graduate student at the University of Rhode Island, helped the Town of Jamestown write a Home Rule Charter which was passed in 1974;

**WHEREAS**, in 1975, Robert W. Sutton was appointed as Jamestown’s first Town Administrator, a position he held for seventeen years;

**WHEREAS**, Bob’s role in shaping this community as Town Administrator cannot be overstated. He was a careful steward of Jamestown’s public water system, which had only recently been purchased from a private company when he began his tenure, creating the watershed district and encouraging the preservation of open space adjacent to the reservoirs. He oversaw the construction of the sewer treatment plant in 1978, where previously sanitary sewers had discharged directly into Narragansett Bay. He worked with the state in the protection and planning of Beavertail State Park in the early 1980s. When the owner of the golf course threatened to develop it into 80 house lots, he was the guiding force in the town’s purchase of it, by unanimous vote at a Financial Town Meeting in 1986. From the mid-1980s through the early 1990s, he led negotiations with the state of RI in the design of the cross-island connector road, Route 138, that runs through the middle of our watershed. Most notably, he required it to be a limited access highway and thus protected from the kind of strip development that plagues many other cities and towns in Rhode Island. In short, he is the guy responsible for the bucolic and beautiful town we enjoy today;

**WHEREAS**, in 1992, when he “retired” from his position in Jamestown to become Chief of the Division of Planning and Development for the Rhode Island Department of Environmental Management, he oversaw the efforts to design and improve state parks, recreation areas, and infrastructure, protect farmland, habitat, open space and forests and work with Rhode Island communities to do the same;

**WHEREAS**, in his “spare time,” Bob continued his work in Jamestown to protect open space, farmland, and natural resources. In 2000, under the aegis of the Conanicut Island Land Trust and with more than a little help from his wife, Lynda, Bob helped to establish the Jamestown Community Farm. He has long been the guiding force of the Conanicut Grange 21 and was named Rhode Island State Grange Agriculturalist of the Year in 2006;

**WHEREAS**, upon his “retirement” from his job at RIDEM, Bob was elected to Jamestown’s Town Council in 2007, where he again spearheaded the effort to preserve open space with the town’s purchase of the development rights to the Neale and Dutra farms, creating a green corridor through the center of the island that is breathtaking in its pastoral beauty and essential in conveying Jamestown’s rural character;

**WHEREAS**, from his seat on top of the tractor and his constant presence in the fields, he has continued to work the Jamestown Community Farm, helping it produce between eleven and fourteen tons of vegetables annually, which it shares with food pantries in Providence, Newport, South Kingstown, and Jamestown while maintaining soil health using no chemical fertilizers, pesticides or herbicides and managing both food recycling and composting programs;

**WHEREAS**, his single-handed stewardship of Conanicut Grange 21 has protected that historic structure and ensured its continued presence in the community as Jamestown’s Senior Center,

**NOW, THEREFORE, BE IT RESOLVED**, with this proclamation the Town Council, representing the citizens of Jamestown, wishes to acknowledge, applaud, and commend Robert W. Sutton for a lifetime of public service and his dedication to our community and our island. Bob, we simply cannot thank you enough.

By Order of the Jamestown Town Council,

\_\_\_\_\_  
Nancy A. Beye, President

IN WITNESS WHEREOF, I hereby attach my hand and the  
Official seal of the Town of Jamestown this 4<sup>th</sup> day of March 2024.

\_\_\_\_\_  
Roberta J. Fagan, Town Clerk



# Town of Jamestown



## PROCLAMATION OF THE TOWN COUNCIL

NO. 2024-09

### In Recognition of the Jamestown Community Farm and the “One Chance” Fundraising Campaign

**IN RECOGNITION OF** Peter Ceppi, Bob Sutton, Mark Liberati, the members of the Board of the Jamestown Community Farm, and to all those involved in its fundraising campaign, “One Chance”;

**WHEREAS**, the Town of Jamestown, through its Town Council, offers you its profound thanks for your perseverance, ingenuity, creativity, and faith which resulted in the plan you have developed for the purchase of 15 acres of land in the watershed of Jamestown to be dedicated to the use of the Jamestown Community Farm.

**WHEREAS**, to Peter Ceppi, owner of the land, we thank you for your generosity for so many years and your continued generosity in the years to come in allowing the farm to occupy and use your land at a much-reduced cost. Your love of this community is evident in your willingness to support this noble effort and to ensure that it continues. We appreciate all that you have quietly done for this blessing that is the Jamestown Community Farm.

**WHEREAS**, to the Board, we thank you for fulfilling the mission of the farm both in cultivating this land and in sharing that bounty with organizations and agencies that help people who are in need of fresh, healthy food. The Jamestown Community Farm is indeed a manifestation of the good that people can do: for themselves and their community, for others whom they do not know, and for the earth upon which we continue to depend.;

**WHEREAS**, And to all involved in this fundraising campaign, “One Chance”, your generosity, patience, and creativity in crafting this solution inspire us. This is not a simple world that we live in. Your ability to develop a framework that will allow the Jamestown Community Farm to continue is an example of the kind of faith and hard work that is necessary to make good things happen in this world. Our thanks to your donors as well;

**NOW, THEREFORE, BE IT RESOLVED**, with this proclamation the Town Council, representing the citizens of Jamestown, expresses best wishes and abiding thanks.

By Order of the Jamestown Town Council,

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Nancy A. Beye, President

IN WITNESS WHEREOF, I hereby attach my hand and the  
Official seal of the Town of Jamestown this 4<sup>th</sup> day of March 2024.

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Roberta J. Fagan, Town Clerk



Town Administrator  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9805



Edward A. Mello  
Town Administrator

**MEMORANDUM TO: Honorable Town Council**  
**FROM: Town Administrator, Edward A. Mello**  
**DATE: February 28, 2024**  
**SUBJECT: Report for Town Council Meeting March 4, 2024**

**STR Update-**As of today, the staff has processed sixty-six (66) STR permits. We believe that there are approximately fifty-two (52) additional properties that are “in process” meaning that have deficiencies that they are attempting to resolve. There are approximately thirty (30) other know properties which have made no effort to become licensed. Roberta has notified these property owners by email and/or regular mail of the need to register. The ordinance requires that all properties be permitted prior to January 1st of each year. As previously reported, the staff has allowed for a “grace period” during the start of the program. However, unless otherwise indicated, the staff would consider any property operating after May 15 without a permit issued by the Town Council to be in violation.

**Ft Getty Pier-**The engineering firm was in-site at Ft. Getty Pier on Friday. They are preparing a damage assessment and repair report. Based upon that report, we will be working to develop a cost proposal to repair the pier. We plan to present this cost proposal to both the Harbor Commission and Town Council in order to expedite the repair process.

**6 West Street Property-**We have met with the team from Union Studios a number of times since the February 20 Town Council meeting. They are currently preparing a report as to the existing conditions and will be working to develop a conceptual floor plan and elevations. This will allow them to develop a solid construction cost budget to be presented to the Town Council on April 1. If the Town Council and voters elect to the move the project forward along with a bond, there will be opportunity to refine the plan including further public input.

We will be working with the Friends of Jamestown Seniors and the solicitor to develop a use agreement for the property.

**Summer Employment Postings-** All departments which typically employ seasonal staff have collaborated into one effort to more effectively advertise and recruit staff. This includes one public advertisement through both print and social media, a streamlined application and hiring process. Ray will be in discussion with the Chamber of Commerce to plan a job fair for Town departments as well as other businesses seeking summer employment.

**Jamestown Conservation Commission (JCC)-Grant Application-**Seeking consent for the JCC to apply to the RI Wild Plant Society for a grant in the amount \$2475. See attached (consent agenda)

**Right of Way Program-** Town staff along with JCC member, Bob Laman have met with CRMC regarding rights of way. CRMC has an established “adopt a ROW” program which allows for the adoption of CRMC designated ROWs. The program and the involvement of the respective communities varies. The JCC has drafted a policy which defines this program for Jamestown. If the Council is interested in further developing this program, we can continue to work with the JCC and report back to the Town Council. See attached (new business)

## Jamestown's Sustainable Resident Program

2/28/24

### An Effort To Preserve Affordable Housing and Economic Diversity in Jamestown RI

#### To the Jamestown Town Council from Jamestown's Affordable Housing Committee

This program seeks to transform existing homes in Jamestown into affordable properties by enabling the town of Jamestown to purchase the land upon which existing homes in Jamestown are located. Payments for the land will be made over time, not to exceed 20 years. Existing residents are encouraged to stay in their homes as they age or raise families. They will continue to pay taxes on the home itself and will maintain their use of the land through a ground lease with the town or its designee. The land remains owned by the town in perpetuity, guaranteeing these properties to remain affordable. Among the features of this program:

1. The purchase amount for the land will be determined by agreement with the owner of an amount that reflects the assessed value as determined by the Tax Assessor.
2. The purchase amount will be paid by the town to the seller over a term of no more than 20 years at no more than \$25000 per year. It will be paid to the seller or their heirs over the full term regardless of whether the owner remains in the house, leaves it to their heirs or sells the property.
3. Upon the closing, the land will be owned by the Town of Jamestown or a Community Housing Land Trust for perpetuity. This is similar to the methodology of Church Community Housing in Newport.
4. The existing homeowners need not fulfill the criteria of "affordable housing" as described in the chart below and may remain in the home. (See below that preference will be given to applicants who do fulfill the criteria of "affordable.") They will engage in a ground lease with the town or its designee, for the continued use and maintenance of the land. This is similar to the methodology of Church Community Housing in Newport. Should they seek to retain ownership but not live in the home, they are required to rent it year round to tenants who do satisfy the criteria of "affordable" at a rent applicable to those making 100% of median income or less ( see the chart below.)
5. The homeowners may leave the house (with its relationship to the town) to their heirs. The ground lease will continue. Upon the death of the original applicant, their heirs may either :
  - a) live in the house year-round if they satisfy the criteria of "affordable" as determined by RI Housing (see below chart) or
  - b) the property must be rented year-round to tenants who do satisfy the criteria of "affordable" at a rent applicable to those making 100% of median income or less.
6. The current homeowners or their heirs who live in the house may sell the house/improvements but such a sale must comply with the following terms: the house and the right to a ground lease is to be sold for the **lesser** of an appraised fair market value or the assessed value (as determined by Jamestown's Tax Assessor) of the house/improvements only. The town's ownership of the land will continue into perpetuity. Buyers of a Sustainable Resident Program home must have an income less than or equal to 100% of the median income as determined by Rhode Island Housing. The ground lease will continue as will the town's ownership of the land.
7. If the original owners or their heirs are determined to be not complying with the requirements of residence or rental, they will incur a fine levied by the town for each month of non-compliance.
8. The town or its designee will have a right of first refusal should the owners wish to sell the property.

Applicants can pick up applications at Jamestown's Planning Office. Applicants should provide the address and proof of ownership of a residential property in Jamestown. The program will be administered by Church Community Housing acting as a monitoring agent to ensure compliance with Fair Housing laws and the regulations of this program, under the auspices of the Town Planner, the Affordable Housing Committee and the Town Council. Approved applications will be limited to a maximum of four per year, unless, due to the interest in and support of the program by the community, the town council votes to increase the financial support dedicated to this effort.

### Criteria for Acceptance into Jamestown's Sustainable Resident Program

Preference will be given to applicants who themselves satisfy RI Income limits for Low and Moderate Income Households. Preference will first be given to applicants at 80% or below, then 100%, then 120%, then on a sliding scale upward to those whose income is greater than 120% of median income as described in the chart by RI Housing below.

|      | 1 person | 2 person | 3 person  | 4 person  | 5 person  | 6 person  | 7 person  | 8 person  |
|------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 30%  | \$21,500 | \$24,600 | \$27,650  | \$30,700  | \$35,140  | \$40,280  | \$45,420  | \$50,560  |
| 50%  | \$35,850 | \$41,000 | \$46,100  | \$51,200  | \$55,300  | \$59,400  | \$63,500  | \$67,600  |
| 60%  | \$43,020 | \$49,200 | \$55,320  | \$61,440  | \$66,360  | \$71,280  | \$76,200  | \$81,120  |
| 80%  | \$57,350 | \$65,550 | \$73,750  | \$81,900  | \$88,500  | \$95,050  | \$101,600 | \$108,150 |
| 100% | \$74,200 | \$84,800 | \$95,400  | \$106,000 | \$114,500 | \$122,950 | \$131,450 | \$139,900 |
| 115% | \$82,460 | \$94,300 | \$106,030 | \$117,760 | \$127,190 | \$136,620 | \$146,050 | \$155,480 |
| 120% | \$86,040 | \$98,400 | \$110,640 | \$122,880 | \$132,720 | \$142,560 | \$152,400 | \$162,240 |

- Preference may be given to less expensive properties. Since the maximum expenditure per year for any single property is \$25000 and the maximum term is 20 years, there is a limit of \$500000 to any purchase by the town for this program.
- Preference may be given to properties near services and amenities such as the market, library, post office, a bus line.
- Preference may be given to properties that are mortgage free or if still under a mortgage, where that mortgage is sufficiently small that it may be absorbed in the agreement or where the house exhibits sufficient equity that the mortgage can be renegotiated or maintained.
- Preference may be given to properties in which the lot is potentially subdividable for additional affordable housing

**Application Process** Applicants should submit a preliminary application by October 15. This will include

- a signed application form
- a provision that allows access to the property by the town or its designee
- documentation of the property and its ownership including the deed, mortgage(s), a registered survey, if available.

Since preference will be given to those applicants who satisfy RI income limits for low and moderate housing, applicants are encouraged to provide information regarding their income. Such information would include:

- Three years of Federal tax returns including W2 and attached schedules
- Verification of sources of income including ( as relevant) Most recent pay stub (if income varies please submit last three months,) Social Security, Social Security Disability, pension
- A copy of Savings account statement for all accounts
- A copy of most recent statement from all other assets (IRA,)

(This financial information will remain confidential and is not part of the public record. The address of the property and confirmation that the applicant satisfies the income limits will be part of the public record.)

Applications will be reviewed by the town official entrusted with this task or its designee for completeness and prioritized as per the criteria above and assessed for approval. If the assessed applications number more than four, they will be anonymized ( names and addresses removed) and submitted to the Town's Affordable Housing Committee by January 10 or in time to be on that Committee's agenda for its January meeting for review. After review, the Affordable Housing Committee will then submit four finalists to the Town Council for funding. The Affordable Housing Committee reserves the right to not recommend a project or any projects based on the information about the properties and income.



## Why Jamestown needs a Bond for Affordable Housing: Affordable Housing = Housing Diversity = Sustainable Jamestown!

### THE REAL IMPACT:

This will enable a minimum of 14 affordable homes for Jamestown, in perpetuity. This number will grow depending on matching grants. By selling the affordable homes and leveraging the bond funds through State/Federal/Private Funds, the bond funds will be paid back allowing them to be used again and again. Considering the median home sales price in Jamestown was \$1 Million in 2023, this funding provides a significant impact towards a more sustainable Jamestown.

A diversified housing stock, available to ALL, allows Jamestown individuals and families to live and have a stake in the community and therefore be involved in the community, improving the environment for everyone living there.

Strong communities exist where residents have quality housing; are invested and engaged in their communities; have access to goods and services, employment and educational opportunities and have a sense of safety and community.

### The Need for Affordable Housing:

- **HEALTHY COMMUNITY:** Accessible to all Jamestowners through diversified housing choices.
- **WORKFORCE HOUSING:** To allow the people who run Jamestown to live here: Public Works, Teachers, Police Officers, Service workers (grocery and stores, restaurants, daycare).
- **INTERGENERATIONAL CONTINUITY:** To enable Jamestown's who grew up here to live here and their children to attend Jamestown Schools.
- **FACILITATE VOLUNTEERISM:** The cornerstone to Jamestown's vitality is its local involvement and volunteerism. A diverse housing stock = an economically diverse population, which will feed the many volunteer positions in Jamestown, most importantly, our Fire Department and Emergency Medical Service volunteers, and our Town Government.
- **TO MEET OUR 10% STATE MANDATE OF AFFORDABLE HOUSING:** Jamestown will soon be at 5.1%, up from 4.29% in 2023. Let's keep the momentum going and continue to grow our community.



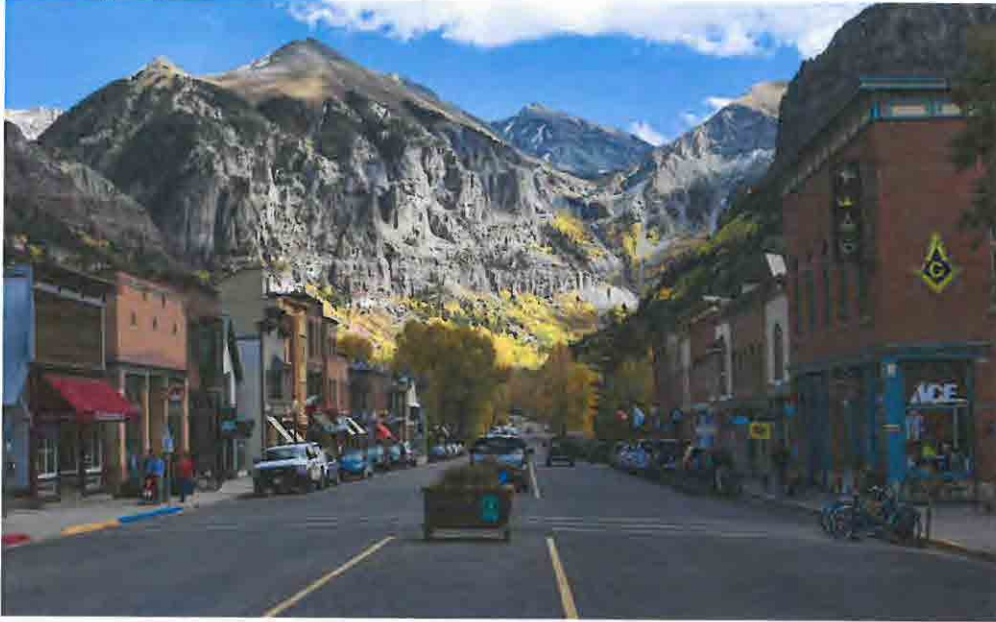
13 Swinburne Street Affordable Housing Project, Jamestown, RI  
Design by Ronald F. DiMauro Architects, Jamestown, RI

### Jamestown's Affordable Housing Toolbox: How will the Bond be used?

- **Sustainable Resident Program:** Creates permanently affordable homes while the existing owners continue to live in them. This is made possible by the town of Jamestown purchasing the land upon which the homes are located, giving the residents income to be able to remain in their homes.
- **Conforming Small-Lot Program:** To support the creation of affordable homes by purchase of or creation of lots from oversized lots or development of existing land in the Village district.
- **Affordable Accessory Dwelling Units:** Provides funding to assist in the construction or renovation of structures to be used as affordable accessory dwelling units.
- **Leveraging Local, State, Federal and private funds:** These funds will be leveraged to maximize the funding from the Bond by securing funding from state, federal and private foundations. Other methods of leveraging funds include partnering with non-profit housing developers, and creating other stable local funding sources such as building impact fees, real estate transfer tax, etc.

# Ritzy ski resort towns like Telluride are going into debt to build affordable housing because their teachers can't afford to live there

BY [Joseph Mysak Jr.](#) and [Bloomberg](#)  
February 21, 2024 at 6:58 PM EST



It's expensive to live in Telluride, Colorado.  
Getty Images

[Telluride](#), a ski resort destination in Colorado, is the first vacation town to sell municipal bonds for affordable housing this year. It likely won't be the last.

The reason for last week's sale is immediately apparent by typing "Homes for Sale Telluride Colorado" in an Internet browser. The [websites](#) that appear show that anyone wanting to buy a house there will need millions of dollars, maybe tens of millions.

So Telluride is "prioritizing" the acquisition and construction of affordable rental housing. Last week, Telluride School District R-1 borrowed \$31.8 million, half of which will be used to pay for 25 units of "workforce housing."

The wealthy ski area has tapped the bond market for similar reasons several times in recent years. Just last month the town borrowed \$9 million, a portion of which is being used to pay to refurbish affordable housing at an apartment building. In 2022, the town council approved spending more than \$27 million for a project containing another 27 units of affordable housing. Five years earlier, the school district borrowed \$2.5 million for more of the same.

“If there are no homes, I can’t fill positions,” Christine Reich, director of finance and nutrition for the [school district](#), said in a telephone interview.

Reich’s words are echoed by local officials in vacation areas nationwide. Towns heavy on quaintness and charm but light on housing supply have squeezed out locals, both ordinary and essential purpose workers, from shop help to police, firefighters and teachers.

Last year, the island of Nantucket off Cape Cod and the town of Wellfleet on the Cape each sold bonds for so-called workforce housing. Another Colorado ski town, Vail, did so in 2021. And it’s not just vacation towns borrowing money to build affordable housing. Some [colleges and universities](#), too, have sold bonds to pay for faculty housing, such as the University of Vermont and Middlebury College.

## Income Gap

In Telluride, salaries in the school district range from an entry-level \$50,000 to \$94,665 for someone with a master’s degree and 27 years of experience. But market-rate rentals in the town run from \$4,000 to \$5,000 per month for a one-bedroom apartment.

“We’re remote,” said Reich. “It’s not as though you can commute in from Denver,” a six-and-a-half hour drive away.

Only 55% of Telluride’s housing is occupied by full-time residents, according to [Treasure Walker](#), associate director at S&P Global Ratings. The remainder is typically used as short-term rentals and vacation homes in a town with a population of 2,620.

“There’s a hyper supply-constrained environment,” said Bill Fandel, the founding broker of [Compass](#) real estate in Telluride. He said that in a small town “the cost of the dirt becomes prohibitive,” referring to the space needed to build housing.

The school district, which is 326 square miles, includes the towns of Telluride, Ophir, Sawpit and Mountain Village and parts of unincorporated San Miguel County, and has a population of 6,515. It also has an “exceptionally high” full value per capita (the value of all the property divided by the population) of \$2.1 million, according to Moody’s Investors Service, which rates the bonds Aa2. The US median is \$117,713.

“The district is a second-home destination for the very wealthy,” Moody’s said. “This, coupled with an influx of residents seeking an outdoor lifestyle during the pandemic, is driving a high cost of living and challenging the district’s ability to recruit and retain teachers.”

The district currently provides housing to about 10% of its 136 full-time and 16 part-time personnel and wants to increase this to one-third. Base rents are 25% of salary.

Already there is a waiting list for the proposed affordable housing.



## **Introduction**

Recently, representatives from the Coastal Resource Management Council (CRMC) and the Town of Jamestown met to discuss the CRMC public right-of-way (ROW) Adopt-An-Access program. As a result of that meeting, it was determined that the Town of Jamestown needed to develop a program of its own to better define roles and responsibilities in areas such as ROW maintenance and the procedure for applying for ROW adoption. This document will define the Town of Jamestown's Adopt-A-ROW program.

## **ROW Definition**

A public ROW to the shore is a parcel of land over which the public has the right to pass on foot or, if appropriate, by vehicle, in order to access the tidal waters of Rhode Island. This right of passage is consistent with the use and condition of each particular site. Accordingly, public ROWs can be used for a variety of activities such as scenic overlooks, providing access to fishing, access to mooring sites, or if appropriate launching a boat.

## **The Role of the CRMC**

According to Rhode Island General Law, The CRMC has the authority to designate public ROWs to the tidal waters of the state (R.I.G.L. 46- 23.6). The CRMC does not create "new" public ROWs, they must already exist. The CRMC merely recognizes and places an official designation on previously existing ROWs. It is the landowner and/or a city or town that creates a public ROW; the CRMC merely identifies these sites.

## **The Role of the Town of Jamestown.**

The Town of Jamestown is responsible for creating and maintaining all public ROWs within its jurisdiction. The Town of Jamestown has the authority to establish policies procedures or programs that best ensure the public access and maintenance of its ROWs. Although the CRMC has an Adopt-An-Access program, since the Town of Jamestown serves as the ROW Proprietor for that program, all requests for adoption of a ROW within Jamestown, either for a CRMC-designated ROW or a Town-designated ROW shall go through Jamestown's Adopt-A-ROW program.

## **The Town of Jamestown's Adopt-An-ROW program.**

The Adopt-A-ROW program's purpose is to protect and maintain the shoreline resources and preserve natural esthetic areas within Jamestown. The intent of the Town of Jamestown's Adopt-A-ROW program is to establish a clear understanding of what the expectations are between the entity adopting the ROW and the Town of Jamestown. The program has three main areas of focus, the application process, the maintenance responsibilities of adopting a ROW, and the termination process.

## The Application Process

For an entity to adopt a ROW in Jamestown, they shall fill out and submit an application to the Jamestown Conservation Commission. The application form to apply to the Adopt-A-ROW program is contained in Appendix 1. The Conservation Commission shall review the application and make a recommendation to the Town Council as to whether to approve the application. The Town Council will discuss the application and will have the final say in the approval or denial of the application.

### Conservation Commission Guidelines for the Application Process

The Conservation Commission shall consider all applications for the Adopt-A-ROW program on an individual basis using the following guidelines:

1. **Evaluation of the ROW being adopted.** The ROW being adopted shall be evaluated as to its suitability to be included in the program. Factors such as the current condition of the ROW, the benefit to the public in placing the ROW under adoption, and the benefit to the town of placing the ROW under adoption shall be considered.
2. **Evaluation of the adopting entity.** Each adopting entity shall be evaluated as to their suitability to be included in the program. Entities adopting a ROW can be an organization, company, group, or individual. Preference shall be given to organizations whose missions are in line with the preservation of public access to the shoreline. The Conservation Commission shall also consider the motivation of the entity in applying to the program. Factors such as any benefit that the entity may derive from maintaining the ROW that is not in line with the public access to the ROW shall be considered.
3. **Ability to perform the maintenance.** Each adopting entity shall be evaluated as to its ability to perform the maintenance on the ROW being adopted. Factors such as physical distance from the ROW of the entity performing the work, access to proper tools, and the amount of work required to maintain the ROW shall be considered.
4. **Alignment with program purpose.** Each application shall be evaluated in its entirety as to its fit with the program's purpose of protecting and maintaining the shoreline resources and preserving the natural esthetic areas within Jamestown

Upon the successful completion of the application process, the entity adopting the ROW shall complete and sign the release from liability form and the appropriate Memorandum of Understanding (MOU) depending on the type of ROW being adopted.

**CRMC Designated ROWs.** For CRMC designated ROWs, the entity adopting the ROW and the Town of Jamestown, serving as ROW Proprietor, shall use the CRMC Adopt-an-Access Program MOU. The template for the CRMC MOU is contained in Appendix 2.

**Town Designated ROWs.** For Town designated ROWs, the entity adopting the ROW and the Town of Jamestown shall use the Town of Jamestown MOU. The template for the Town of Jamestown MOU is contained in Appendix 3.

## **Maintenance Responsibilities**

The intent of Adopt-A-ROW program is to maintain the ROW being adopted at its current condition when adopted. Any improvements or other activity that is not consistent with the maintenance responsibilities defined in this section are considered out of scope of this program and shall not be performed unless given permission by the CRMC and the Town of Jamestown.

The Town of Jamestown defines the maintenance responsibilities for the entity adopting the ROW as follows:

- Clean up and removal of trash.
- Clean up and removal of small natural debris such as fallen tree limbs and leaves.
- Clean up and removal of storm damage that does not require anything beyond hand tools.
- Mowing of grass in already established lawn areas.
- Trimming of bushes, shrubs, and trees that does not require anything beyond hand tools.

All maintenance work performed at the ROW being adopted shall be in compliance with CRMC regulations. If an activity outside the defined maintenance responsibilities for the ROW is proposed, it is normally done so through the submission of an assent application request to the CRMC.

Generally, a CRMC assent permit is required for any construction or alteration on a coastal feature (e.g., coastal beach, barrier, dune, coastal wetlands, headlands, bluffs and cliffs, rocky shores, and manmade shorelines,) or within 200 feet of a coastal feature or tidal waters, including salt ponds, of Rhode Island. Also, permits are required for work that has a reasonable probability of conflicting with CRMC goals, management plans or programs; and have the potential to change the environment of the coastal region due to those inland activities described in Section 1.3.3 of the Red Book (650-RICR-20-00-1).

## **The Termination Process**

Once an entity has adopted a ROW in Jamestown, the expectation is that the entity will maintain the ROW until such a time that either the Town of Jamestown or the entity deems that it is no longer appropriate. Either the entity adopting the ROW or the Town of Jamestown may terminate the agreement at any time. Any entity that has been terminated from the Adopt-A-ROW program may not re-apply for the program for a period of 1 year from the date of termination. In order to terminate the agreement, the party requesting the Termination shall notify the other party in writing of the desire to terminate the agreement.

**Appendix 1 Town of Jamestown Adopt-An-ROW program Application Form**

**Town of Jamestown Right of Way (ROW) Adoption Application Form**

APPLICANT OR ENTITY NAME \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

CONTACT PHONE NO. \_\_\_\_\_

ROW NAME & NO BEING ADOPTED (SEE MAP) \_\_\_\_\_

*(NOTE: ROWS INDICATED AS A POTENTIAL SITE ARE NOT ELIGIBLE TO BE ADOPTED)*

REASON FOR WANTING TO ADOPT THIS ROW \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

As the above-named applicant, I hereby state that I have read and fully understand the responsibilities of the Town of Jamestown Adopt-A-ROW program and apply to adopt the ROW stated above. I also agree that if accepted, I am agreeing to perform the ROW maintenance as stated in the Town of Jamestown Adopt-A-ROW program until such a time that the agreement is terminated.

I also hereby state that I fully understand the CRMC regulations as they apply to the maintenance of this ROW and that I will perform no improvements or other work outside the scope of the Town of Jamestown Adopt-A-ROW program.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name of Adopting Entity)*





**Please Submit this completed form and the completed release of liability form to the Jamestown Conservation Commission. Although not required, it is encouraged that the applicant schedule a time to meet with the Conservation Commission to discuss this application.**



# 2024 SHORELINE ACCESS: Existing And Potential Rights-of-Way

## TOWN OF JAMESTOWN RHODE ISLAND

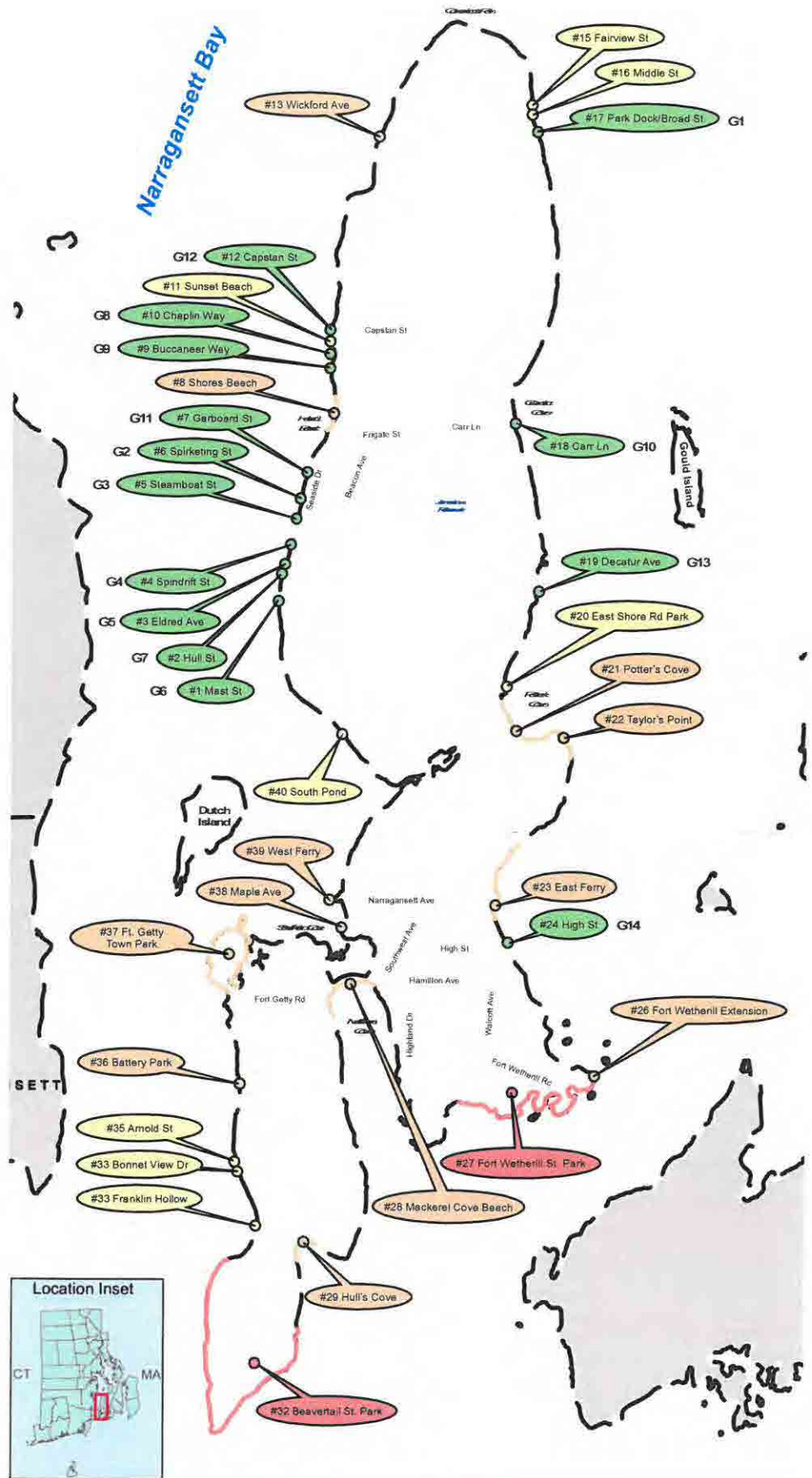
### RIGHTS-OF-WAY Legend

-  CRMC Sites
-  Town Sites
-  State Sites
-  Potential Sites

This map is not the product of a Professional Land Survey. It was created by the Jamestown Conservation Commission for general reference, informational, planning or guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. The Town of Jamestown makes no warranty, expressed or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.



JAMESTOWN CONSERVATION COMMISSION



**WAIVER AND RELEASE FROM LIABILITY FOR PUBLIC PROPERTY ROW MAINTENANCE**

I, \_\_\_\_\_, HEREBY WAIVE AND RELEASE, indemnify, hold harmless and forever discharge THE TOWN OF JAMESTOWN, RHODE ISLAND, and its agents, employees, officers, directors, affiliates, successors, managers and assigns, of and from any and all claims, demands, debts, contracts, expenses, causes of action, lawsuits, damages and liabilities, of every kind and nature, whether known or unknown, in law or equity, that I ever had or may have, arising from or in any way related to my participation in any of the events or activities, conducted by, on the premises described as \_\_\_\_\_, provided that this waiver of liability does not apply to any acts of gross negligence, or intentional, willful or wanton misconduct.

I have inspected the premises and believe them to be satisfactory for the purpose of this activity. I understand that the activities or function in which I participate may be inherently dangerous and can cause serious or grievous injuries, including bodily injury, damage to personal property and/or death. On behalf of myself, my heirs, assigns, and next of kin, I waive all claims for damages, injuries and death sustained to me or my property that I may have against the aforementioned released party to such activity.

By this Waiver, I assume any risk, and take full responsibility and waive any claims of personal injury, death or damage to personal property associated with Individual or Entity Named, \_\_\_\_\_ including but not limited to using the facility in any manner, form or fashion, and practicing and/or engaging in maintenance activities or other related activities on and off the premises.

This WAIVER AND RELEASE contains the entire agreement between the parties, and supersedes any prior written or oral agreements between them concerning the subject matter of this WAIVER AND RELEASE. The provisions of this WAIVER AND RELEASE may be waived, altered, amended or repealed, in whole or in part, only upon the prior written consent of all parties.

The provision of this WAIVER AND RELEASE will continue in full force and effect even after the termination of the activities conducted by, on the premises of, or for the benefit of Individual or Entity Named \_\_\_\_\_, whether by agreement, by operation of law, or otherwise.

I have read, understand and fully agree to the terms of this WAIVER AND RELEASE. I understand and confirm that by signing this WAIVER AND RELEASE I have given up considerable future legal rights. I have signed this Agreement freely, voluntarily, under no duress or threat of duress, without inducement, promise, or guarantee being communicated to me. My signature is proof of my intention to execute a complete and unconditional WAIVER AND RELEASE of all liability to the full extent of the law. I am 18 year of age or older and mentally competent to enter into this waiver.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

## Appendix 2 CRMC Memorandum of Understanding Template



**REGARDING THE COASTAL RESOURCES MANGEMENT COUNCIL ADOPT-AN-  
ACCESS PROGRAM**

**A MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE COASTAL RESOURCES MANAGEMENT COUNCIL AND  
(INSERT NAME OF ROW PROPRIETOR) AND  
(INSERT NAME OF ADOPTING ENTITY)**

**SECTION I**

The Rhode Island Coastal Resources Management Council (CRMC), the *(insert name of ROW proprietor)*, and the *(insert name of Adopting Entity)* ("the "Parties" or "a Party" as applicable) agree to cooperate in the implementation of the CRMC Adopt-An-Access Program ("Program"). The Program shall be implemented in accordance with RI General Law Chapter 46-23 and the Rhode Island Coastal Resources Management Program (RICRMP). The Parties agree to fulfill their responsibilities under this Memorandum of Understanding (MOU) to the Adopt-An-Access site(s) ("Site(s)") indicated herein:

| <u>CRMC ROW Designation Number</u> | <u>Street Location</u> |
|------------------------------------|------------------------|
|------------------------------------|------------------------|

**SECTION II**

The CRMC agrees to assume primary responsibility for the implementation and operation of the Program, including but not limited to serving as the Program Administrator. As per RIGL Chapter 46-23-7.4 the CRMC shall assume primary responsibility to prosecute violations related to blocking or posting at CRMC designated rights-of-way. The *(insert name of ROW proprietor)* Town of Westerly agrees to assume primary responsibility for the Sites' maintenance, including designating tasks necessary to ensure continuous and safe public access to the shore to the *(insert name of adopting entity)*, according to each Site's conditions. The *(insert name of ROW proprietor)* shall assume the primary

responsibility for installing signage as specified under the CRMC Letter of Permission associated with this MOU. In the case of replacing damaged or lost signage, a Party shall only be responsible to replace signage as specified in the Letter of Permission associated with this MOU. The *(insert name of ROW proprietor)* shall be covered by the limited liability protections of RIGL Chapter 32-6-5(b) regarding public use of private lands. The *(insert name of adopting entity)* agrees to conduct the following task(s): *(insert description of task(s) the adopting entity commits to conducting)*.

**SECTION III**

It is the understanding of all Parties that this Memorandum of Understanding may be amended or modified at any time if mutually agreed to in writing by the Parties. Such written amendments or modifications shall be deemed to be incorporated in this Memorandum of Understanding and shall be executed by the Parties in the same manner as set forth below. Notwithstanding anything herein to the contrary, this Agreement may be terminated by any Party upon six months notice to the other Parties hereto. Notwithstanding anything herein to the contrary, this Memorandum of Understanding may be terminated by any Party upon six months notice to the other Parties hereto.

\_\_\_\_\_  
*(insert name)*, CRMC Executive Director  
Coastal Resources Management Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
*(insert name and title of signatory)*  
*(insert name of ROW proprietor)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
*(insert name and title of signatory)*  
*(insert name of adopting entity)*

\_\_\_\_\_  
Date

## Appendix 3 Town of Jamestown Memorandum of Understanding Template



### REGARDING THE TOWN OF JAMESTOWN ADOPT-AN-AROW PROGRAM

#### A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF JAMESTOWN AND (INSERT NAME OF ADOPTING ENTITY)

#### SECTION I

The town of Jamestown RI and the (*insert name of Adopting Entity*) (“the “Parties” or “a Party” as applicable) agree to cooperate in the implementation of the Town of Jamestown Adopt-An-ROW Program (“Program”). The Program shall be implemented in accordance with RI General Law Chapter 46-23 and the Rhode Island Coastal Resources Management Program (RICRMP). The Parties agree to fulfill their responsibilities under this Memorandum of Understanding (MOU) to the Adopt-An-ROW site(s) (“Site(s)”) indicated herein:

| <u>ROW Designation Number</u> | <u>Street Location</u> |
|-------------------------------|------------------------|
|-------------------------------|------------------------|

#### SECTION II

The Town of Jamestown agrees to assume primary responsibility for the implementation and operation of the Program, including but not limited to serving as the Program Administrator. The Town of Jamestown agrees to delegate the primary responsibility for the maintenance tasks listed in the program to (*insert name of adopting entity*), according to each Site’s conditions. (*insert name of adopting entity*) agrees to perform the tasks necessary to ensure continuous and safe public access to the shore. The Town of Jamestown shall be covered by the limited liability protections of RIGL Chapter 32-6-5(b) regarding public use of private lands and by the Waiver and Release from Liability for Public Property ROW Maintenance form.

**SECTION III**

It is the understanding of all Parties that this Memorandum of Understanding may be amended or modified at any time if mutually agreed to in writing by the Parties. Such written amendments or modifications shall be deemed to be incorporated in this Memorandum of Understanding and shall be executed by the Parties in the same manner as set forth below. Notwithstanding anything herein to the contrary, this Agreement may be terminated by any Party upon notice to the other Parties hereto. Notwithstanding anything herein to the contrary, this Memorandum of Understanding may be terminated by any Party upon notice to the other Parties hereto.

\_\_\_\_\_  
*(Signature of Town of Jamestown Administrator)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Adopting Entity)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name of Adopting Entity)*

TEMPLATED

Approved as written  
**Jamestown Affordable Housing Committee Minutes**  
 January 10, 2024 at 5:15pm  
 Small Conference Room  
 93 Narragansett Avenue, Jamestown, RI 02835

**I. Call to Order**

The meeting was called to order at 5:15 pm and the following members were present: Job Toll, Bob Plain, Quaker Case, Mary Meagher, Dave Pritchard, Wayne Moore, Susan Gorelick, Fred Pease and Lisa Bryer.

**II. Approval of Minutes**

a. December 13, 2023 - review, discussion and/or action and/or vote

A motion was moved by Pritchard and seconded by Pease to approve the minutes from December 13, 2023 as written. All in favor.

**III. Correspondence**

a. Letter to Town Council from AHC asking for funding source from impact fees, real estate transfer tax, and bond

Discussion of Correspondence and Presentation to the Town Council. Presentation will discuss Preservation Program. Discussion of Preservation program from Mary's write up on this topic. The bond will also serve as sort of a revolving fund because we will recoup some of the funds by selling a lot from subdivided lot already permitted by Zoning.

Be concise in presentation. The Committee wants Bryer to give the presentation.

We are requesting 3-million-dollar bond from the Town Council to be used exclusively for creation/preservation of Affordable Housing

- 1) Why we need the Bond
  - Workforce Housing
  - To increase diversity of housing stock
  - Economic diversity of homeowners and renters
  - To maintain younger residents who grew up here and want to stay here
  - Volunteerism for Fire Department
  - Allowing Jamestown families to stay here and their children to attend Jamestown Schools
  - To meet the State Mandate of 10% affordable housing.
  -
- 2) What the bond could be used for:
  - Purchase slightly smaller subdivided lots
  - Purchase land and let people stay in their homes and land becomes affordable in

- perpetuity
- Develop lots that are owned or purchased by town
- Construction fees
- Incentives to create affordable Accessory dwelling units
- Develop a Cottage Cluster with both workforce housing and affordable housing

Discussed the bond making money in interest when the money is not immediately spent. Invest a portion of it until it is needed.

Mention All Necessary funding sources (thinking small has not worked):

- Bond
- A portion of the State Real Estate Transfer Tax being used to fund our yearly AH Budget allocation
- The Jamestown Affordable Housing Trust Fund (revolving fund of \$400,00)
- Leverage funds with grants (Federal, State, Other)
- Partnering with Non-Profit Affordable Housing Developers who may have access to other funds
- 

**IV. Funding Mechanisms of Affordable Housing** - review, discussion and/or action and/or vote

This was also discussed in the previous item.

**V. Jamestown Affordable Housing Preservation Program** – Update on the community land trust proposal. Review, discussion, and/or action and/or vote

**VI. Tools and Techniques for Creating Affordable Housing in Jamestown** - review, discussion and/or action and/or vote

**VII. Member Reports**

**VIII. Future Meetings and agenda items of Affordable housing Committee** - review, discussion and/or action and/or vote

Next meeting February 21, 2024 at 5:15pm

**IX. Adjournment**

A motion to adjourn at 6:22 pm was moved by Pease and seconded by Case. All in favor.

Attest:

Lisa Bryer



Approved as written  
**BIKE PATH COMMITTEE MINUTES**  
**January 19, 2023**  
**9:00 AM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 9:04am. The following members were present:  
Joyce Antoniello, Rip Smith, Samira Hakki, Julie Kallfelz, Jean Lambert, Lisa Bryer, and  
Jeremy Collie

Also present: Alyssa Gomes, BETA; and Carrie Kolb

Not present: Erik Brine, Steve Engberg and John Hammel

**II. Approval of Minutes from December 8, 2023 – Review, Discussion, and/or Action  
and/or Vote**

A motion was moved by Lambert and seconded by Kallfelz to approve the minutes from the  
December 8, 2023 meeting as written. All in favor.

**III. Jamestown Bicycle and Pedestrian Master Plan: Status Update from BETA - Review,  
Discussion, and/or Action and/or Vote**

Alyssa Gomes from BETA reported that Anna Sangree, BETA, is working on the existing  
conditions portion of the project. Sangree is creating a report of existing conditions that includes  
previous and ongoing efforts, existing walking network, existing bike network, land use, existing  
issues and opportunities. Gomes brought a compiled figure of Jamestown map with areas of  
concern, broken into sections which show road widths, shoulder widths and overall, right of way.  
The next steps will be what future concepts will look like and solutions to the problems that have  
been found. Gomes will email a copy of the compiled figure to attach to the minutes. Bryer  
asked if report would be ready for the February 16, 2024 meeting? Gomes said the draft will be  
available for presentation and discussion. Bryer asked to get a copy ahead of the meeting to  
review ahead of time. Gomes asked for a copy of the Jamestown Village Vision plan and the  
Conanicut Island Greenway.

Discussion ensued regarding pavement widths. Discussion ensued regarding connecting  
neighborhoods ensued. The South Shores neighborhood and using the path through the cemetery  
was described.

Bike Committee Minutes  
January 19, 2024  
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Discussion regarding the DOT North Road bridge presentation to Town Council ensued. Pam Cotter with DOT presented to the Town Council a study which showed the best option for the future North Road bridge. There have been no designs created at this point. Cotter said that they have no plans for a bike lane across the bridge. Bryer said that Town Administrator Mello told DOT that they needed to do public outreach for the bridge. Bryer said that the town will remain vocal with DOT about bike lanes across the bridge.

Collie asked the question about what the Bike Path Committee can do for community outreach? Bryer said that the purpose of the committee is to develop master plan and education will be part of it. The master plan could suggest ways to outreach to the community. Hakki said that education for drivers is needed. Hakki said that the school could put in for a grant to put traffic garden so kids can practice riding bikes and said that the courtyard at the Lawn School needs to be repaved. She asked if this could piggy back off of another paving project. Bryer said that she would need to coordinate with Mike Gray. Kallfelz said that Rolling Agenda can help with education and they could schedule a workshop in March/April. Smith asked if there was going to be an official opening of the North Road bike path? Lambert hasn't heard anything. Antoniello said that the conservation commission is planning another Earth Day event on Saturday, April 20, and there are hopes for a more interactive kids area. Hakki said CISF came last year. BETA was asked if they could create a bike path poster for the event showing the progress and Gomes responded yes.

Discussion regarding attending The League of American Bicyclists conference in Washington, DC ensued. The cost for attending the conference would be \$2,500 – \$3,000 and there is not a budget for that.

Discussion for installing wooden guardrails along the North Road bike path ensued. Byer said that she likes the idea of a wooden guardrail however it is not inexpensive. She is looking for funding. Lambert will look up lineal foot for installation in the spec book. Hakki said that the area where the bus went through the guardrail near 138 needs to be fixed, and adding more guardrails could be combined with that project.

#### **IV. Future Meetings – Review, Discussion, and/or Action and/or Vote**

The next meeting is scheduled for Friday, February 16, 2024

Agenda items for discussion at next meeting – Earth Day event on April 20, 2024 and community outreach

#### **V. Adjournment**

A motion to adjourn at 9:48am was moved by Antoniello and seconded by Smith. All in favor.

Attest:

Carrie Kolb

**TOWN OF JAMESTOWN  
HARBOR COMMISSION MOORING SUB-COMMITTEE**

Approved: 2/14/24

A meeting of the Jamestown Harbor Commission (JHC) Mooring Sub-Committee was held on Tuesday, February 6, 2024 at 2:00 p.m. in the conference room of the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

The meeting began at 2:00 p.m. with the following present: Wayne Banks, Chairman, Mark Campbell, Commissioner, Steven Bois, Harbor Director, Joan Rich, Harbor Clerk.

The topic of discussion was the way the Harbor Department is managing the moorings and wait lists. The Harbor Director has added the different mooring fields and the individual moorings to the chart in Online Mooring so harbor staff can see who is in what mooring field, and where the riparian moorings are. In addition to the mooring fields and moorings, the chart also shows anchorage areas and conservation areas. There was discussion about the appearance that some moorings are in the conservation areas and the need for validation of the GPS coordinates.

Executive Director Bois stated that he would like to make changes to how moorings and the wait lists are managed:

- Enforcement of registrations being in the Online Mooring accounts;
- Top 5 on each mooring area wait list must have a boat registered in the Online Mooring account;
- The Grace Period request would now be approved by the Harbor Commission, along with a temporary mooring transfer to someone on the wait list, if applicable;
- No commercial businesses should be allowed to have a private mooring;
- No more moorings would be granted to yacht clubs;

Executive Director Bois also discussed potential changes that would only apply to the East and West Ferry mooring areas:

- 1 mooring only per individual e.g. if someone has a mooring in East Ferry, that person would not be allowed to have a mooring in West Ferry. If a person is already on the wait list for a second mooring, they would be at the bottom of the wait list;
- Riparian property owners would only be granted one mooring. If they want a second guest mooring, they would have to go on the wait list;
- A mooring offer may only be declined once, if an offer is declined a second time, the person will go to the bottom of the wait list;
- The harbormaster should have the authority to declare a vessel unseaworthy;
- No dinghies/kayaks on outhauls;

There was some discussion about whether the Town could restrict riparian property moorings, and whether these changes should be added to the Harbor Ordinance under review or if they should be added to the Harbor Rulebook. Executive Director Bois stated he was going to present the changes to the full Harbor Commission at next week's meeting.

The meeting concluded at 3:07 p.m.

Attest,

  
\_\_\_\_\_  
Joan Rich, Harbor Clerk

**TOWN OF JAMESTOWN  
HARBOR COMMISSION**

Approved: 2/14/24

A meeting of the Jamestown Harbor Commission (JHC) was held on Wednesday, January 10, 2024 at 5:00 p.m. in the Town Council Chambers of the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

**I. Call to Order and Roll Call**

Chairman Wayne Banks called the meeting to order at 5:02 p.m.

Present:

Wayne Banks, Chairman  
Jessica McCarthy, Commissioner  
Sue Romano, Commissioner  
Mark Campbell, Commissioner  
Tom Alexander, Commissioner  
Jim Archibald, Commissioner

Absent:

Dan Wurzbacher, Vice-Chairman

Also in Attendance:

Steven Bois, Executive Director  
Joan Rich, Harbor Clerk  
Bob Laman, Conservation Commission Liaison

**II. Approval of Meeting Minutes – Review, discussion, and/or action and/or vote;**

**A. December 13, 2023**

Commissioner Romano moved to approve the minutes of the meeting held on Wednesday, December 13, 2023 and Commissioner Campbell seconded. So voted: 6 aye, 0 nay.

**III. Open Forum**

**A. Scheduled Requests to Address**

There were no scheduled requests to address.

**B. Non-Scheduled Requests to Address**

Antonio Pinheiro of Beacon Avenue stated he uses the Ft. Getty pier year-round because his business is a year-round business. He also stated his opinion of the condition of the Ft. Getty pier and what it would take to repair it. There was some discussion.

#### **IV. Executive Director and Harbormaster Report – S. Bois**

Executive Director Bois stated that per the order of the Rhode Island Interlocal Trust, the town's insurance company, the Ft. Getty pier is closed to all use due to damage from the storm of December 17, 2023. He is in the process of procuring estimates for the repairs and will be working with Mike Gray of Public Works to get the pier repaired. There was some discussion. Executive Director Bois stated that Commissioner Alexander suggested more changes to the Harbor Ordinance. The Harbor Management Plan cannot be voted on tonight because the appendices still need to be inserted into the plan. He also discussed visits to different vendors who responded to the RFP for a new harbormaster boat. Executive Director Bois also addressed Chairman Banks' concern about the space on the pier assigned to aquafarmers/fishermen for equipment storage. He also discussed the revenue generated by the pier permits. Executive Director Bois prepared a survey of various other towns and how they manage their moorings for informational purposes. The pumpout stations need to be repaired/replaced in the amount of approximately \$25,000.00. Executive Director Bois is looking into grant opportunities from DEM to cover the cost of the pumpouts. There was also discussion about the negotiations between the Town and the operators of the Jamestown-Newport Ferry for pier use at East Ferry, along with charging other commercial users of the pier. The question was raised if any disaster relief or insurance money is available to pay for some of the Ft. Getty pier repairs. There may also be DEM grant money available because the pier is used by aquafarmers. Executive Director Bois will be attending the Newport City Council meeting this month to ask for a resolution of support for the southern portion of Gould Island to be opened for recreation. He also discussed hiring an intern this summer to assist the harbormasters.

#### **V. Year-to-Date Financial Report**

Commissioner Romano reported that we are halfway through the fiscal year and approximately 40% of the budget has been expended, although she knows there will be upcoming expenses in the next three months. There was some discussion.

#### **VI. Sub-Committee Reports**

##### **A. Budget – S. Romano – Review, discussion, and/or action and/or vote;**

Commissioner Romano reported already under the financial report.

##### **B. Facilities – W. Banks and J. McCarthy – Review, discussion, and/or action and/or vote;**

Chairman Banks and Commissioner McCarthy had nothing to report.

##### **C. Mooring Implementation – D. Wurzbacher and M. Campbell – Review, discussion, and/or action and/or vote;**

Commissioner Campbell had nothing new to report, any changes will be discussed as part of the harbor ordinance revisions.

**D. Gould Island Restoration – W. Banks and M. Campbel – Review, discussion, and/or action and/or vote;**

Chairman Banks had nothing to report and Executive Director Bois had covered Gould Island in his report.

**VII. Liaison Reports**

**A. Conservation Commission – B. Laman – Review, discussion, and/or action and/or vote;**

Commissioner Laman stated the subject of a proposed sugar kelp farm off the east side of Dutch Island had come up in a Conservation Commission meeting. The commission is not opposed to the farm itself, but the commissioners were wondering if the proposed location could cause an issue with vessels seeking refuge from storms. Some wind farm vessels have anchored on that side of Dutch Island to escape the recent storms. There was some discussion.

**B. Town Council – R. White – Review, discussion and/or action and/or vote;**

Councilor White was not in attendance.

**VIII. Old Business**

**A. Comprehensive Harbor Management Plan – Review, discussion, and/or action and/or vote;**

Executive Director Bois stated that he was planning on distributing the final draft of the Comprehensive Harbor Management Plan to be voted on, however, some of the appendices were not ready yet, so the vote will be delayed until the February meeting.

**B. Harbor Management Ordinance – Review, discussion, and/or action and/or vote;**

Executive Director Bois turned the meeting over to the Commissioner Tom Alexander so he could discuss additional changes he proposed to the Harbor Management Ordinance. Commissioner Alexander stated that he went through the whole document and edited it to make it more cohesive. He also edited it for grammar and page numbering, and to make it more readable and logical.

In the course of the edits, Commissioner Alexander stated that additional changes to the outhaul requirements were made. Some of these changes will render some current outhaul permittees non-compliant with the ordinance, and he believes a process should be in place to grandfather those that have become non-compliant, and he believes it should be the Harbor Commission that determines who can be grandfathered. Votes were taken on the following changes:

1. Outhauls will be for Jamestown residents only – Commissioner McCarthy made a motion that outhauls will from now on be for Jamestown residents only, and if a non-resident currently has an outhaul permit, they will be grandfathered and allowed to keep it. Chairman Banks seconded the motion. There was no discussion. So voted: 6 aye, 0 nay.

2. The minimum size of a vessel that can be on an outhaul is 13 feet – Commissioner McCarthy made a motion that the minimum size of a vessel that can be on an outhaul is 13 feet, and Chairman Banks seconded. There was no discussion. So voted: 6 aye, 0 nay.

3. Liability Insurance – Chairman Banks made a motion that the owner of any vessel on an outhaul must provide a certificate of liability insurance, and Commissioner McCarthy seconded it. There was no discussion. So voted: 5 aye, and Commissioner Romano recused herself from voting.

4. Yacht club member vessels using a club mooring – Commissioner Alexander made a motion that vessels from a yacht club that are using a club mooring must check in on Channel 16 on VHF and/or on the Harbormaster cell phone that they will be using the mooring, and Chairman Banks seconded. There was some discussion. So voted: 6 aye, 0 nay.

5. Decision maker for grandfather appeals – Chairman Banks made a motion that a permit holder whose vessel becomes non-compliant because of an ordinance change can appeal to the Harbor Commission, and it was seconded by Commissioner McCarthy. There was no discussion. So voted: 6 aye, 0 nay.

Commissioner Alexander also discovered, during this process, that there is a Rhode Island law that states the Town Council must appoint the Harbormaster as the Commissioner of Wrecks, and that a \$5,000 bond be posted.

#### **IX. Correspondence**

There was no correspondence this month.

#### **X. New Business**

##### **A. Sale of Harbormaster Boat "Freedom" – Review, discussion, and/or action and/or vote;**

Executive Director Bois asked that the Harbor Commission vote to allow him to list the Harbormaster boat "Freedom" on the government auction resale site. Commissioner McCarthy made a motion that the boat be listed and Commissioner Romano seconded. There was no discussion. So voted: 6 aye, 0 nay.

##### **B. Purchase of Replacement Boat – Review, discussion, and/or action and/or vote;**

Executive Director Bois discussed the extensive process by which he and Commissioners Campbell and Archibald, and Larry Goss, Assistant Harormaster, determined which boat would best suit the needs of the Harbor Department. They determined that another Ribcraft boat should be the choice to purchase. The price quoted was \$116,430. The estimates provided for the sale of the "Freedom" average about \$60,000, so the net purchase price would be



approximately \$56,000. The purchase price will be paid for by Harbor revenues, there is no cost to the taxpayers of Jamestown. There was some discussion. Commissioner McCarthy made a motion to have Executive Director Bois negotiate for the purchase of a new Ribcraft boat and Commissioner Romano seconded. So voted: 6 aye, 0 nay.

*Commissioner McCarthy had to leave the meeting at 6:09 p.m.*

**C. Ft. Getty Use Agreement between Town and Commercial Fishermen/Aquafarmers – Review, discussion, and/or action and/or vote;**

Chairman Banks stated he had asked that this be put on the agenda, due to the addition of two more commercial fishermen/aquafarmers boats on the pier. He feels that the footprint for gear storage is large and may need to be reduced to give the two new people room, and that a height limit of 3 feet should be imposed. The current amount of storage allotted to each permit holder is 80 square feet, and Executive Director Bois proposed cutting the allotted storage space to 40 square feet. There was much discussion about how much equipment could actually fit in 40 square feet, who the users of the Ft. Getty pier are, and balancing the needs of the public with the commercial fishermen and aquafarmers.

Tony Pinheiro of Beacon Avenue stated that 40 square feet is only enough space to store about two cages. He also stated that each commercial operation is different and their space needs are different.

Joseph Pinheiro of Beacon Avenue stated he is at the pier every day, and he rarely sees anyone other than fishermen using the pier, and they are usually lined up with their fishing poles along the edge of the pier. He suggested having the permit holders keep their gear in the middle of the pier. He also stated that the commercial operations should not have space taken away from them at the Ft. Getty pier because of a proposed Town ordinance that would prohibit aquafarmers from storing their gear in their yard.

Paul Sprague of Mast Street suggested using the east end of the pier for commercial use/storage and make it off limits to the general public. The general public and recreational fishermen would have the use of the rest of the pier and the commercial gear would be out of the way. He also talked about the condition of the pier and has the name of a marine engineer if the Commissioners are interested.

Mark Goerner also addressed the storage space on the pier. Having the pier closed due to the storm damage is impacting his ability to get his cages out of the water and make repairs, as this is the time of year he usually does so. He does not usually use all of his allotted space, only when he needs to pull his cages, and then he removes them with his truck and trailer. He feels that cutting the amount of storage space in half would be unrealistic.

Executive Director Bois suggested instead of basing the square footage on the number of permits issued, that the space allotted be calculated by the size of the fishing/aquaculture operation. There was some discussion.

**XI. Open Forum – Continued (If Necessary) – Review, discussion, and/or action and/or vote;**

Paul Sprague of Mast Street asked for clarification on the mooring waiting list. He looked at it last week and it appeared to him that there were people at the top of the list who had very recently applied to be on the wait list. Harbor Clerk Rich explained that the people on the top of the wait list were riparian property owners and were automatically placed at the top of the list no matter when they had applied. There is also sometimes an issue with Online Mooring in that the people near the top of the wait list are there because activity had recently taken place on their account, instead of being sorted by the date of application.

Joseph Pinheiro of Beacon Avenue commented on the location of the two new permits that are being issued for the Ft. Getty pier. He feels the spot on the north will have a problem if there is an east wind and strong tide because it will crash into the dock. Executive Director Bois will meet with Joe, Jim Archibald, and Therman Richard to discuss vessel placement.

Executive Director Bois also reported on how different towns in Rhode Island manage their moorings i.e. allowing grace periods, if a person can decline a mooring offer, if other towns require a vessel on a mooring to have a DEM registration and insurance, limits on the number of moorings an individual can have, mooring transfer to a family member, yacht club and commercial businesses having a private mooring, etc. He is going to propose changes to how the Harbor Office manages its moorings. There was some discussion.

There being no further business, Commissioner Romano moved to adjourn and Chairman Banks seconded. So voted: 5 aye, 0 nay.

Attest,

  
Joan Rich, Harbor Clerk

Approved as amended  
**PLANNING COMMISSION MINUTES**  
**January 17, 2024**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:02pm and the following members were present:

|                         |                                |
|-------------------------|--------------------------------|
| Michael Swistak – Chair | Duncan Pendlebury – Vice Chair |
| Mick Cochran            | Rosemary Enright - Secretary   |
| Diane Harrison          | Dana Prestigiacomio            |

Not present: Bernie Pfeiffer

Also present:

Lisa Bryer, AICP - Town Planner  
Carrie Kolb – Planning Assistant  
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca

**II. Citizen’s Non-Agenda Item - none**

**III. Correspondence**

1. No items at this time.

**IV. New Business**

1. Zoning Ordinance amendments – special use criteria

Bryer said that Zoning Ordinance amendments are necessary due to law changes from the 2023 legislative session. For the issuance of a special use permit (SUP), each category must have specific and objective criteria. Jeff Davis from Horsley Witten has provided initial guidance and Lisa Bryer has reviewed the draft criteria with a “local eye”.

At the meeting, the Planning Commission will review each use, discuss and make changes along the way. Brochu reminded the Planning Commission that any SUP is a permitted use.

**I. Residential**

**Two-family dwelling or duplex**

Discussion ensued regarding conversations in the past about having rows of duplexes in residential zones and North Kingstown was used as an example. Commissioner Pendlebury said that the duplex issue was a “no” years ago. Bryer pointed out that any lot over 20,000 sq ft also

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qualifies for an ADU. Commissioner Prestigiacomo said if we say no now, we can change our minds later, once we know more about ADUs impact in Jamestown.

A straw poll was taken:

Leave R-8 in as permitted by right: 2 = yes and 4=no

Leave R-20 as SUP: 1=yes and 5=no

### **Multifamily dwelling development/structure**

Agree with Jeff Davis' comments

### **Mixed use +**

Agree with Jeff Davis' comments

### **Assisted Living Facilities**

This is a new category. The same criteria as Nursing or Convalescent Home will be used.

Brochu said that this also a licensed criterion. The size of the facility will depend on the size of the lot. Limiting factors will include sewer and water.

Agree with Jeff Davis' comments

## **II. Lodging**

### **Motel or Hotel**

SUP required in: DC is changed to no.

The criteria will be the same as same as Multifamily.

### **Bed and Breakfast**

SUP required in: CW and DC are changed to no.

A bed and breakfast is limited to 5 rooms and is subject to stricter state regulation.

## **III. Agricultural –**

### **Farms, Crops and Nurseries**

SUP required in: OS-II is changed to no.

### **Farm, Livestock**

SUP required in: R-20 and R-40 are changed to no

Permitted by right: add OS-II, P, RR-200, RR-80

### **Keep and raising of chicken hens accessory to permitted use**

SUP required in: OS-II is now permitted by right

SUP required in: R-40, R 20, R-8

Permitted by right in: all other districts except OS-1, CL, CD, CWe, CWw, DC

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**Aquaculture**

Discussion ensued. The Town does not zone below median high tide. Consider removing from table because landside aquaculture is permitted by State right to farm act. There can always be a zone change if an applicant comes to town.

Decision was no across the board.

**IV. Government, Educational, Institutional**

**School or college**

SUP required in: RR-80, R-40, R-20, R-8 are changed to no:

SUP required in: P, CL, CD

**Religious institution**

Criteria to account for: parking, accessibility, hours of operation, noise, traffic

Keep as SUP.

**Library, museum, etc.**

Change "etc" to "open to the public"

Criteria to account for: parking, noise, hours of operation, accessibility, traffic.

**Cemetery**

Add a note that historic cemetery is not included in this category. This is for new cemetery only and there is a burial ordinance.

**Crematorium**

This is a new category. No across the board.

**Hospital or Clinic**

SUP required in: RR-80, R-40, R-20 and DC are changed to no.

Criteria #1 is removed

Criteria #3 for setbacks is same as district

**Nursing or convalescent home**

SUP required in: R-80, R-40, R-20 and DC are changed to no

Criteria # 1 is removed and minimum lot size for district

Criteria #2 is removed and setbacks are the same as single family dwelling unit

Criteria #3 has maximum coverage that is standard for each district.

Criteria to account for: More parking because more staffing, more lighting, more emergency, drop off/pick up area.

**Emergency Counseling Service**

Same as Hospital or Clinic

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**Fire or Police Station; Government Facility; Government-owned garage, or utility facility; Charitable or fraternal organization** can all be lumped together with same standards. Will require DPR, lighting, outdoor storage, trash, hours of operation, parking, noise, signage

**Government-owned penal**  
Is no across the board

**Recreational ballfields**  
SUP required in: R-8 is changed to no  
Criteria to account for: hours of operation, lighting, parking, traffic, facilities,

**Park and recreation use, including skateboard or ice rinks and playgrounds together with buildings, ancillary to the park use, such as bathrooms, education space and storage**  
SUP required in: DC is changed to no

#### V. Transportation and Utilities

**Off street parking (accessory)**  
OS-II – change to allow by right

**Off street parking (commercial)**  
SUP required in: change to no across the board? This will be revisited.  
Permitted by right in: change to no across the board? This will be revisited.

#### **Seasonal offsite marina parking**

This needs to be defined.  
It was noted that boat storage is different. This is for car parking.  
SUP required in: change R-40 to no  
Commissioner Prestigiacommo asked if other areas like schools or asphalt areas could be used?  
Brochu said that the Town set up overlays.

The review of Special Use Permit Criteria stopped until the next meeting.

#### VI. Old Business

1. No items at this time

#### VII. Reports

1. Planner's Report
  - A. Future meetings – topics and applications

The Town Council Public Hearing for the Zoning Ordinance Amendments is rescheduled to February 12<sup>th</sup> at 6:30pm.

The Town Council approved the concept for CISF at Fort Getty. There will be a DPR meeting on January 26 and the application will be reviewed by Planning Commission on February 7

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The Town Council approved the awarding of the bid for the Hazard Mitigation Program

RIDOT presented a North Road Bridge study at the Town Council Meeting. Bryer will try to get a copy of the presentation.

The Affordable Housing Committee requested increased yearly funding and \$3 million bond from the Town Council.

Kolb explained that there are 107 Short-Term Rentals registered on the OpenGov platform. There have been 114 dwelling units inspected. The number inspected is greater than the number registered because inspections began before the registration platform was open due to the anticipated volume. Roberta Fagan sent letters to those: who have registered their STR with the State of Rhode Island; have an active listing on AirBnB, VRBO or another online platform; and those who have a completed inspection but have not registered with the Town. Commissioner Pendlebury asked if the Tax Assessor is doing anything different for STR now that the homes are income producing. Bryer said no.

Commissioner Swistak asked the commission if they are OK to move the meetings to a start time of 6:00pm or 6:30pm. It was decided that moving forward, Planning Commission Meetings will start at 6:30pm.

#### **VIII. Approval of Minutes – review, discussion and/or action and/or vote**

##### **1. January 3, 2024**

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Cochran to approve the minutes from the January 3, 2024 meeting as written. All in favor. Commissioner Enright abstained from the vote.

#### **IX. Adjournment**

A motion to adjourn at 9:37 pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Attest:

Carrie Kolb





Approved as amended  
**PLANNING COMMISSION MINUTES**  
**February 7, 2024**  
**6:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 6:35pm and the following members were present:

|                         |                                |
|-------------------------|--------------------------------|
| Michael Swistak – Chair | Duncan Pendlebury – Vice Chair |
| Mick Cochran            | Rosemary Enright - Secretary   |
| Diane Harrison          | Bernie Pfeiffer                |
| Dana Prestigiacomio     |                                |

Also present:

Lisa Bryer, AICP - Town Planner  
Carrie Kolb – Planning Assistant  
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca

**II. Citizen’s Non-Agenda Item - none**

**III. Correspondence**

1. Administrative Subdivision AP 1 Lots 63 & 242; 50 Prospect Avenue and 1336 North Main Road; Bennett J. and Debra G. Cinquegrana and Antonio and Janet Giarrusso
2. Final Approval of Minor Subdivision AP 9 Lot 19; 64-66-68 Southwest Avenue, Michael and Deborah Slattery

Commissioner Swistak asked about cesspool letter sent to the Cinquegranas from Jean Lambert. Bryer said that there was septic approval from DEM and OWTS was addressed in conditions of approval.

**IV. New Business**

1. No items at this time

**V. Old Business**

1. Zoning Ordinance, Chapter 82 of Jamestown Code of Ordinances – Amendments related to the 2023 Legislative changes - Review, Discussion and/or Action and/or Vote

Bryer said that changes to special use permit criteria will be finished. The additional changes to Zoning Ordinance provided by Jeff Davis of Horsley Witten based on the legislative changes

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were provided in the information packet. Subdivision changes will occur later in the year. Bryer said that zoning ordinance changes will probably be a yearly process due to the state legislature involvement in land use regulations, which in the past was left up to each town.

Commissioner Swistak brought up the conservation commission's letter that is against communication tower in OSI and OSII. Commissioner Swistak said that based on the Carr Lane application, federal law allows cell towers to be put up where needed. Bryer said that a "no" across the board is not allowed and there has to be a "yes" even if it is for a special use permit.

The review of Zoning Ordinance amendments related to Special Use Permit criteria continued. Starting on page 11 of memo from Lisa Bryer to Planning Commission dated January 11, 2024:

#### **V. Transportation and Utilities**

##### **Off-street parking (commercial)**

SUP required in: changed to no across the board  
 Permitted by right in: change to no across the board

##### **Seasonal offsite marina parking**

This needs to be defined.  
 SUP required in: change R-40 to no

##### **Special event parking**

Discussion ensued. A special event license is required. No changes made.

##### **Ship & boat storage – non commercial**

No changes made.

##### **Bus Passenger shelter**

This needs to be defined as an overhead shelter.  
 Change SUP required in to Permitted by right in: P, R-20, R-8, CL, CD, CW

##### **Sewage treatment plant (publicly owned)**

Conditions to account for are general nuisances

##### **Transmission lines, towers or substations**

This item is removed

##### **Radio or TV studios**

No changes made

##### **Solid waste transfer station**

SUP required in: remove R-80  
 Criteria for public district is noise, odor, discharges, vibration, waste, air emissions and other environmental nuisances.

##### **Satellite dish**

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Conditions to account for: location, size, buffering

**Wind energy facility**

See Sec. 1205 for criteria related to wind energy

**Communication towers**

SUP required in: OS1 is changed to no; OSII leave as S;  
See Sec. 1205 for criteria related to wind energy

**Major Solar Energy System**

SUP required in: P (should be handled in 1204.3 A; we changed this from N to S to allow for use at the Transfer Station).

**VI. Commercial Retail**

**A. Heavy Equipment**

**Lumber and building materials**

SUP required in: CW is changed to no  
Permitted by right in: CL, CD

**Heavy Equipment sales or rentals**

SUP required in: CL and CD changed to no

**B. Food**

**Grocery, bakery, dairy, fruit, and vegetable, meat and fish, etc.**

SUP required in: DC change to no.  
Need criteria for CW.

**Sale of produce raised on the premise**

SUP in OSII: criteria are: parking, infrastructure, hours of operation, lighting, trash, size  
Public – changed to SUP  
OSI, CW and DC are changed to no

**Packaged liquor stores**

CL is changed to permitted by right

**Eating and drinking places (no alcoholic beverages)**

No changes made

**Tavern, bar or nightclub (alcoholic beverages)**

Keep as SUP

**Luncheon or restaurant (alcoholic beverages)**

SUP required in: CL, CD, CW  
Permitted by right in: DC is changed to no

**D. Motor vehicles**

**Motor vehicle dealers, including repairs**

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No changes made

**Fuel service station**

See Sec. 1211 for criteria related to fuel service stations

**Commercial recreation**

Need to develop criteria for general commercial

**Theatre of concert hall**

SUP required in: CL and CD

**Golf Course**

SUP required in: OS II and R-20, and add P

SUP required in: RR-200, RR-80 changed to no

**Tent or recreational vehicle camps**

Make standards more general.

**Riding academies**

No changes made

**Marina**

SUP required in: RR-80, R-40, R 20, R-8 changed to no  
CL, CD, CW changed to SUP

**Yacht club and beach club (no alcoholic beverages)**

SUP required in: DC, RR-80, R-40, R 20, R-8 changed to no  
SUP required in: add CW

**Yacht club and beach clubs (alcoholic beverages)**

SUP required in: add CW

**Beach, cabanas and baths (move from page 18)**

SUP required in: CL, CD and CW

Permitted by right in: No districts

**Ship, boat storage and repair (boat yard)**

Definition is for commercial.

SUP required in: RR-80, R-40, R-20 and R-8 changed to no.

SUP required in: P, CD, CL and CW.

Permitted by right: no districts

6. Screening

Add: evergreen preferred to the SUP criteria

**F. Miscellaneous Retail**

**Radio, tv, records and tapes**

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Permitted by right in: CD, CL

**Fuel oil, bottled gas, including storage**

No changes made

**Gift, souvenir, and tobacco shops**

SUP required in: CWw changed to no

**Sale of horticultural and agricultural products raised on the premises**

Make consistent with Food –Sale of produce raised on premise

**Sale of home crafts products manufactured and sold on premises** – adding “and sold”

Meets definition of home occupation – Y in all residential

Does not meet the definition of home occupation – No in all residential

Homecrafts/cottage industry is not defined – it should include food.

**VII. Commercial Services**

**A. Professional Office**

SUP required in: DC changed to no

**Temporary real estate office or model home**

Criteria to account for: signage, hours, lighting

**Freestanding ATM**

Remove

**Daycare center**

SUP required in: R-8 change to no

**B. Personal Services**

**Caterer**

SUP required in: DC change to no

SUP changed to “Y” in the CL and CD

**Boarding of Animals (excluding dogs)**

Develop standards – use kennel and grooming standards

**Pet grooming**

Use same criteria for boarding of animals

**Industrial non-manufacturing**

**Welding/sheet metal –**

SUP required in: CL and CD. CW is changed to no.

**Wholesale business and storage of nonhazardous materials in a building**

SUP required in: CW is changed to no

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**Open lot storage of building materials and machinery**

SUP required in: CL is changed to no

**Open lot storage of sand and gravel**

SUP required in: CL is changed to no

**Storage or transfer of fishery products**

No changes made

**Storage or transfer of fishery equipment (fishing industry, limited to storage and transfer)**

SUP required in: RR-80 and R-8 are changed to no

Permitted by right: RR 200 is changed to no

SUP required in: P and OS-II

**Underground storage tanks**

Keep residential as a no

**Industrial Manufacturing**

**Fish packing or processing**

Accessory to a permitted use. SUP required in: CW – reference 1208

**Ship and Boat buildings**

No changes made

**Wooden boat building**

SUP required in: CD change to no

**X. Environmental Criteria for Industrial Uses**

No changes made

**VIII. Reports**

1. Planner's Report
  - A. Future meetings – topics and applications

Bryer reported that there may not be an application at next meeting. We will continue to go over Zoning.

The Public Hearing for Zoning Ordinance is on Monday February 12 at 6:30pm.

**IX. Approval of Minutes – review, discussion and/or action and/or vote**

1. January 17, 2024

A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to approve the minutes from the January 17, 2024 meeting as amended. All in favor.

Page 1: Two-family dwelling or duplex: Sentence 3: replace duplicate “that” with “any” and remove ~~on the main dwelling unit.~~

Planning Commission Minutes

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Page 3: Hospital or Clinic: Criteria #3: change "a" to "as"

**X. Adjournment**

A motion to adjourn at 8:30pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Attest:

Carrie Kolb





## JAMESTOWN ZONING BOARD OF REVIEW

### Minutes of the November 28, 2023 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:00 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair  
Dean Wagner, Vice-Chair  
James King, Member  
Jane Bentley, Member  
John Shekarchi, 1<sup>st</sup> Alternate  
James Sisson, 2<sup>nd</sup> Alternate  
Robert Maccini, 3<sup>rd</sup> Alternate

Also present:

Wyatt Brochu, Counsel  
Peter Medeiros, Zoning Officer  
Brenda Hanna, Stenographer  
Pat Westall, Clerk

### MINUTES

#### Minutes of October 24, 2023

A motion was made by James King and seconded by Jane Bentley to accept the minutes of the October 24, 2023 meeting as presented.

The motion carried by a vote of 5 – 0.

Richard Boren, Dean Wagner, James King, Jane Bentley, and John Shekarchi voted in favor of the motion.

James Sisson and Robert Maccini were not seated and Terence Livingston was absent.

### CORRESPONDENCE

All correspondence was in reference to items on the agenda.

NEW BUSINESS

Gershenoff

A motion was made by James King and seconded by Jane Bentley to grant the request of LANCE GERSHENOFF and KATHARINE SMITH GERSHENOFF (GERSHENOFF IRREVOCABLE TRUST, OWNER) whose property is located at 15 Spanker Street, and further identified as Tax Assessor's Plat 15, Lot 50 for a Variance from Article 7, Section 82-705, Alteration of a Nonconforming Structure to allow an addition to a structure that is non-conforming as to dimensions (setbacks) in an R-40 zone where the front setback requirement is 30' and the side setback requirement is 10'.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition(s):

1. All conditions/stipulations stated in Town of Jamestown Engineer's letter of November 6, 2023 shall apply.
2. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in an R-40 zone and contains 14,400 square feet.
2. The project decreases lot coverage.
3. The Town Engineer has approved the plan.
4. Two neighbors wrote in favor of the plan and there were no objectors.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

Finkelman

A motion was made by John Shekarchi and seconded by James King to grant the request of Denise and Alex Finkelman whose property is located at 28 Bayberry Rd and further identified as Tax Assessor's Plat 12 Lot 63 for a Variance from Article 8, Section 302 & Article 82, Section 705 Direct Dimension Setback where the Front Setback is required 30 feet to 18 Feet to add an addition to the eastern side of the structure where the front will align with current end of existing porch.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

' Dimensional variance of 12' to front setback is granted.

This Variance is granted with the following restriction/condition(s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 8000 square feet.
2. Testing has been submitted that demonstrates all burdens for said variance also known as a deviation under the relevant status and case law precedent have been met.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

### Mendelsohn

A motion was made by Jane Bentley and seconded by Dean Wagner to grant the request of DANIEL & NADINE MENDELSON, whose property is located at 29 Marine Avenue, and further identified as Tax Assessor's Plat 9, Lot 442 for a dimensional variance from Article 3, Section 82-302 and Table 3-2. The property is located in the R-20 zoning district and contains approximately 9,000s.f. of area. Applicants propose to construct an accessory building 198s.f. in size, within the side-yard setback proposing 5.7' wherein 10' is required. An Accessory Structure (588s.f.) is also proposed within the front yard along Pierce Ave proposing a front yard setback of 16.7' wherein the building official determined 50' is required due to the lot having two front yards and no rear yard. Relief is also sought to allow accessory structures in the front yard to the extent deemed necessary.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. Neither structure will be considered an accessory dwelling structure.
3. There will be no kitchen or cooking facilities.

4. There will be no renting of the new garage structure.
5. The garage bedroom will not be used for a rental.
6. Applicant is proposing a front yard setback of 16.7' wherein the Building Official deemed 50' required.
7. Applicant is requesting relief to construct an accessory structure in the front yard to extent relief necessary.

This motion is based on the following findings of fact:

1. The property is located in the R-20 zoning district and contains approximately 9,000 s.f. of area.
2. The property has two front yards and therefore has to follow stricter codes.
3. Construction of two accessory buildings in the rear of the principal structure will adhere to the restrictions set forth.
4. The applicant is proposing a side yard setback of 5.7' wherein 10 is required.
5. The applicant will comply with the stormwater mitigation plan as depicted in the plan submitted as an exhibit.
6. The applicant will implement a landscaping plan consistent with what is depicted in the renderings submitted with the application including a row of shrubs on the south property line.
7. A soil sedimentation plan will be included in the final plan.
8. An approved stormwater plan post construction will be done by the engineer of record.
9. The Planning Memorandum dated Sept. 21, 2023 is incorporated by reference.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 8:20 p.m.  
The motion carried unanimously.



**Town of Jamestown  
Tax Assessor**

**93 Narragansett Avenue  
Jamestown, RI 02835**

**Phone: 401-423-9802  
Email: [cbrochu@jamestownri.net](mailto:cbrochu@jamestownri.net)**

To: COUNCIL PRESIDENT BEYE, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENT OF TAXES FOR THE **MARCH 4, 2024** MEETING

Please see the attached.

RESPECTFULLY SUBMITTED,

*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR

| COC INFO         | ACCOUNT #   | GROSS OLD    | EXEMPT OLD    | NET OLD            | TAX OLD    | SEWER OLD    |
|------------------|-------------|--------------|---------------|--------------------|------------|--------------|
|                  | UNIQUE ID   | GROSS CHANGE | EXEMPT CHANGE | NET CHANGE         | TAX CHANGE | SEWER CHANGE |
|                  | LIST NUMBER | GROSS NEW    | EXEMPT NEW    | NET NEW            | TAX NEW    | SEWER NEW    |
| 18764R           | 11-0404-30  | 1,600,000    | 0             | 1,600,000          | 10,164.00  | 0.00         |
| 02/27/2024       | 9/651       | -89,000      | 0             | -89,000            | -604.31    | 0.00         |
| COURT SETTLEMENT | 1685        | 1,511,000    | 0             | 1,511,000          | 9,559.69   | 0.00         |
|                  |             |              |               | -89,000            | -604.31    |              |
|                  |             |              |               | Total Inc's:       | 0.00       |              |
|                  |             |              |               | Total Dec's:       | -604.31    |              |
| 18763R           | 11-0404-30  | 1,600,000    | 0             | 1,600,000          | 10,468.00  | 0.00         |
| 02/27/2024       | 9/651       | -89,000      | 0             | -89,000            | -621.22    | 0.00         |
| COURT SETTLEMENT | 1685        | 1,511,000    | 0             | 1,511,000          | 9,846.78   | 0.00         |
|                  |             |              |               | -89,000            | -621.22    |              |
|                  |             |              |               | Total Inc's:       | 0.00       |              |
|                  |             |              |               | Total Dec's:       | -621.22    |              |
|                  |             |              |               | -178,000           | -1,225.53  |              |
|                  |             |              |               | Grand Total Inc's: | 0.00       |              |
|                  |             |              |               | Grand Total Dec's: | -1,225.53  |              |

**Town of  
Jamestown, Rhode Island**

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PO Box 377  
Jamestown, RI 02835- 1509  
Phone: (401) 423-7220  
Fax: (401) 423-7229



**Date:** February 28, 2024

**To:** Edward Mello  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Electric Easement  
Coulter Street  
AP7 Lot 117

---

I have reviewed the request from the owner of AP 7 Lot 117 located on Coulter Street for an easement to install underground electric service to the subject property. I recommend that the Town Council approve the easement across Coulter Street as shown on the plan provided by Diprete Engineering dated February 2, 2024 and described in the terms of the easement attached. There are no utility or drainage conflicts with the proposed service.

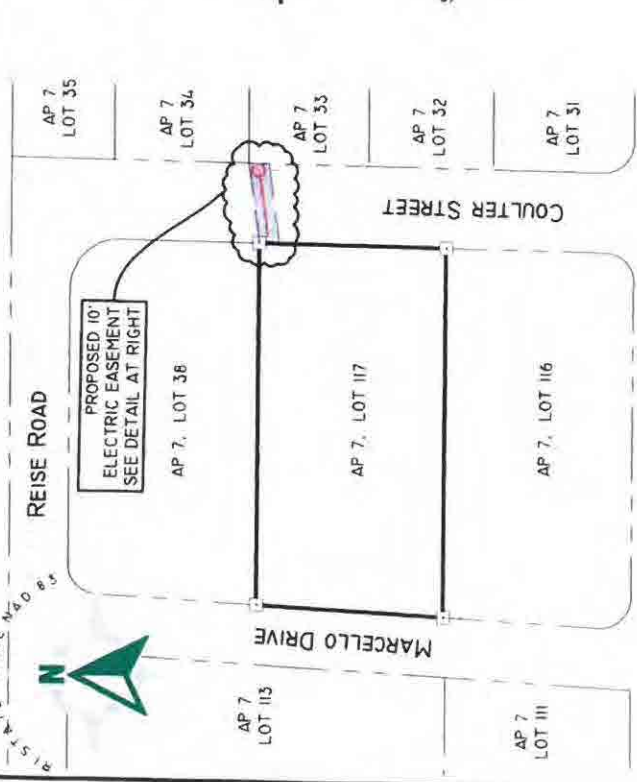
**Diprete Engineering**  
 Two Stafford Court Cranston, RI 02920  
 tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com  
 Boston • Providence • Newport

**PROPOSED ELECTRIC EASEMENT**  
**COLLIER STREET**  
 JAMESTOWN, RHODE ISLAND  
 PREPARED FOR  
**SREG MANAGEMENT**  
 95 SOCKANOSSETT CROSS ROAD, CRANSTON, RI 02920  
 DATE: 2/2/2024

SHEET 1 OF 1



- GENERAL NOTES**
- THE PARCEL IS FOUND ON ASSESSOR'S PLAT 7, LOT 117 IN THE TOWN OF JAMESTOWN, NEWPORT COUNTY, RHODE ISLAND
  - THE OWNER PER DEED BOOK 1042, PAGE 59 IS SREG RESIDENTIAL LLC
  - THIS SITE IS LOCATED IN FEMA FLOOD ZONE X. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44050008AJ, MAP REVISED SEPTEMBER 4, 2013. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A COMPREHENSIVE FLOOD STUDY
  - THE PARCEL IS ZONED R-40 (NONCONFORMING - QUALIFIES AS AN EXISTING SUBSTANDARD LOT OF RECORD AND THE R-20 ZONE REQUIREMENTS APPLY) BASED ON THE GIS MAP. ANY OVERLAY DISTRICTS, SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS SITE ARE NOT TAKEN INTO CONSIDERATION. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
- PLAN REFERENCES**
- BEING ASSESSORS PLAT NO. 7 LOT NO. 117 BOUNDARY & TOPOGRAPHIC SURVEY, MARCELLO DRIVE & COLLIER STREET-JAMESTOWN, RHODE ISLAND PREPARED FOR SREG MANAGEMENT, LLC BY BOYER ASSOCIATES, SHEET 1 OF 1, REVISED AUG 15, 2023 (CLASS I SURVEY UNRECORDED)
  - BAY TERRACE EAST SHORE ROAD JAMESTOWN, RHODE ISLAND. SCALE: 1"=40'. FEBRUARY 1957 BY B.A. MARCELLO, C.E. RECORDED IN THE LAND EVIDENCE RECORDS OF THE TOWN OF JAMESTOWN AS VOLUME 1033, PAGE 147.



**SURVEYOR'S CERTIFICATE**

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

- LIMITED CONTENT BOUNDARY SURVEY (EASEMENT PLAN) CLASS I

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: DELINEATE LIMIT OF PROPOSED ELECTRIC EASEMENT CROSSING COLLIER STREET.

2/2/2024

MICHAEL E. GAVITT, APPLS #1981, COA#LS.000A160

**MICHAEL E. GAVITT**  
 No. 1981  
 PROFESSIONAL LAND SURVEYOR



EASEMENT

As used herein, the following terms shall have the following meanings:

1. **Plan** – The plan annexed hereto as Exhibit A, entitled “Proposed Electric Easement Coulter Street,” prepared by DiPrete Engineering and dated 2/2/24.
2. **Grantor** – The Town of Jamestown, Rhode Island, having an address of 93 Narragansett Avenue, Jamestown, Rhode Island 02835, Attention Town Engineer.
3. **Grantee** – SREG Residential LLC a Rhode Island limited liability company having an address of 95 Sockanosset Cross Road, Cranston, Rhode Island 02920.
4. **Easement Area** – The portion of Coulter Street in Jamestown, Rhode Island, designated on the Plan as “Proposed 10’ Wide Easement.”
5. **Benefitted Land** – The lot designated as “AP 7 Lot 117” on the Plan, having an address of 20 Marcello Drive, Jamestown, RI 02835.

For One (\$1) Dollar and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Grantor, being the owner in fee simple of the Easement Area, hereby grants to Grantee, as owner in fee simple of the Benefitted Land, a perpetual easement in the Easement Area, subject to the terms and conditions set forth below.

The Easement Area shall be used by Grantee solely for the installation, construction and maintenance of underground wires and conduits for the transmission of electricity.

Grantee shall have a right of access to the Easement Area for the purpose of exercising the rights described in the immediately preceding paragraph. Such right of access shall be exercised upon reasonable notice to Grantor at the address set forth above, and in such manner as to not unreasonably interfere with the use of Coulter Street as a public way. Without limitation, (i) in performing any work in the Easement Area, Grantor shall comply with all applicable governmental safety regulations; (ii) if work in the Easement Area has been started but has not yet been completed, then, at any time when work is not actually being performed, any portion of the Easement Area which is the subject of the work shall be covered by metal plates or other similar materials, in

order to permit the passage of automobiles and pedestrians through the Easement Area; and (iii) upon the completion of work in the Easement Area, Grantee shall return the surface of the Easement Area to substantially the same condition as it was in immediately prior to the commencement of such work. Grantee, at it's sole cost and expense, shall return the surface of the easement to substantially same condition.

For Grantor's title to the Easement Area, see \_\_\_\_\_ . For Grantee's title to the Benefitted Land, see deed dated October 26, 2023, recorded with the Land Evidence Records of the Twon of Jamestown at Book 1042 Page 59. The rights and obligations set forth herein shall run with the land. Accordingly, such rights shall be binding upon, and shall inure to the benefit of succeeding owners of the Easement Area and the Benefitted Land, respectively.

IN WITNESS WHEREOF, said the Town of Jamestown, Rhode Island has caused these presents to be signed, under seal, by \_\_\_\_\_, its \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF JAMESTOWN, RHODE ISLAND**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its \_\_\_\_\_  
Hereunto duly authorized

**STATE OF RHODE ISLAND**

\_\_\_\_\_ County

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_ of the Town of Jamestown, Rhode Island, proved to me through satisfactory evidence of identification, consisting of a Rhode Island Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose, as \_\_\_\_\_ of the Town of Jamestown, Rhode Island.

\_\_\_\_\_  
Notary Public  
My commission expires:

## Jamestown Conservation Commission (JCC) Application for RIWPS 2024 grant

### Proposal Narrative

Jamestown, Conanicut Island with its 9.7 square mile land area and 26 mile shoreline perimeter encompasses 4 working farms and 3 state parks along with many other environmental amenities and is extremely vulnerable to shoreline climate changes (sea level rise, extreme weather events). This project is to create an experimental incubator garden for shoreline vegetation species to

cultivate its habitat ecosystems locally and sustainably in Jamestown. This project is to transition us from outsourcing dune beach grasses and other coastal buffer species as shoreline resilience reinforcers to locally-sourced for regenerative sustainability, complementing island-wide endeavors of establishing and maintaining native plant habitats and ecosystems by various organizations.

This project is to raise awareness of the importance of vegetation and shoreline stewardship through island-wide community engagement and outreach education at community workshops and events – i.e. upcoming Jamestown Earth



Day Fair event coordinated by Jamestown Conservation Commission.

The collaboration among various community entities and individuals necessary for the success of this project will be led by Jamestown Conservation Commission (JCC) and facilitated by Susan Shim Gorelick, a JCC member as well as the founder and executive director of CC4ES, Coalition Center for Environmental Sustainability, [www.cc4es.org](http://www.cc4es.org). Such community entities include, but not limited to Jamestown Community Farm, Jamestown Friends of Rights of Way, Jamestown Tree Committee, Jamestown Harbor Commission, Jamestown schools, Conanicut Island Sailing Foundation, Jamestown Art Center, and more.

Susan Shim Gorelick is trained in and practices permaculture designs and principles. Susan is an environmental chemist and economist who advocates food justice as a gateway to environmental, social and economic justice with Rhody Grows Hope by her own 501(c)(3) nonprofit, CC4ES. Rhody Grows Hope is a container gardening program that repurposes what would otherwise be environmental waste. Gardening to grow food is the common thread of all CC4ES programs. Susan has established recyclable drop-off hubs for Rhody Grows Hope in Jamestown, engaging Jamestown community members to practice sustainability and for food justice.

The timeline for this project will align planting beach grass season with establishing the incubator garden in the allocated and approved plot in Jamestown Community Farm with their full support. Community member volunteers led by JCC will begin cultivation of American beachgrass (*Ammophila breviligulata*), Seaside Goldenrod, (*Solidago sempervirens*), Bitter Panicum (*Panicum amarum*, Ell), Coastal Little Bluestem (*Schizachyrium littorale* – Nash) and will experiment with other species to diversify and scale.

The outcomes of this project align seamlessly with and magnify the impact of native plants by integrating climate resilient actions, fostering the Rhode Island Wild Plant Society's mission and goals: (1) to study and enjoy native plants (2) educate the public on ecological and aesthetic values of the native plants; and (3) to support land preservation and foster natural habitat ecosystems.

The funding for this project is budgeted as below:

| <i>Line Items</i>                                   | <i>unit price</i>  | <i>quantity</i> | <i>amount</i>     |
|---|--------------------|-----------------|-------------------|
| <b>Irrigation</b>                                   |                    |                 | <b>\$311.00</b>   |
| rain barrel, 50-gal                                 | \$152              | 1               | 152               |
| soaker 1/2" soaker hose,<br>100 ft.                 | \$159              | 1               | 159               |
| <b>Garden Beds</b>                                  |                    |                 | <b>\$360.00</b>   |
| potting/container soil                              | \$16 per 50-qt     | 10              | 160               |
| concrete block, 6"x8"x16"                           | \$2.00             | 50              | 100               |
| compost   |                    |                 | 100               |
| <b>Seeds and plants</b>                             |                    |                 | <b>\$1,704.00</b> |
| Schizachyrium Scoparium                             | \$8.00             | 50              | 400               |
| Panicum Virgatum I                                  | \$8.00             | 40              | 240               |
| Panicum Virgatum II                                 | \$6.00             | 10              | 60                |
| Bare root American<br>Beachgrass                    | \$26 per 225 culms | 36              | 936               |
| <b>Community outreach education event materials</b> |                    |                 | <b>\$100.00</b>   |
| Printing event flyers                               |                    |                 | \$100             |
| <b>TOTAL</b>  |                    |                 | <b>\$2,475.00</b> |



## Short-Term Rental Commission Targets Airbnb Taxes

By Newport This Week Staff | on February 15, 2024

### [Rhode Island Questions Airbnb Taxes - Newport This Week](#)

By Philip Cozzolino

At a special legislation commission meeting on economic and social policy related to the short-term rental industry on Jan. 29, Rep. Lauren Carson (D-75, Newport) **questioned the practices of Airbnb as it relates to the collection of taxes** and what it could mean in Rhode Island.

Pointing to recent lawsuits in Kentucky, South Carolina, Georgia and Florida against the hosting platform for **failure to remit taxes** to governments, as well as a recent settlement involving Airbnb in Italy, Carson wondered if similar things are happening in Rhode Island.

"We have seen a behavior with one or two companies doing business in this state that raises some questions," she said. "When we see the kinds of numbers that [some are seeing], when we see there's potentially millions of dollars that vary, and we see that there's lawsuits around the country, I feel obligated to bring it to the attention of this commission."

In December, the Kentucky League of Cities and the Kentucky Travel Industry Association filed a complaint against the hosting platform for allegedly failing to remit a 3 percent municipal tax to the Kentucky state government from rooms rented on a short-term basis, as required by state legislation. Carson reached out to the Kentucky League of Cities upon learning about the suit.

"In the words of the gentleman that I spoke to in Kentucky, he told me that **Airbnb outright refuses to pay [the tax] to the municipalities**," she said. "For me, I think that flags that there might be something there."

In December, Airbnb agreed to pay over \$621 million in back taxes to the Italian government after a lengthy legal dispute surrounding a 2017 Italian law requiring hosting platforms to collect and remit taxes.

In 2015, the Rhode Island General Assembly passed legislation expanding its hotel tax to include homes and rooms rented on a short-term basis (30 days or fewer, per the law). Under the legislation, homes rented in this manner are charged a 7 percent sales tax and a 1 percent municipal hotel tax, while individual rooms are charged a 7 percent sales tax, a 5 percent state hotel tax and a 1 percent municipal hotel tax. Traditional hotel rooms are assessed the same taxes as the short-term rental of individual rooms.

For Rhode Island properties listed on Airbnb, these taxes are paid by the tenant, **held in a trust by the property owner or platform**, and then remitted to the state monthly. The

money is earmarked by the state for tourism bureaus and municipalities. Personal use of the funds is against state law and can result in fines and penalties.

Nina Savage, director of the Rhode Island Division of Taxation, said the state regularly audits hosting platforms and that it has compliance programs to flag hosting platforms, property owners or property management companies in violation. Savage also pushed back against Carson's assertion that a similar failure to remit required taxes is happening in Rhode Island as in Italy or as is alleged in Kentucky.

"We're looking at these numbers because this is Rhode Island money," Savage said. "We'll look at these issues. I will assure you that every hosting platform that we know about is doing this correctly, because we have audited them."

In addition to audits, enforcement tactics consist of public education campaigns, annual compliance programs and certified mailings. The state has the authority to shut down a business if correspondence goes unanswered, and works with local police to do so, according to Savage.

Carson said she personally saw a listing on Airbnb by a property owner in Jersey City, N.J. who was told that the hosting platform would pay the New Jersey state government taxes required for short-term rentals there. When it failed to do so, the property owner was on the hook for thousands of dollars.

Carson said her suspicion that similar tactics may be happening in Rhode Island was not a reflection of the Division of Taxation, that there may be inaccuracies related to short-term rental databases and that she simply needed "more assurances." By law, short-term rentals must be registered with both the state and the municipality in which they are offered.

Despite the city banning new, non-owner-occupied short-term rentals in residential zones in 2022, there are 576 short-term rental properties in Newport registered with the state, though the city's own short-term rental database shows only 352 registered properties.

Carson also cited Discover Newport president and CEO Evan Smith, who attended the meeting and presented data gleaned from short-term rental market research firms showing that the city is potentially "shorted" \$300,000 annually when comparing tax revenues, the number of registered short-term rental properties, and their online listings.

"Is this a level playing field between Airbnb lodging, short-term rental lodging, tax collection systems and the way hotels submit their taxes?" Carson asked. "We should step back and look at this process. When you look at the breakdown of the actual numbers, it's a little bit alarming. It does raise some questions."

The commission is set to present its findings by March 15.



# Task Force Looks at Regulating Short-Term Rentals

By Newport This Week Staff | on February 15, 2024

[Middletown Task Force Looks at Regulating Short-Term Rentals - Newport This Week](#)

By Kelsie Crough

The Middletown Short Term Rental Task Force, a subcommittee of the Town Council, discussed regulating short-term rentals through zoning ordinances at the Jan. 30 meeting.

Town solicitor Peter Skwirz said the task force had two options to change ordinances; it could change and add conditions on the existing registration ordinance or add conditions to the zoning laws.

The process of going through zoning would require the Town Council to draft an ordinance to the Planning Board, he said, who would ensure that it fits within the comprehensive plan. The Town Council would then conduct a public hearing to get input before making final changes and enacting the ordinances.

He said many municipalities use registration ordinances and zoning laws to regulate short-term rentals, including Newport, but it tends to be a lengthy process.

Town Council Vice President Thomas Welch said the task force and council could work on adding to the current short-term rental ordinances, while working with zoning at the same time.

"I think there's also some benefit to aligning with Newport, rather than [having] one community more welcoming or not welcoming [than the other]," he said.

Skwirz has seen no challenges yet with Newport's zoning and registration ordinances.

"I think they were smart in putting in a new zoning ordinance," he said. "Plus, I think it's harder to attack."

He said going through zoning would be more desirable because the state law would help provide details and structure. However, all properties that are currently short-term rentals would not have to comply with a new zoning ordinance due to being grandfathered in, unless there is a demonstrated change of use, such as non-use or failing to re-register, he said.

New short-term rentals that fail to comply with the ordinance would be required to obtain a special use permit with the Zoning Board, where the standards are set by the Town Council and include a public hearing, he said.

“The Zoning Board [has] a wide authority,” he said. “Even if they’re not going to deny the special use permit, they [are able] to grant it with conditions, and they can come up with those conditions based on facts on the ground.”

Conditions can range from owner-occupancy requirements to rules regarding the application process. Skwirz also said zoning regulations drafted by the task force and Town Council are open to change over time.

“There’s some benefit to that,” councilor Barbara VonVillas said. “If you’re doing a piece at a time, people get a chance to get used to it, and they don’t have a whole bunch of [new] stuff coming at at the same time.”

## Short Term Rental Update with Rep Lauren Carson

By [Newport This Week Staff](#) | on February 12, 2024

Representative Lauren Carson joins Bill Bartholomew for an update on her work on the Short Term Rental study commission that she is leading.

<https://youtu.be/jV35d0bEj1g>

**Roberta Fagan**

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**From:** sav savri.com <sav@savri.com>  
**it:** Thursday, February 15, 2024 2:35 PM  
**To:** Nancy Beye; Mary Meagher; Michael White; Randall White; Erik Brine  
**Cc:** Edward Mello; Roberta Fagan  
**Subject:** New Tax Formula Info!

**CAUTION:** This email originated from outside the Jamestown email system. Please do not click links or open attachments unless you recognize the sender and determine the content is safe.

Of the many things that annoyed me by the Tax Relief Committee's presentation to the Council, their suggestion that the Town have "greater transparency and public education of the town's financial position" made me laugh. The truth is... the lack of transparency actually applies to... their Committee.

For one thing, of their 10 meetings, starting back in September, their Agendas never changed. The one exception was their last, when they listed a Consent item to approve Minutes... for every single meeting they had. Yes, not one was filed with the Secretary of States office since the first ( the Eagle checked regularly). As you know, a 30-day lag time is the Law, and what they did was a clear violation of Open Meeting. Having Ad Hoc in their name is not an excuse.

On a not so funny point, reading through their recommendations, I wondered how they came up with them, what data did they use and whether they actually knew how things worked, especially when it comes to Property Assessments. Their Homestead plan is not workable... without pain for everyone. Let me explain...

Five years ago, I published an analysis of how our Property Tax Formula worked and made a few recommendations about how we might help improve the Tax Base. I was motivated by conversations with the Town Administrator and Finance Direction that led me to the realization that most Tax Payers do not understand how Property Assessments impact their Tax Bill. The primary benefit one gets from the analysis is... knowing The Formula.

After hearing the Tax Relief presentation and listening to comments... it became clear that "they"... did not understand the formula, nor the impact their Homestead plan would have on the Tax Rate.

So thinking of the younger generation and people's addiction to fast and simple learning... I created a YouTube video explanation, with updated numbers and how changes, like mass discounts to property assessments, would be detrimental to our revenues.

**Here's the thing...** I would like each of you to watch/review it... please. First... it will bring you up-to-date on the current and future Assessment impacts... along with other possible things that would be good to know about... **before** they happen. For example, with the Island-wide Assessment being done this year, considering the increased property values we've been seeing, even though they will go up a lot for everyone... our individual taxes "will not". (Unless the budget goes up) I cover that too.

The video will take 16 minutes of your time, I know you have a lot on your plate but, since I've watched hundreds of hours of videos of your work, hopefully... you can find time to watch one of mine. HA!

There are two versions of the video, one **without** subtitles... <https://youtu.be/MXZM4dCPNJA> and one with... [https://youtu.be/Qm6XUt\\_UMOc](https://youtu.be/Qm6XUt_UMOc)

I really think having everyone understand the role Assessment Revenues have in our sustainability, the better future discussions about changes will be.

Thanks for your time. All the best,

Sav

# TOWN OF BURRILLVILLE

Office of Town Clerk  
Email: [townclerk@burrillville.org](mailto:townclerk@burrillville.org)



Phone: 401-568-4300, ext. 133  
Fax: 401-568-0490  
RI Relay 1-800-745-5555 (TTY)

TOWN BUILDING  
HARRISVILLE, R.I.

## Burrillville Town Council Resolution Supporting House Bill 2024 – H 7462 Relating to Amendments to the Energy Facility Siting Act

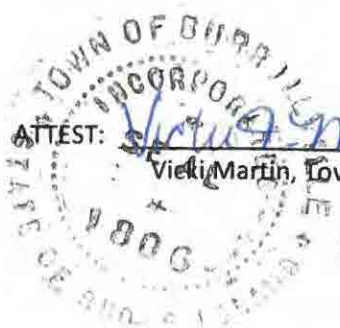
- Whereas, the Energy Facility Siting Act was enacted in 1986; and
- Whereas, after over 35 years of change to climate and environmental policy, the Energy Facility Siting Act requires global review and revision; and
- Whereas, the legislative findings of the Act, that "... the evaluation of proposals must recognize and consider the need for these facilities in relation to the overall impact of the facilities upon public health and safety, the environment and the economy of the state" are more true today than ever, having significant impact on all Rhode Islanders; and
- Whereas, legislation has been introduced to propose amendments to the Energy Facility Siting Act; and
- Whereas, these proposed amendments would recognize that a host community for a proposed or existing major generating facility is uniquely affected by the facility siting process; increase the membership of the siting board from three to five members; mandate inclusion and participation of the host community of the facility as well as the public in the affected cities and towns; and spell out requirements for hearing officers and public member of the board; and
- Whereas, the host community for proposed energy facilities is significantly impacted by the law and related process; and
- Whereas, the proposed amendments to the Energy Facility Siting Act will provide greater protection and support for the needs of host and abutting communities; and
- Whereas, the proposed amendments would streamline the siting procedure and safeguards the need for reliable and affordable sources of energy while simultaneously protecting the state's environmental resources, and the health and safety of the citizens of Rhode Island.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, hereby instruct that the town clerk is to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island and the League of Cities and Towns seeking their support of House Bill 2024 – H 7462 and any Senate companion bill.

Adopted this 14<sup>th</sup> day of February 2024.

  
\_\_\_\_\_  
Donald A. Fox, President  
Burrillville Town Council

ATTEST:   
\_\_\_\_\_  
Vicki Martin, Town Clerk



2024 -- H 7462

LC004115

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT

Introduced By: Representatives Place, and Newberry

Date Introduced: February 02, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-98-1, 42-98-2, 42-98-3, 42-98-5, 42-98-7, 42-98-8, 42-98-9, 42-  
2 98-9.1, 42-98-10, 42-98-11 and 42-98-16 of the General Laws in Chapter 42-98 entitled "Energy  
3 Facility Siting Act" are hereby amended to read as follows:

4 **42-98-1. Legislative findings.**

5 (a) The general assembly recognizes that reasonably priced, reliable sources of energy are  
6 vital to the well-being and prosperity of the people of this state; that there are major issues of public  
7 health and safety and impact upon the environment related to the technologies and energy sources  
8 used in some facilities; that some energy facilities require a major commitment of funds and  
9 resources and require many years to build that the decision to permit or deny their construction will  
10 have long term impact on the economy of the state; that these decisions will affect the availability  
11 and cost of the energy; and that the evaluation of proposals must recognize and consider the need  
12 for these facilities in relation to the overall impact of the facilities upon public health and safety,  
13 the environment and the economy of the state;

14 (b) The general assembly further finds that the authority to regulate many aspects of the  
15 issues involved in the siting of major energy facilities currently exists in a variety of agencies within  
16 the government of the state and the political subdivisions of the state; that there is overlapping  
17 jurisdiction among several state agencies in the siting of energy facilities; and that there is the  
18 potential for conflicting decisions being issued by the various agencies having authority over the

1 different aspects of the siting of a major energy facility;

2 (c) The jurisdiction of each state agency should be defined, and the role of each agency in  
3 energy siting should be delineated, to eliminate overlap and duplication and to insure that  
4 expeditious decisions are made within a time frame to be determined by law; and that in addition  
5 to the existing regulation, statewide and regional planning for energy resources and the assessment  
6 of our state's need for energy should be on-going activities within Rhode Island;

7 (d) There is need for a coordinated decision on any major energy facility; the technical  
8 expertise for this evaluation is available within existing agencies involved with the siting process;

9 ~~and~~

10 (e) There is a need for coordinating and expediting the review of each state agency and that  
11 the authority and responsibility to perform that function should be established.

12 (f) The general assembly recognizes that a host community for a proposed or existing major  
13 generating facility is uniquely affected by the energy facility siting process.

14 **42-98-2. Declaration of policy.**

15 It shall be the policy of this state to assure that:

16 (1) The facilities required to meet the energy needs of this and succeeding generations of  
17 Rhode Islanders are planned for, considered, and built in a timely and orderly fashion;

18 (2) Construction, operation, and/or alteration of major energy facilities shall only be  
19 undertaken when those actions are justified by long term state and/or regional energy need  
20 forecasts;

21 (3) The energy shall be produced at the least possible cost to the consumer consistent with  
22 the objective of ensuring that the construction, operation, and decommissioning of the facility shall  
23 produce the fewest possible adverse effects on the quality of the state's environment; most  
24 particularly, its land and its wildlife and resources, the health and safety of its citizens, the purity  
25 of its air and water, its aquatic and marine life, and its esthetic and recreational value to the public;

26 (4) The licensure and regulatory authority of the state be consolidated in a single body,  
27 which will render the final licensing decision concerning the siting, construction, operation and/or  
28 alteration of major energy facilities;

29 (5) An energy facility planning process shall be created through which the statewide  
30 planning program, in conjunction with the division of public utilities and carriers, will be  
31 empowered to undertake evaluations and projections of long and short term energy needs, and any  
32 other matters that are necessary to establish the state energy plans, goals, and policies. The state  
33 planning council shall be authorized and empowered to adopt a long term plan assessing the state's  
34 future energy needs and the best strategy for meeting them, as part of the state guide plan by January

1 I, 1991.

2 (6) The construction, operation and/or alteration of major energy facilities shall be  
3 consistent with the state's established energy plans, goals, and policy.

4 (7) Before approving the construction, operation and/or alteration of major energy  
5 facilities, the board shall determine whether cost effective efficiency and conservation  
6 opportunities provide an appropriate alternative to the proposed facility.

7 (8) The energy facilities siting board shall give priority to energy generation projects based  
8 on the degree to which such projects meet, criteria including, but not limited to:

9 (i) Using renewable fuels, ~~or natural gas, or coal processed by "clean coal technology"~~ as  
10 their primary fuel;

11 (ii) Maximizing efficiency;

12 (iii) Using low levels of high quality water;

13 (iv) Using existing energy-generation facilities and sites;

14 (v) Producing low levels of potentially harmful air emissions;

15 (vi) Producing low levels of wastewater discharge;

16 (vii) Producing low levels of waste into the solid waste stream; and

17 (viii) Having dual fuel capacity.

18 The board shall, within its rules and regulations, provide guidelines and definitions of  
19 appropriate standards for the criteria designated in this subsection by January 1, 1991.

20 **42-98-3. Definitions.**

21 As used in this chapter:

22 (1) "Advisory agencies" means the agencies, councils, boards, departments, and officials  
23 of state or political subdivisions of the state which, absent this chapter, would have statutory  
24 authority to grant or deny a permit, license, variance, or assent, and which shall function at the  
25 direction of the board for hearing an issue and rendering an advisory opinion thereon, including,  
26 but not limited to, the public utilities commission, department of transportation, department of  
27 environmental management, historical preservation and heritage commission, division of planning,  
28 department of health, office of energy resources, municipal zoning board, municipal planning  
29 board, municipal building inspector, and municipal tax assessor.

30 ~~(+)~~(2) "Agency" means any agency, council, board, or commission of the state or political  
31 subdivision of the state.

32 ~~(+)~~(3) "Alteration" means a significant modification to a major energy facility, which, as  
33 determined by the board, will result in a significant impact on the environment, or the public health,  
34 safety, and welfare. Conversion ~~from one type of fuel to another~~ to biofuel shall not be considered



1 to be an "alteration."

2 ~~(e)~~(4) "Board" for purposes of this chapter refers to the siting board.

3 (5) "Host community" means any municipality in the State in which all or the majority of  
4 a major energy facility is or shall be located. For the purpose of defining "located", linear aspects  
5 of a major energy facility that transit through multiple municipalities, to include electric  
6 transmission lines as used in this section and pipelines as used in this section shall not be considered  
7 in determining where "the majority" of a major energy facility is or shall be located.

8 (6) For purpose of this chapter, there shall be two (2) types of "major energy facilities":

9 (i) "Major generating facility" means facilities for the generation of electricity designed or  
10 capable of operating at a gross capacity of forty megawatts (40 mw) or more.

11 ~~(ii)~~ "Major energy non-generating facility" means:

12 (A) Facilities ~~facilities~~ for the extraction, production, conversion, and processing of coal;  
13 ~~facilities for the generation of electricity designed or capable of operating at a gross capacity of~~  
14 ~~forty (40) megawatts or more;~~

15 (B) Electric transmission lines of sixty-nine (69) Kv or over;

16 (C) Facilities ~~facilities~~ for the conversion, gasification, treatment, transfer, or storage of  
17 liquefied natural and liquefied petroleum gases, ~~except natural gas pipelines that have a maximum~~  
18 ~~allowable operating pressure (MOAP) of two hundred pounds per square inch gauge (200 psig) or~~  
19 ~~less;~~

20 (D) Facilities ~~facilities~~ for the processing, enrichment, storage, or disposal of nuclear fuels  
21 or nuclear byproducts;

22 (E) Facilities ~~facilities~~ for the refining of oil, gas, or other petroleum products; ~~facilities of~~  
23 ~~ten (10) megawatts or greater capacity for the generation of electricity by water power;~~ and

24 (F) Facilities ~~facilities~~ associated with the transfer of oil, ~~gas,~~ gasoline, and coal via  
25 pipeline; ~~any energy facility project of the Rhode Island economic development corporation; the~~  
26 ~~board may promulgate regulations to further define "major energy facility" to the extent further~~  
27 ~~definition is required to carry out the purpose of this chapter, provided that any waste-to-energy~~  
28 ~~facility shall not be deemed a major energy facility for the purposes of this chapter.~~

29 (e) "Clean coal technology" means ~~one of the technologies developed in the clean coal~~  
30 ~~technology program of the United States Department of Energy, and shown to produce emissions~~  
31 ~~levels substantially equal to those of natural gas fired power plants.~~

32 **42-98-5. Board established.**

33 (a) There is established the siting board which shall be a part of state government.

34 (1) The siting board shall consist of ~~three (3)~~ five (5) members, as follows: the chairperson

1 of the public utilities commission, or designee, who shall serve as chairperson of the siting board;  
2 the director of the department of environmental management, or designee; ~~and~~ the associate  
3 director of administration for planning, or designee; the secretary of commerce, or designee; and a  
4 public member appointed in accordance with § 42-98-5.1. ~~Any member of the board who refuses~~  
5 ~~him or herself shall designate his or her own successor from his or her respective agency.~~

6 (2) Any member of the board, other than a public member, may select their own designee  
7 from their respective agency who shall serve until a final determination is made in the proceeding  
8 for which they were designated.

9 (b) Each member of the board, including designees, shall take an oath to administer the  
10 duties of office faithfully and impartially and that oath shall be filed in the office of the secretary  
11 of state.

12 (c) The members of the board shall serve without compensation, but shall be reimbursed  
13 for their actual expenses necessarily incurred in the performance of their duties. The board may  
14 engage any consultants or expert witnesses that it deems necessary to implement its statutory  
15 responsibilities; provided, however, that to the maximum extent possible, board staff be drawn  
16 from existing state agencies. The board shall select a coordinator to be responsible for the  
17 publication and distribution of all official minutes, reports, and documents and to further serve as  
18 director of the board staff, which shall be located at the division of public utilities and common  
19 carriers. The coordinator, under the direction of the chairperson, shall coordinate and expedite the  
20 work of the various agencies to ensure that decisions are made within the time frame established  
21 by this chapter. The board may appoint hearing officers to conduct hearings in accordance with §  
22 42-98-5.2. Any individual designated as board staff shall be bound to comply with the ex parte  
23 provisions of § 42-35-13.

24 (d) A quorum shall consist of a majority of the board. A majority vote of the board shall be  
25 required for all actions, including licensing decisions; provided, however, one member of the board  
26 may conduct any hearings the board is authorized to conduct pursuant to this chapter.

27 (e) The board shall maintain and grant free access to records and reports in its files to  
28 members of the public during normal working hours and shall permit copies of those records and  
29 reports to be made by interested members of the public at their expense; provided, however, that  
30 the board shall not permit disclosure, other than to another government agency for the sole purpose  
31 of rendering an advisory opinion, of any information obtained by or submitted to the board pursuant  
32 to the provisions of this chapter, upon a showing, satisfactory to the board, that the information is  
33 entitled to protection as trade secrets or as privileged, confidential, or proprietary information. No  
34 other governmental agency shall disclose any trade secrets or privileged, confidential, or

1 proprietary information.

2 **42-98-7. Powers and duties.**

3 (a)(1) The siting board is the licensing and permitting authority for all licenses, permits,  
4 assents, or variances which, under any statute of the state or ordinance of any political subdivision  
5 of the state, would be required for siting, construction or alteration of a major energy facility in the  
6 state.

7 (2) Any agency, board, council, or commission of the state or political subdivision of the  
8 state which, absent this chapter, would be required to issue a permit, license, assent, or variance in  
9 order for the siting, construction, or alteration of a major energy facility to proceed, shall sit and  
10 function at the direction of the siting board. These agencies shall follow the procedures established  
11 by statute, ordinance, and/or regulation provided for determining the permit, license, assent, or  
12 variance, but, instead of issuing the permit, license, assent, or variance, shall forward its findings  
13 from the proceeding, together with the record supporting the findings and a recommendation for  
14 final action, to the siting board.

15 (3) Notwithstanding any provision in this chapter to the contrary, in those instances in  
16 which the department of environmental management exercises a permitting or licensing function  
17 under the delegated authority of federal law, including, but not limited to, the Federal Clean Water  
18 Act (33 U.S.C. § 1251 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et  
19 seq.), the Clean Air Act (42 U.S.C. § 7401 et seq.), and those state laws and regulations which  
20 implement those federal laws, the department of environmental management shall be the licensing  
21 and permitting authority. Moreover, the authority to issue licenses and permits delegated to the  
22 department of environmental management pursuant to chapter 1 of title 2 and to the coastal  
23 resources management council pursuant to chapter 23 of title 46, shall remain with those agencies,  
24 but in all other respects the department of environmental management and the coastal resources  
25 management council shall follow the procedures set forth in this chapter.

26 (b) The siting board is authorized and empowered to summon and examine witnesses and  
27 to compel the production and examination of papers, books, accounts, documents, records,  
28 certificates, and other legal evidence that may be necessary for the determination of its jurisdiction  
29 and decision of any question before, or the discharge of any duty required by law of, the board.

30 (c) The siting board is empowered to issue any orders, rules, or regulations as may be  
31 required to effectuate the purposes of this chapter. The board shall review its rules and regulations  
32 from time to time and shall modify, amend, or repeal any rules or regulations as may be required  
33 to effectuate the purposes of this chapter.

34 (d) The siting board shall, by regulation, determine the standards for intervention. Each

1 host community shall be granted intervenor status as of right.

2 (e) The siting board's proceedings shall in all respects comply with the requirements of the  
3 Administrative Procedures Act, chapter 35 of this title, except where otherwise explicitly provided.

4 **42-98-8. Applications — Contents — Acceptance for filing.**

5 (a) The rules and regulations promulgated by the board pursuant to § 42-98-7(c) shall  
6 prescribe the form and contents of applications under this chapter. The applications shall contain  
7 at least the following, where applicable:

8 (1) Identification of the proposed owner(s) of the facility, including identification of all  
9 affiliates of the proposed owners, as the term is defined in § 39-3-27.

10 (2) Detailed description of the proposed facility, including its function and operating  
11 characteristics, and complete plans as to all structures, including underground construction and  
12 transmission facilities, underground or aerial, associated with the proposed facility.

13 The complete plans shall be the basis for determining jurisdiction under the energy facility  
14 siting act and shall be the plans submitted to all reviewing agencies whose permit is required under  
15 the law.

16 (3) A detailed description and analysis of the impact of the proposed facility on its physical  
17 and social environment together with a detailed description of all environmental characteristics of  
18 the proposed site, including, but not limited to, the types of fuels and waste products used, stored,  
19 and produced by the facility, and a summary of all studies prepared and relied upon in connection  
20 therewith.

21 Where applicable these descriptions and analysis shall include a review of current  
22 independent, scientific research pertaining to electric and magnetic fields (EMF). The review shall  
23 provide data assessing potential health risks associated with EMF exposure. For the purposes of  
24 this chapter "prudent avoidance" shall refer to measures to be implemented in order to protect the  
25 public from EMF exposure.

26 (4) All studies and forecasts, complete with the information, data, methodology, and  
27 assumptions on which they are based, on which the applicant intends to rely in showing the need  
28 for the proposed facility under the statewide master construction plan submitted annually.

29 (5) Complete detail as to the estimated construction cost of the proposed facility, the  
30 projected maintenance and operation costs, estimated costs to the community such as safety and  
31 public health issues, storm damage and power outages, estimated costs to businesses and  
32 homeowners due to power outages, the estimated unit cost of energy to be produced by the proposed  
33 facility, and expected methods of financing the facility.

34 (6) A complete life-cycle management plan for the proposed facility, including measures

1 for protecting the public health and safety and the environment during the facility's normal and off-  
 2 normal operations, including, but not limited to, plans for the handling and disposal of wastes from  
 3 the facility, and plans for the decommissioning of the facility at the end of its useful life.

4 (7) A study of alternatives to the proposed facility, including alternatives as to energy  
 5 sources, methods of energy production, and sites for the facility, together with reasons for the  
 6 applicant's rejection of these alternatives. The study shall include estimates of facility cost and unit  
 7 energy costs of alternatives considered.

8 (8) A detailed description of the short-term and long-term economic impacts associated  
 9 with constructing and operating the proposed project.

10 (b) Each application shall be reviewed prior to docketing. The board shall conduct a  
 11 preliminary review to determine whether the application contains each item as required by  
 12 subsection (a) of this section. Within thirty (30) days of the filing of an ~~applican~~ application under  
 13 this chapter, the board shall notify the applicant whether the application is in the form and addresses  
 14 the matters that are required by this section and the rules and regulations as are promulgated  
 15 pursuant to § 42-98-7. An application meeting these requirements shall then be docketed. Any  
 16 application deemed to be deficient shall be returned to the applicant, together with a concise and  
 17 explicit statement of the application's deficiencies. Within fifteen (15) days of the resubmission of  
 18 an application following a rejection for deficiency, the board shall either docket the application  
 19 together with specification of continuing deficiencies noted by the board, if any, or shall issue a  
 20 decision rejecting the application due to continuing deficiencies.

21 **42-98-9. Applications — Procedures for review — Preliminary hearing.**

22 (a) Within sixty (60) days following the board's docketing of an application the board shall,  
 23 on not less than forty-five (45) days' notice to all agencies, subdivisions of the state, and the public,  
 24 convene a preliminary hearing on the application to determine the issues to be considered by the  
 25 board in evaluating the application, and to designate those agencies of state government and of  
 26 political subdivisions of the state which shall act at the direction of the board for the purpose of  
 27 rendering advisory opinions on these issues, and to determine petitions for intervention.

28 (b) The board shall consider as issues in every proceeding the ability of the proposed  
 29 facility to meet the requirements of the laws, rules, regulations, and ordinances under which, absent  
 30 this chapter, the applicant would be required to obtain a permit, license, variance, or assent. The  
 31 agency of state government or of a political subdivision of the state which, absent this chapter,  
 32 would have statutory authority to grant or deny the permit, license, variance, or assent, shall  
 33 function at the direction of the board for hearing the issue and rendering an advisory opinion  
 34 thereon.

1 (c) The board ~~shall~~ may limit the scope of any agency's investigation where it finds that  
 2 more than one agency has jurisdiction over a matter at issue in the licensing process. In these  
 3 instances, the board ~~shall~~ may determine which agency shall make the necessary findings on the  
 4 issue after giving proper consideration to the expertise and resources available to each of the  
 5 agencies involved.

6 (d) The public utilities commission shall conduct an investigation in which the division of  
 7 planning of the department of administration, the ~~governor's~~ office of energy ~~assistance~~ resources  
 8 and the division of public utilities and carriers shall participate and render an advisory opinion as  
 9 to the need for the proposed facility.

10 (e) The statewide planning program within the department of administration shall conduct  
 11 an investigation and render an advisory opinion as to the socio-economic impact of the proposed  
 12 facility and its construction and consistency with the state guide plan.

13 (f) A decision of the board under this section shall be issued within thirty (30) days  
 14 following the conclusion of the preliminary hearing and in any event within forty-five (45) days of  
 15 the commencement of the hearing.

16 **42-98-9.1. Public notice and hearings on construction projects in cities and towns**  
 17 **affected.**

18 (a) Upon receiving a utility company application the board shall immediately notify, in  
 19 writing, the councils of the towns and cities affected by the construction.

20 (b)(1) ~~The~~ When the subject of the application is a major non-generating facility, the board  
 21 shall have at least one public hearing in ~~each town or city affected~~ the host community prior to  
 22 holding its own hearings and prior to taking final action on the application. All details of acceptance  
 23 for filing in § 42-98-8(a)(1) ~~— (a)(6)~~ shall be presented at town or city hearings for public comment.  
 24 When the subject of the application ~~is a facility for the generation of electricity, or~~ are new facilities  
 25 for the transmission of electricity, the town or city where the proposed facility would be located  
 26 may request funding from the applicant to perform studies of the local environmental effects of the  
 27 proposed facility. The expense of those studies shall not exceed the lesser of one hundred thousand  
 28 dollars (\$100,000) or one-tenth percent (.1%) of the estimated capital cost of the proposed facility  
 29 ~~located in such city or town.~~ If the applicant contests the relevance of the requested study, or  
 30 believes it to be redundant with studies already performed, the applicant may request a ruling from  
 31 the board whether the study is necessary and reasonably expected to produce relevant information.  
 32 The board's ruling shall be conclusive and final, and shall not be the basis for an interlocutory  
 33 appeal, injunction or otherwise delay the board's processing of the application.

34 (2) When the subject of the application is a major generating facility, the board shall have

1 at least three (3) public hearings in the host community prior to holding its own hearings and prior  
 2 to taking final action on the application. All details of acceptance for filing in § 42-98-8(a) shall be  
 3 presented at public hearings for public comment. The host community where the proposed  
 4 generating facility would be located may request funding from the applicant to perform studies of  
 5 the local environmental effects of the proposed facility. The expense of those studies shall not  
 6 exceed the greater of one hundred fifty thousand dollars (\$150,000) or one-tenth percent (0.1%) of  
 7 the estimated capital cost of the proposed facility, whichever is greater. The applicant shall also  
 8 pay any and all fees and expenses reasonably incurred by the host community to fully participate  
 9 in the facility siting process and local review, including, but not limited to, fees and expenses for  
 10 legal counsel, expert evaluations, transcripts, and other costs associated with the energy facility  
 11 siting process. If the applicant contests any fee or expense as unrelated or unreasonable, the  
 12 applicant may request a ruling from the board whether the fee or expense is related and reasonable.  
 13 The board's ruling shall be conclusive and final and shall not be the basis for an interlocutory appeal,  
 14 injunction, or otherwise delay the board's processing of the application.

15 (c) The applicant shall notify the citizens in towns and cities affected thirty (30) days prior  
 16 to public meetings through local papers.

17 (d) The applicant shall notify ~~abutting land~~ the following property owners individually, in  
 18 writing, thirty (30) days prior to the hearings, by certified mail, postage prepaid:

19 (1) For applications related to major non-generating facilities, applicants shall notify all  
 20 property owners whose property is located within three hundred feet (300') from the limit of  
 21 disturbance of the proposed project or the centerline of a proposed linear project; provided, no  
 22 additional notice is required for sixty (60) and ninety (90) day notices of intent.

23 (2) For applications related to major generating facilities, applicants shall notify all  
 24 property owners whose property is located within two (2) miles from the proposed site boundaries.

25 (e) Public input shall be a part of the decision making process.

26 **42-98-10. Agency procedures — Advisory opinion.**

27 (a) Each agency of the state or political subdivision of the state designated under § 42-98-  
 28 9 shall proceed to consider the issue or issues consigned to it for review. Each advisory agency  
 29 shall conclude its consideration and issue its advisory opinion not more than six (6) months  
 30 following its designation under § 42-98-9 and receipt of all application materials, or any lesser time  
 31 that the board may require, or the right to exercise the function shall be forfeited to the board. The  
 32 board may suspend an application proceeding where an applicant fails to provide requested relevant  
 33 information or materials to an advisory agency in a timely manner.

34 (b) Advisory opinions issued by agencies designated under § 42-98-9 shall not be

1 considered as final decisions of the agencies making the opinions, and shall not be subject to  
2 judicial review under § 42-35-15, or any other provision of the general laws.

3 (c) Advisory opinions issued by zoning boards of review, building inspectors, or any other  
4 agency of a municipality designated under § 42-98-9 shall not be reviewable by the public utilities  
5 commission under § 39-1-30.

6 (d) Failure or refusal of the applicant to provide requested information may be considered  
7 as grounds for recommending denial.

8 (e) At the request of the siting board, the director of environmental management and the  
9 coastal resources management council shall give priority to the review of permits for energy  
10 facilities.

11 **42-98-11. Final hearing — Standards — Decisions.**

12 (a) Within forty-five (45) days after the final date for submission of advisory opinions  
13 pursuant to § 42-98-10, the board shall convene the final hearing on the application. The purpose  
14 of ~~this~~ the final hearing shall not be to rehear the evidence which was presented previously in  
15 hearings before agencies designated under § 42-98-9, but rather to provide the applicant,  
16 intervenors, the public, and all other parties in the proceeding, the opportunity to address in a single  
17 forum, and from a consolidated, statewide prospective, the issues reviewed, and the  
18 recommendations made in the proceedings before the agencies designated under § 42-98-9. The  
19 board at this hearing may, at its discretion, allow the presentation of new evidence by any party as  
20 to the issues considered by the agencies designated under § 42-98-9. The board may limit the  
21 presentation of repetitive or cumulative evidence. The final hearing shall proceed on not less than  
22 thirty (30) days' notice to the parties and the public, shall be concluded not more than sixty (60)  
23 days following its initiation, and shall be conducted expeditiously.

24 (b) The board shall issue a decision granting a license only upon finding that the applicant  
25 has shown that:

26 (1) Construction of the proposed facility is necessary to meet the needs of the state and/or  
27 region for energy of the type to be produced by the proposed facility.

28 (2) The proposed facility is cost-justified, and can be expected to produce energy at the  
29 lowest reasonable cost to the consumer consistent with the objective of ensuring that the  
30 construction and operation of the proposed facility will be accomplished in compliance with all of  
31 the requirements of the laws, rules, regulations, and ordinances, under which, absent this chapter,  
32 a permit, license, variance, or assent would be required, or that consideration of the public health,  
33 safety, welfare, security and need for the proposed facility justifies a waiver of some part of the  
34 requirements when compliance cannot be assured.



1 (3) The proposed facility will not cause unacceptable harm to the environment and will  
2 enhance the socio-economic fabric of the state.

3 (c) For multiple applications related to a single project, the board shall consider the  
4 cumulative impacts of the related applications.

5 ~~(c)~~(d) Within sixty (60) days of the conclusion of the final hearing the board shall issue its  
6 final decision on the application. A decision in favor of the application shall constitute a granting  
7 of all permits, licenses, variances, or assents, which under any law, rule, regulation, or ordinance  
8 of the state or of a political subdivision thereof which would, absent this chapter, be required for  
9 the proposed facility. The decision may be issued requiring any modification or alteration of the  
10 proposed facility, and may be issued on any condition the board deems warranted by the record,  
11 and may be issued conditional upon the applicant's receipt of permits required by federal law. The  
12 board's decision shall explicitly address each of the advisory opinions received from agencies, and  
13 the board's reasons for accepting, rejecting, or modifying, in whole or in part, any of those advisory  
14 opinions. The board shall, within ten (10) days of granting a license, with or without conditions,  
15 deliver the decision to the governor, the speaker of the Rhode Island house of representatives, and  
16 the president of the Rhode Island senate.

17 **42-98-16. Violations.**

18 (a) Failure to comply with any promulgated board rule, regulation, requirement or  
19 procedure for the licensing of energy facilities shall constitute grounds for suspension or dismissal,  
20 with or without prejudice in its discretion, of licensing proceedings, provided that the applicant  
21 shall have a reasonable opportunity to show cause for and remedy the lack of compliance.

22 (b) Failure to comply with any provision, condition or limitation contained in a board  
23 license to site, build, or alter a major energy facility and/or failure to comply with a board cease  
24 and desist order and/or a board order to remedy a non-complying action shall be grounds for  
25 suspension or revocation of the license, and/or shall be punishable by a fine of not more than twenty  
26 thousand dollars (\$20,000). Each day of continuing noncompliance shall be considered a separate  
27 violation and so punished.

28 (c) The board may require the licensee to maintain those records as are reasonable and  
29 necessary to monitor compliance with license provisions, and shall have the authority to enter onto  
30 the property of licensees to investigate complaints of noncompliance and to perform routine  
31 inspections.

32 (d) The board may designate officials or staff of any state agencies as its agents for the  
33 purposes of investigating complaints, performing routine maintenance functions and issuing  
34 written cease and desist orders.

1 (e) Nothing in this chapter shall preclude a host community from enforcing municipal  
2 ordinances, levying fines, or pursuing any other legally available enforcement remedies, unless  
3 such ordinances are in direct conflict with a certificate or license issued by the board.

4 SECTION 2. Chapter 42-98 of the General Laws entitled "Energy Facility Siting Act" is  
5 hereby amended by adding thereto the following sections:

6 **42-98-5.1. Public members.**

7 (a) A public member shall be appointed to the board by the governor with the advice and  
8 consent of the senate for a term of two (2) years.

9 (b) A public member shall be a member of the general public.

10 (c) A public member shall not hold another state or local office and shall not receive nor  
11 have received within the previous five (5) years any income directly or indirectly from an electric,  
12 gas, or oil company or from an energy facility developer.

13 (d) If a public member recuses or withdraws from a proceeding for any reason, a substitute  
14 member shall be appointed in accordance with this section.

15 **42-98-5.2. Hearing officers.**

16 (a) The board may appoint a hearing officer to conduct hearings related to a major non-  
17 generating facility. Hearing officers shall not be appointed to conduct hearings related to a major  
18 generating facility.

19 (b) A hearing officer shall be an attorney licensed to practice law in this state with  
20 experience in regulatory matters dealing with energy production and/or transmission.

21 (c) A hearing officer shall be reasonably compensated by the board for their services to the  
22 board, either through contract or, if the hearing officer is a state employee, through a transfer to the  
23 state agency or department by whom the attorney is normally employed.

24 (d) Following the completion of the hearing, the hearing officer shall file their findings and  
25 recommended decision in writing with the board. Upon review of the findings and  
26 recommendations, the board may accept, reject, or modify, in whole or in part, the hearing officer's  
27 findings and recommended decision. Subsequent to the board's review and formal decision, the  
28 provider may submit a written brief to the board if the energy provider has a negative impact due  
29 to the hearing officer's findings. The hearing officer's findings and recommended decision shall  
30 become effective and shall have the same force and effect as a decision of the board. If the board  
31 rejects or modifies the hearing officer's findings or recommended decision, then the board shall  
32 decide the matter independently and issue an order of the board with its findings and decision.

33 (e) No hearing officer shall be assigned to a hearing relating to a project or proposed project  
34 by an applicant from whom they have directly or indirectly received compensation in the last five

1 (5) years.

2 (f) The board shall establish within two (2) months of the effective date of this section and  
3 maintain, at least on a biennial basis, a list of qualified hearing officers, the number of which the  
4 board shall set and select as needed.

5 (g) The list shall be composed with an equal number of officers with primary professional  
6 experience as advocates for government and an equal number of officers with primary professional  
7 experience as advocates for the private sector.

8 SECTION 3. This act shall take effect upon passage.

=====  
LC004115  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING  
ACT

\*\*\*

1           This act would recognize that a host community for a proposed or existing major generating  
2 facility is uniquely affected by the facility siting process. The act would also increase the  
3 membership of the siting board from three (3) to five (5) members and would mandate inclusion  
4 and participation of the host community of the facility as well as the public in the affected cities  
5 and towns. This act would spell out requirements for hearing officers and public members of the  
6 board.

7           This act would take effect upon passage.

LC004115

2024-10

RESOLUTION OF THE TOWN OF MIDDLETOWN  
INCREASING THE ALLOWANCE FOR  
REIMBURSEMENT FOR NEW LIBRARY CONSTRUCTION

- WHEREAS: The Rhode Island Office of Library and Information Services (OLIS) Public Library Construction Reimbursement Program is governed by regulations under the RI Department of Administration, and
- WHEREAS: OLIS is authorized to award state grant-in-aid to reimburse the construction of a public library facility in a city or town pursuant to RI General Law §29-6-6 and to create regulations pursuant to RI General Law §29-3.1-7(8), and
- WHEREAS: The amount of reimbursement allowed for construction costs in the Regulations 1.6 *Construction Reimbursement Funding and Priorities* E.1 ff. has not been amended since the regulations were first released in 2018, and
- WHEREAS: As written, the allowance for reimbursement of costs for new construction is 50% of expenditures up to the amount of three hundred dollars (\$300) per square foot for new construction and that this amount does not reflect the current costs of new construction, which has appreciated significantly in the last 6 years,

NOW THEREFORE, BE IT

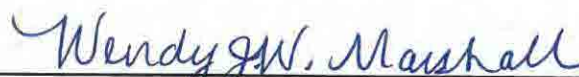
- RESOLVED: That the Middletown Town Council respectfully requests that all State Representatives, the Speaker of the House, the Governor and all cities and towns in the State of Rhode Island support an amendment to Rhode Island General Law and to the Regulations governing the Public Library Construction Reimbursement Program to increase the allowance for reimbursement for new library building construction to a rate that reflects the actual costs of new building construction, and

BE IT FURTHER

- RESOLVED: That the Town Clerk shall submit a copy of this resolution to the Town of Middletown's State Representatives, the Speaker of the House, the Executive Director of the Rhode Island League of Cities and Towns, all cities and towns in the State of Rhode Island, and the Governor in consideration of their support to increase the allowance for reimbursement for new library construction.

February 20, 2024

READ AND PASSED IN COUNCIL



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Wendy J. W. Marshall, MMC  
Town Clerk

2024-11

Resolution for the Middletown Town Council  
In support of fully funding state aid to libraries to the full Twenty-five (25) percent

- WHEREAS:** For many people, public libraries are their only means of access to computer services and all forms of media essential for fulfilling and productive lives, and
- WHEREAS:** Free public libraries are essential to the general enlightenment of citizens in a democracy and provide for the cultural, educational, informational, and research needs for all citizens, and
- WHEREAS:** The Constitution of the State of Rhode Island in Article XII, Section I, states that it "shall be the duty of the General Assembly to promote public schools and public libraries, and to adopt all means which it deems necessary and proper to secure to the people the advantages and opportunities of education and public library services", and
- WHEREAS:** In recognition of the importance of libraries in our society, the State of Rhode Island passed legislation setting the level of state aid for library services at a minimum of twenty-five (25%) of the amount spent from local tax funds and the library's private endowment, and
- WHEREAS:** Between FY 2009 and FY 2022 the State of Rhode Island did not fund state aid to libraries at the twenty-five (25%) level as required by RI General Laws 29-6-2, and
- WHEREAS:** In FY 2023 and FY 2024, state aid to libraries was funded at the twenty-five (25%) level, and
- WHEREAS:** The Governor's proposed FY 2025 budget funds state aid to libraries at 24.18%, which is \$5,942 less than the Town of Middletown would receive at the required 25% level, and
- WHEREAS:** The Town of Middletown recognizes the importance of fully funding our public libraries and supports funding state aid to libraries at the 25% level in FY 2025.

**NOW, THEREFORE, BE IT**

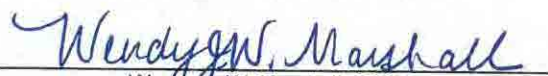
- RESOLVED:** That the Middletown Town Council does hereby support the introduced legislation (2024-H 7335) which would restore funding for State Aid to Libraries to the full 25% level required in RI General Laws Section 29-6-2 (a) and urges the General Assembly to work diligently for its passage.

**BE IT FURTHER**

- RESOLVED:** That the Middletown Town Clerk transmit forthwith a copy of this Resolution to the Governor and to the members of Middletown's legislative delegation to the Rhode Island General Assembly.

February 20, 2024

READ AND PASSED IN COUNCIL



Wendy J. W. Marshall, MMC  
Town Clerk



INCORPORATED 1757

# Town of Hopkinton

HOPKINTON, RHODE ISLAND 02833

## RESOLUTION OF THE TOWN OF HOPKINTON IN OPPOSITION TO H 7062 RELATED TO "ACCESSORY DWELLING UNITS"

- WHEREAS, the Town of Hopkinton is a rural community consisting largely of farms and single-family homes; and
- WHEREAS, maintaining the rural and agricultural character of the Town is a primary goal of the Town's State-approved comprehensive plan; and
- WHEREAS, the Town of Hopkinton is a member of the Chariho school district and has no control over the regional school district budget; and
- WHEREAS, the vast majority of property taxes paid by Hopkinton residents must go toward satisfying education expenses; and
- WHEREAS, the Town of Hopkinton has limited staff and limited resources available for other municipal needs such as infrastructure maintenance and public safety; and
- WHEREAS, development in Hopkinton has always been constrained by a lack of public water and sewer services; and
- WHEREAS, Hopkinton depends on a sole source aquifer for all public and private drinking water; and
- WHEREAS, Hopkinton employs a growth management ordinance to ensure that population growth occurs in a controlled and sustainable manner to protect the Town's natural and economic resources; and
- WHEREAS, uncontrolled population growth – especially growth in the number of school-aged children – has the potential to decimate the Town's finances, cause substantial property tax increases, exceed the carrying capacity of the land's natural resources, and overburden the limited resources of the municipal government; and
- WHEREAS, Hopkinton has made meaningful progress toward the goal of ten percent low- and moderate-income housing stock and continues to voluntarily work toward reasonable solutions for the housing affordability crisis in Rhode Island; and
- WHEREAS, one-size-fits-all State mandates are not conducive to solving the unique housing challenges in the thirty-nine distinct cities and towns in Rhode Island; and
- WHEREAS, the use of accessory dwelling units as vacation or short-term rentals would be counter to the goal of making housing more affordable; and
- WHEREAS, the Town has limited monitoring and enforcement resources to prevent accessory dwelling units from being used for vacation or short-term rental purposes; and

WHEREAS, single family homes with accessory dwelling units that are not owner-occupied are likely to devolve into problematic properties that would be harmful to the public health, safety and welfare; and

WHEREAS, House Bill 7062 would likely lead to a rapid and uncontrolled expansion in the number of accessory residential dwelling units and residential density in the Town and the number of children enrolled in the school district;

NOW, THEREFORE, BE IT RESOLVED, that the Hopkinton Town Council is opposed to House Bill 7062 as presently written; and

BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should be subject to local growth management and density controls; and

BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should be subject to an owner-occupancy requirement; and

BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should be subject to a requirement of one-year minimum leases; and

BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should be subject to the requirement of a deed restriction preventing separate sale of the primary and accessory structures;

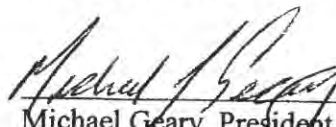
BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should provide the individual cities and towns flexibility to designate size and occupancy requirements tailored to local needs;


BE IT FURTHER RESOLVED, that the Hopkinton Town Council respectfully requests that any State mandate for an expansion of by-right accessory residential units should come with technical and financial support from the State to monitor compliance and pursue violators;

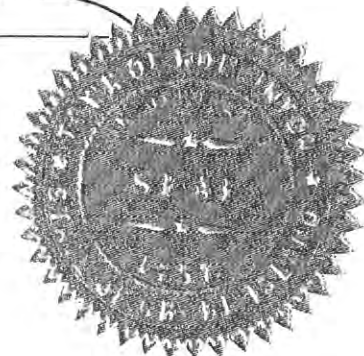
BE IT FURTHER RESOLVED, that this Resolution shall take effect upon passage; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to Hopkinton's members of the RI General Assembly, the Speaker of the RI House of Representatives, President of the RI Senate, the Governor of the State of RI and RI League of Cities and Towns.

Passed as a Resolution of the Hopkinton Town Council this 20<sup>th</sup> day of February, 2024.

  
Michael Geary, President  
Hopkinton Town Council

ATTEST:   
Marita D. Murray, CMC  
Town Clerk







# Town of Narragansett

Rhode Island

Resolution No. 2024-03



## RESOLUTION IN OPPOSITION OF HOUSE BILL 7382 THAT REDEFINES "HOUSEHOLD" IN THE STATE ENABLING LEGISLATION

WHEREAS, Narragansett has an affordable housing problem that has led to loss of families and other year-round residents; and

WHEREAS, house sale and rent prices in Narragansett are so high that teachers, police, university staff, hospital workers and other community workers cannot afford to live in the town; and

WHEREAS, Narragansett's affordable housing problem is driven, in part, by real estate investors buying houses and converting them to seasonal rental businesses that are priced on a per bedroom rate with an average cost of approximately \$1,000 per bedroom, per month from September through May and at a much higher rate per bedroom per day or week from June through August; and

WHEREAS, Narragansett recently received a report from a nationally recognized affordable housing consultant that thoroughly analyzes the town's housing affordability problem and trends and that documents the strong link between seasonal rentals and the town's affordable housing problem; and

WHEREAS, the consultant's report documents that 56% of the town's properties are now owned by non-residents; and

WHEREAS, Narragansett has adopted ordinances to curtail real estate investments that are driving up housing costs and making housing unaffordable for families and community workers who want to live in the town; and

WHEREAS, one of the adopted ordinances defines "household" with a limit of 3 unrelated individuals living together; and

WHEREAS, more than half of Rhode Island's municipalities have adopted zoning regulations with this same definition of household of no more than 3 unrelated individuals; and

WHEREAS, the US Supreme Court has found that it is constitutional for local governments to limit the number of unrelated people living in a household; and

WHEREAS, Rhode Island has had a long tradition of recognizing that land use regulations - planning and zoning - are best managed at the municipal level of government because residents want control over their own destinies and the character of their neighborhoods. Further, municipal leaders represent the level of government closest to the residents and are best positioned to understand the nuances and unique issues facing their municipality and be responsive and accountable to residents; and

WHEREAS, House Bill 7382 would usurp local government land use authority and preempt local regulations in Narragansett and most communities across the state by changing the definition of household. The definition would change from currently allowing local governments to set a maximum number of unrelated persons living together at not less than one person per bedroom and shall not exceed five (5) unrelated persons per dwelling.

WHEREAS, this definition would accelerate the market forces in Narragansett that reducing housing affordability by driving the expansion of houses to create more bedrooms and even the demolition of small houses for replacement by much larger houses; and

WHEREAS, this legislation would enable every house in Narragansett and Rhode Island to be used as a rooming house and thereby, eliminate single family housing in Rhode Island.


NOW, THEREFORE, BE IT RESOLVED, that the Town of Narragansett opposes House Bill 7382 and respectfully asks the town's representatives in the RI General Assembly to oppose this legislation and any related companion legislation that may be introduced in the Senate; and

BE IT FURTHER RESOLVED, that the Narragansett Town Council requests other municipalities to adopt their own resolution opposing House Bill 7382 and any similar Senate Bill; and

FINALLY, BE IT RESOLVED, that the Town of Narragansett requests that municipal authority regulating land use shall be undisturbed by the Rhode Island General Assembly by House Bill 7382 or any similar House or Senate legislation that redefines "household" in any state enabling legislation that would thereby usurp municipal management and regulation of land use.

ADOPTED as a resolution of the Narragansett Town Council this 20<sup>th</sup> day of February, 2024.

TOWN OF NARRAGANSETT

  
Ewa M. Dzwierzynski  
Council President

ATTEST:

  
Janet Tarro  
Town Clerk





# Town of Narragansett

Rhode Island

Resolution No. 2024-04



## RESOLUTION OPPOSING HOUSE BILL 7324 AND REQUESTING THE RHODE ISLAND GENERAL ASSEMBLY SUSTAIN LOCAL AUTHORITY TO REGULATE LAND USE

WHEREAS, House Bill 7324 was introduced in the House on February 9, 2024 and referred to House Municipal Government & Housing scheduled for hearing on February 14, 2024 removes "Floor Area Ratio" (FAR) from the enabling legislation zoning ordinances; and

WHEREAS, The use of floor area ratio (FAR) regulation has been explicitly enabled in RI Zoning Enabling Law since 1991 under RIGL Section 45-24-33. It is listed as one of the "Standard Provisions" authorized for local regulatory control. Section 45-24-33 provides the basis of a variety of local standards for regulation including FAR and regulating zoning districts and uses within them, authorizing performance standards, density / intensity of use, dimensions, size, and lot coverage; and

WHEREAS, Floor area ratio is used by many RI jurisdictions and has existed in several RI Zoning Regulations since prior to 1991; and

WHEREAS, The Floor Area Ratio (FAR) is a crucial factor that affects the affordability of housing. FAR is the ratio of a building's total floor area to the size of the land on which it is built. This ratio determines the maximum amount of square footage that can be built on a piece of land. Higher FARs allow for more floor space to be built, which can lead to increased housing density. However, higher FARs can also lead to higher housing costs, which can make it difficult for low-income individuals and families to find affordable housing; and

WHEREAS, The primary purpose of the FAR regulation is to ensure that a residential structure is balanced with the size of the lot it sits upon. Application of a ratio of floor space allowed on a lot, based on the lot's area, ensures that sufficient space will remain available for off-street parking, and essential facilities such as OWTS (septic systems), stormwater mitigation facilities (such as detention basins drainage swales and raingardens), generators, HVAC units etc. It also establishes the provision of sufficient yard space for family living and recreation, particularly valuable in areas not served by nearby public playgrounds. In addition, the regulation of a building size based on its land area helps to prevent negative impacts and maintain the character of the neighborhood; and

WHEREAS, The Town of Narragansett has regulated floor area ratio in certain zones since 2009. Implementation of an FAR ordinance is a stated goal of the approved 2017 Narragansett Comprehensive Plan. (NCP page 33. – Policy LU 2.2 b.); and

WHEREAS, FAR is especially important in Breakwater Village, a neighborhood with many houses and cottages on very small lots. A special Breakwater Village zoning ordinance was developed in concert with the property owners/residents association of Breakwater Village in 2000. The regulation was amended in 2009 at the HOA's request to prevent problems being created when new property owners were replacing small cottages with houses that were too large for their lots. These redeveloped houses were negatively impacting adjacent properties and the character of the neighborhood. The FAR set a size limit that solved the neighborhood concerns.; and

WHEREAS, In other areas of Narragansett, FAR standards are established for residential lots of 20,000 sq. ft. or less. The FAR standard the town uses is a sliding scale based on lot size. It varies from .25 for larger lots (20,000sf) to .55 for smaller lots (2,000 sf). A 10,000 sq. ft. lot (quarter acre) has an FAR of .31 which translates to a limit of 3,100 sq. ft. of floor area for the house. Garages, unenclosed porches and decks, detached accessory structures and basements or attics with ceiling height of less than 7 feet are all excluded from FAR calculation.; and

WHEREAS, FAR is a vital tool for municipalities to have available if needed. It provides a reasonable measuring stick for development that is not always addressed by application of setbacks and lot coverage limits. FAR should be retained as an option for each municipality to adopt as appropriate.

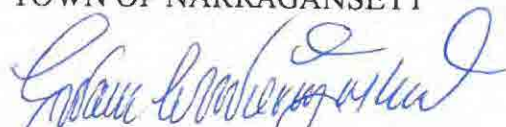
NOW, THEREFORE, BE IT RESOLVED, that the Town of Narragansett opposes House Bill 7324 and respectfully requests the town's representatives in the RI General Assembly to oppose this legislation and any related companion legislation that may be introduced in the Senate; and

BE IT FURTHER RESOLVED, that the Narragansett Town Council requests other municipalities to adopt their own resolution opposing House Bill 7324 and any similar Senate Bill; and

FINALLY, BE IT RESOLVED that the Town of Narragansett requests that municipal authority regulating land use shall be undisturbed by the Rhode Island General Assembly by House Bill 7324 or any similar legislation in the House or Senate legislation that eliminates "floor area ratio" (FAR) in state enabling legislation that would thereby usurp municipal management and regulation of land use.

ADOPTED as a resolution of the Narragansett Town Council this 20<sup>th</sup> day of February, 2024.

TOWN OF NARRAGANSETT

  
Ewa M. Dzwierzynski  
President

ATTEST:

  
Janet Tarro  
Town Clerk

