

Technical Deficiencies

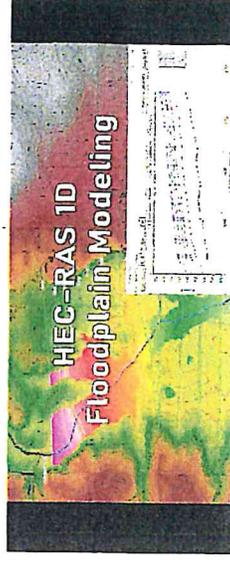
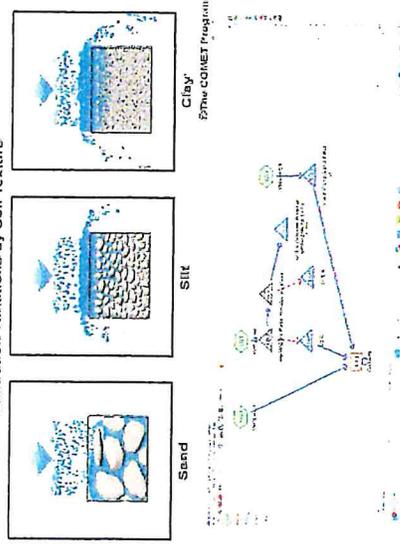
RED FLAG
WARNING

It is my opinion that the submitted Application's Stormwater Management Report has technical deficiencies that the Planning Board should consider before the Project moves forward.

- Wrong Identification of the Soil Textural Classification
- Incorrect Infiltration Rate
- Errors within the HydroCAD stormwater system model
- Improper Downstream Analysis Examination
- Discontinue use of StormTech SC-740 infiltration chambers



Infiltration Variations by Soil Texture



There is a serious flooding problem downstream of the location of the proposed hotel

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The facts are:

- There is a bad flooding problem downstream of the proposed development that affects neighborhoods, Mount Hope High School, Gooding Avenue, Chestnut Street and Hope Street. (see pictures)
- The flooding issue is a concern of the neighborhood and Town, as expressed in the Petition signed by over 100 residents, and 35 opposition letters to RIDEM granting a wetland alteration permit. (see letters)
- One of the major functional values of wetlands is flood storage and mitigation of downstream flooding. (see slides)
- The Town of Bristol had commissioned a flood study, *Silver Creek Drainage Study*, Bristol, RI (Beta Engineers-Scientists, November 2007) to identify the flooding problem and recommend mitigation measures (see attached Study)

Proposed Gooding Avenue Hotel

The Facts

**RAISE
THE
RED FLAG**

The facts are:

- There is a bad flooding problem downstream of the proposed development that affects neighborhoods, Mount Hope High School, Gooding Avenue, Chestnut Street and Hope Street.
- The flooding issue is a concern of the neighborhood and Town, as expressed in the Petition signed by over 100 residents, and 35 opposition letters to RIDEM granting a wetland alteration permit.
- One of the major functional values of wetlands is flood storage and mitigation of downstream flooding.
- The Town of Bristol had commissioned a flood study, *Silver Creek Drainage Study*, Bristol, RI (Beta Engineers-Scientists, November 2007) to identify the flooding problem and recommend mitigation measures

Forested Wetlands, Silver Creek



TOWN OF BRISTOL, RHODE ISLAND

TOWN COUNCIL

Nathan T. Calouro, *Chairman*

Mary A. Parella, *Vice Chairwoman*

Antonio A. Teixeira

Timothy E. Sweeney

Aaron J. Ley



Council Clerk

Melissa Cordeiro

December 8, 2023

Department of Environmental Management
Office of Water Resources - Freshwater Wetlands Program
Attn: Martin D. Wencek
235 Promenade Street
Providence, RI 02908

Subject: Comments re Application #22-0264 - Council
Concerns and Additional Information

Dear Mr. Wencek;

I am writing on behalf of the Bristol Town Council to bring to your attention certain matters discussed during our recent council meeting on December 6, 2023, regarding DEM Application #22-0264. It was noted that the applicant asserted the town's support for the application; however, the Council wishes to clarify that the Town has neither taken a position in favor of nor against the said application.

The Council places great importance on the due diligence process in the review of both local and state board approvals. It is imperative to ensure compliance with regulations and to safeguard the interests of the community. Therefore, we find it necessary to communicate with the Department of Environmental Management (DEM) to underscore our concerns and share pertinent information.

During the council meeting, it was emphasized that flooding concerns on wetlands must be carefully considered in the application process. To assist in your evaluation, we have enclosed a copy of the Silver Creek Drainage Study for the Silver Creek watershed, which provides a comprehensive analysis of the area and highlights relevant factors.

Additionally, the Council believes it is crucial to bring to your attention the recent approval of a school bond by the town. This bond will facilitate the construction of a new high school in close proximity to the location covered by Permit #22-0264. When conducting your assessment, please consider the potential effects of the proposed development on the future high school in this location, as identified in the Bristol Tax Assessor Map Plat 117 lots 3 & 5.

In light of these factors, the Council kindly requests that the DEM thoroughly evaluates all aspects of Application No.#22-0264, including the concerns raised about flooding, the information provided in the Silver Creek Drainage Study, and the potential impact on the construction of a new school in the area.

We appreciate your attention to these matters and trust that the DEM will conduct a comprehensive review to ensure the protection of our community and the environment.

Please do not hesitate to contact us if you require any further clarification or additional information.

Thank you for your time and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Cordeiro', with a long horizontal flourish extending to the right.

Melissa Cordeiro
Town Clerk/Council Clerk

cc: Town Administrator
Director of Community Development

x/c Docket 1/17/2024

December 7, 2023

To: RIDEM Freshwater Wetlands Program
Martin Wencek, Program Supervisor
From: The Bristol Conservation Commission
Re: Application 22-0264

Dear Mr. Wencek;

The Bristol Conservation Commission has reviewed the noted application to alter freshwater wetlands in order to build a hotel on Gooding Avenue in Bristol. After extensive review, we have concluded we cannot support Application 22-0264 as currently proposed.

In our view, the proposal to build on almost 50,000 square feet of swamp and wetlands would seriously and negatively impact the function and value of that wetland, as it will no longer protect the subject property, nor properties downstream (Silver Creek runs just to the East). Significantly, one of those properties is the location of the current and future Mount Hope High School.

The extensive engineering work proposed, in our view, doesn't mitigate wetlands impact, it effectively destroys that portion of the wetlands it will be constructed in. It is also not clear that, with storm frequency and intensity increasing, it will sufficiently handle extreme events. The potential for the man-made system to be regularly overwhelmed would create an ongoing hazard for downstream properties.

We have, therefore, concluded that the risk of this alteration, effectively a "re-architecting" of nature, to adversely impact a wetland and surrounding properties is far greater than any benefit it may promise. Protection of our wetlands, and their benefits, is of paramount concern. We are very concerned this proposal not only doesn't protect or even "alter" a wetland, it destroys a large portion of it and, with it, will cause more problems downstream.

Respectfully,

The Bristol Conservation Commission
Tony Morettini, Chair

December 6, 2023

Mr. Martin D. Wencek, Permitting Supervisor
Office of Water Resources/Permitting Section
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

RE: DEM Wetland Application #22-0264 Request to Alter Wetlands on Plat 111/Lot 1 located on Gooding Avenue, Bristol, RI.

Applicant/Organization name: KenDan, LLC
Proposed Project: To build Mainstay/Sleep Inn

Dear Mr. Wencek:

This letter is written **in objection** to Rhode Island Department of Environmental Management (DEM) in issuing a permit to Alter Freshwater Wetlands on Plat 111/Lot 1 located on Gooding Avenue, Bristol, RI. The objection is based on:

“We oppose the granting of this application because it is our opinion: that it will increase the already problematic flooding in our neighborhoods; it will degrade Silver Creek The preservation of wetland is crucial to provide flood storage to mitigate flooding of our homes, schools, nursing facilities, and streets.” (Petition Against 2023)

I have resided in Bristol my entire life, as have many of my neighbors, and have lived at 35 Dartmouth Street for more than 50 years. I am very familiar with this area of Bristol, especially the wooded wetlands, which border Andrew’s Court, Dixon Avenue, and Dartmouth Street. I believe it is necessary for DEM to hear personal accounts of our wetlands and flooding problems.

The Petition in Opposition to the Proposed Development

In 2015, I submitted to DEM a Petition in Opposition to the proposed hotel on Plat 111/Lot 1 with 28 signatures of my neighbors on Andrew’s, Dixon, and Dartmouth. Today, I present a Petition with more than 100 signatures of neighbors who are affected by flooding and oppose the filling in and alteration of these wetlands. The petitioners are worried that a bad flooding situation will become worse with the filling in of wetlands caused by this project. My neighbors have personally expressed their concerns to me and wanted to convey them by signing the Petition (Attachment A: Petition Against 2023). In addition, the following are some of their comments of concern:

“Cutting down trees leads to flooding because these trees absorb water.”

“She would like to sign the petition but is afraid DEM would put her in a floodplain making her purchase flood insurance.”

“He's not only worried about flooding because of wetland filling, but the impact of the rise in sea level on flooding.”

“In the storm of 2021, I experienced flooding of garage walls and flooding of basement.”

“She knows the seriousness of flooding and its economic consequences particularly high insurance rates.”

“Building in wetlands would never happen in Massachusetts.”

“Had to run two sump pumps, and water was still going into the basement.”

Gooding Avenue, Site of Proposed Mainstay/Sleep Inn

Most of this land (Plat 111/Lot 1) for the proposed development is wetlands and has been identified as such by qualified biologists hired by the Applicant and reviewed by DEM. The land east of Plat 111/Lot 1 to Metacom Avenue is mapped wetlands, and the land south of Plat 111/Lot1 to Mt. Hope High School is mapped wetlands. This Plat also borders the 100 -Year Flood Zone. (FEMA (100 Year Flood Zone Map) This wetland area is part of the Eastern Branch of the Silver Creek Watershed. (Silver Creek Drainage Study, Beta Engineers-Scientists, November 2007). Mr. Ed Tanner, Bristol Town Planner, called this watershed massive encompassing schools, nursing facilities, and about 100 homes. (Bristol Phoenix January 30, 2020. p. 3)

Wetlands Function and Values

I realize that wetlands serve a valuable function of storing rainwater and snowmelt, and for allowing the water to run at a slower rate to prevent harmful flooding. The trees and vegetation within wetlands absorb water; thus, the elimination of such leads to flooding. The wetland areas are wildlife habitats. Disturbance of the habitats forces these animals into other areas such as our yards. Our yards are not a suitable habitat for wildlife, which can affect their mortality. The wetland areas also provide for recreation, such a nature trail or controlled hunting.

Flooding Concerns Increasing

My neighborhood abuts this watershed. During heavy rains my yard, as well as my neighbors' yards are susceptible to surface ponding and flooding. We all have sump pumps to control basement flooding, but flooding still occurs. There is flooding on our streets. Moreover, what I have experienced these past few years is an increase in the intensity and occurrence of flooding. As I went around the neighborhood with the petition, neighbors expressed the same concern. What is more alarming is that there is now pooling of inches of water in our yards even after a rainstorm with a short duration. (Attachment B: Photos August 18, 2023). The soils in this area are hardpan that permits very little infiltration; thus, the rainwater just stays on the surface. Filling in wetlands, will exacerbate the problem of ponding of water in our yards. The soil can't absorb the water, the wetlands are eliminated so the rainwater must go somewhere and that

somewhere in our yards. Additionally, neighbors are reporting water in their basements, even with sump pumps working.

September 2, 2021 Major Flooding throughout the Eastern Branch of the Silver Creek Watershed

As described by Mr. Tanner, this watershed covers a good part of the interior of Bristol. (Bristol Phoenix January 20, 2020. p. 3) And as mentioned before, the proposed development lies within this watershed. The land south of the proposed development floods. Mt. Hope High School and Guiteras Elementary School flood. The river flows through a series of culverts, which restrict the passage of flood water, at Mt. Hope High School causing overflow onto Chestnut Street and thus flooding of the street. The flood waters prevent vehicles from using the roadway. Culverts under Hope Street also overflow; and the areas of Hope, Washington, and Thames Streets were under 3 to 4 feet of water. (Providence Journal September 3, 2021, p.12A) It is important to note that on September 2, 2021, we did not suffer from a storm surge at the harbor. If there were a storm surge, interior flooding within this watershed would have been far more extensive. Rivers flowing from this watershed enter Silver Creek on Hope Street, and then exit into Bristol Harbor. A storm surge and sea level rise would create a perilously wide flooding situation throughout the watershed. As one person who signed the petition said, he/she may not suffer from problematic flooding now but fears the real potential if the proposed development eliminates over 50,000 square feet of wetlands coupled with sea level rise.

Added to the damage of flooding of homes, yards, and schools is the real concern of street closures and its effect on our neighborhood. Traffic is detoured through Naomi Street, a very narrow residential roadway connecting Chestnut and Gooding Avenue. Naomi St. is the only exit for the residents of the 60 plus homes on Andrew's Court, Dixon Ave, and Dartmouth St. These streets dead end in wetland areas of Silver Creek. Traffic backup on Naomi St. poses a serious problem for immediate rescue or evacuation of my neighbors.

The Effects of altering/clearing of wetlands on Plat 111/Lot 1

In August 2021, the applicant/owner Kendan began to clear a portion of Lot 1. Trees were axed and vegetation removed. Several weeks later, on September 2, 2021, as already described, there was significant property flooding downstream of this watershed. Today, we have more basement flooding and pooling of water in our yards than ever before. Our yards have become homes to skunks, rabbits, and deer. The fox and pheasant are no longer seen.

It is our opinion expressed by the Petition, that the balance of nature has already been disturbed and our property has since experienced more flooding by the minimal clearing on Lot 1 in August of 2021. The applicant has a right to develop his/her land within the parameters of laws. However, he/she does not have the right to develop that would result in harm to others. Rhode Island's Wetland Act of 1971 recognizes the value and function of wetlands and the need to preserve them. The applicant's proposal is to alter this wetland area, and as such will cause financial hardship for property owners, erase potential recreational property, and destroy wildlife

Mr. Martin Wencek
Rhode Island Department of Environmental Management
December 6, 2023
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habitats. We believe that we have already begun to witness the effects of altering this wetland area; therefore, we are very concerned about increased flooding that could occur if over 50,000 square feet of wetland is covered by impervious area.

For the reasons stated above it is my opinion that RIDEM should deny the permit application #22-0264 to alter Wetlands on Plat 111/Lot 1 located on Gooding Avenue in Bristol, RI.

Sincerely,

Emily Spinard
35 Dartmouth Street
Bristol, RI 02809

Attachments: Attachment A Petition 2023
Attachment B Photographs

4/2010



Chestnut Street

St. Mary's Cemetery

Flooding is a Serious Problem in Our Neighborhood

There is a severe flooding problem downstream of the proposed development that affects our neighborhood.



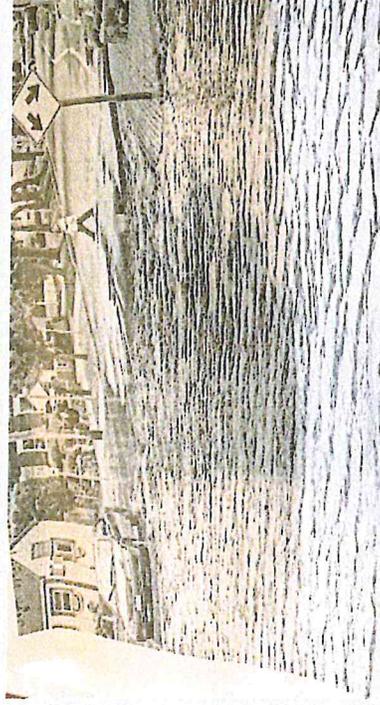
2021



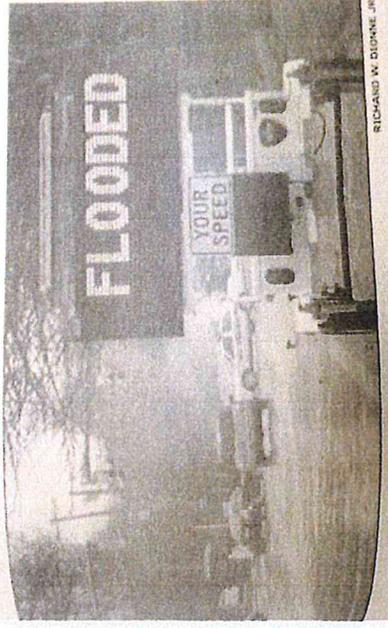
Sept. 2, 2021

Environmental Impact – Flooding in Town

It is a Town Concern



... Hope Street in Bristol, some water is 4 ft deep. Flooding in electrical causing and missing for pumps, but they had time to offer and an automated voicemail.



Non-residents were warned with a large sign on Hope Street before traveling beyond Gooding Avenue.

Hope Street and Gu School 2021

Guitera s

Storm 2, 2021

Sept 7, 2021

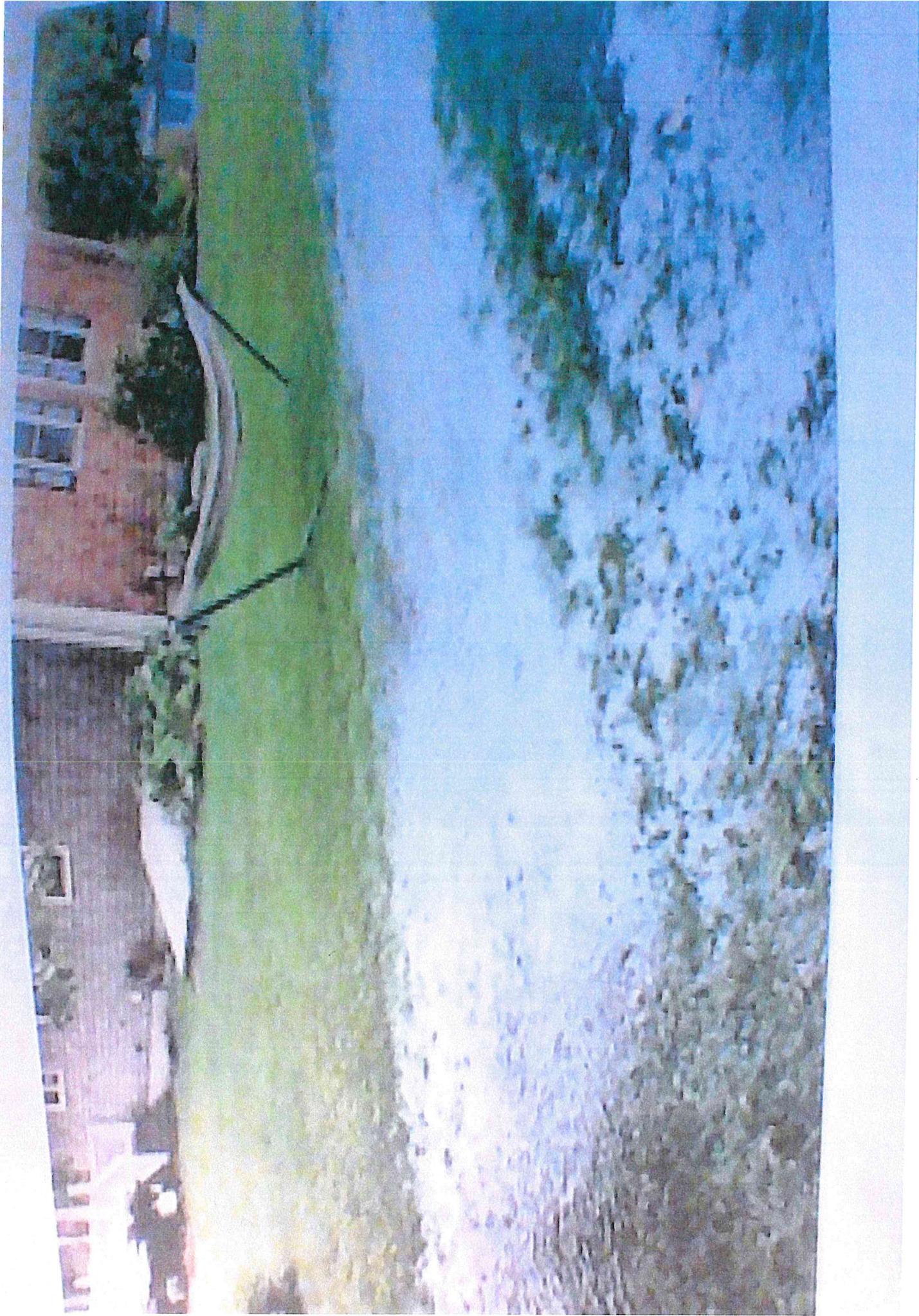
Enormous storm floods streets, stresses sewer system



worked and freshwater dilutes sewage quite a bit, the water tests done after the storm showed that, through the flooding, fecal coliform bacteria counts were elevated. However, the Tanyard Brook project that are done (phase 1 and 2), we saw none of the historic flooding we have seen from past storms.

Mr. [Name] says that the sewer system is stressed by the enormous amount of rain that fell in the area. He says that the sewer system is not designed to handle this much rain. He says that the sewer system is not designed to handle this much rain. He says that the sewer system is not designed to handle this much rain.

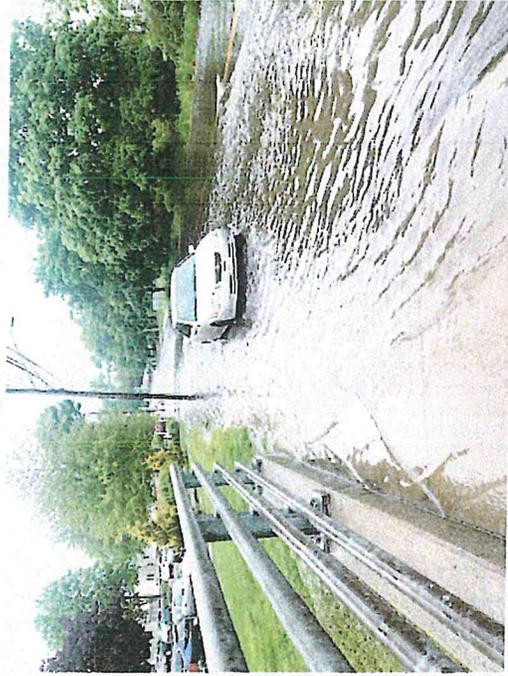
Aug 2023 Side yard Dartmouth St.



March 20 25



Rainstorms are more frequent and with more intensity, May 15, 2025



Gooding Ave. Chestnut St.
Car is disabled in flood waters



High School



December 13, 2023

Mr. Martin Wencek, Program Supervisor
Rhode Island Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, RI 02809

RE: Wetland Application No. 22-0264
Mainstay/Sleep Inn Hotel

Dear Mr. Wencek:

I have reviewed the recent submittal by D&M BOCA Development LLC dated May 2023 to the R.I. Department of Environmental Management seeking a Permit to Alter Freshwater Wetlands. On behalf of the residents of the neighborhoods downstream of the proposed development, it is our opinion and we respectfully request that the RIDEM **deny the issuing of the wetland permit** since **essential information has not been provided and what has been provided contains incomplete and inaccurate information leading to unsubstantiated and false conclusions.**

The facts of the case have not changed since the original submittal in September 2015.

The facts of the case are:

- There is a bad flooding problem downstream of the proposed development that affects neighborhoods, Mount Hope High School, Gooding Avenue and Chestnut Street.
- The flooding issue is a concern of the neighborhood, as expressed in the Petition signed by over 100 residents (see letter to Mr. Martin Wencek, Program Supervisor from Emily Spinard dated December 7, 2023).
- One of the major functional values of wetlands is flood storage and mitigation of downstream flooding.
- The Town of Bristol had commissioned a flood study, *Silver Creek Drainage Study*, Bristol RI (Beta Engineers-Scientists, November 2007) to identify the flooding problem and recommend mitigation measures.
- The Rhode Island Stormwater Design and Installation Manual (RDEM and CRMC, 2015) has increased the rainfall amount associated with the 100-year Storm Event.
- The Petition signatures have expressed their belief that flooding has increase since the Applicant cleared the hotel site in 2018.

The Applicant needs to seriously consider the potential impacts of their development by completing a comprehensive and sincere assessment. **This assessment needs to include:**

- ❖ Using **the appropriate infiltration rate (lower)** as identified by the National Resources Conservation Service (NRCS). Also, the effect of sea level rise on increasing flood level elevations needs to be considered.

- ❖ **A flood analysis of the downstream effects** of the proposed development on the already programmatic flooding problem by using the appropriate method developed by the Army Corp of Engineers and utilized by Beta in their *Silver Creek Drainage Study*. Also, the effect of sea level rise on increasing flood level elevations needs to be considered.
- ❖
- ❖ **An assessment of shadow effect on wetlands.** The finish floor elevation of the hotel at 81.5 feet plus 35 feet for the height of the hotel totaling 117.5 feet where the wetland elevation adjacent to the development is Elev. 66 feet.

The following facts substantiate and justify the reasons for denial:

Continues to use the wrong infiltration rate. It appears that there is a fatal flaw in the submission as the Applicant used the incorrect infiltration rate. The current NRCS Soil Interpretation Record identifies Stissing and Pittstown soil series as belonging to Group 1 that has a permeability range in inches per hour of (0.06-0.2) consistent with other hardpan soils in R.I. (Attachment A Current NRCS Soil Interpretation Record). The site is composed of Stissing and Pittstown soils and the applicant used a permeability rate of 0.52 inches per hour. **The Applicant permeability rate is much higher than what the soils can absorb. Thus, their calculations of reducing peak runoff into the swamp and Silver Creek by infiltration needs to be reexamined.** Less infiltration will cause more runoff that will affect the flooding issue. Also, the *Rhode Island Stormwater Design and Installation Manual* requires an infiltration rate of at least 0.5 inches per hour to be acceptable for infiltration Best Management Practices.

The original wetland application submitted by SITEC in February 2015 used an infiltration rate of 0.27 inches per hour. The soils on the site have not changed and DiPrete is currently using SITEC soil information in their latest wetland alternation application.

Conclusion: It is my opinion that RIDEM review the Applicant's infiltration rate and determine if it is consistent with the Current NRCS Soil Interpretation Record. Also examine if the appropriate infiltration rate was used in the stormwater analysis and determine if infiltration is a viable method for mitigating the increased runoff rate from the proposed development.

Flooding - There is a **flooding problem** downstream of the proposed development that affects the neighborhoods, Mount Hope High School, and Chestnut Street. **The problem of flooding was confirmed recently by the September 2, 2021 storm event that closed streets including Chestnut and Hope Streets, and flooded property including Mt. Hope High School, and classrooms and play areas at Guiteras School.** This storm event had 6.5 inches of rain which is by engineering standards a 25-year storm event. (Supporting document *Rhode Island Stormwater Design and Installation Manual*, RIDM and CRMC, 2015).

- **Ignored Neighbor's Concerns -** The Applicant continues to **disregard the concerns of the neighborhoods** by ignoring the flooding issues and by not responding to the serious issues identified in our previous letter to RIDEM (to Martin Wencek, dated February 10, 2018).

- *Flooding is a major concern for the Town: Recent rain and flooding on September 2, 2021*
Flooding is not only a major concern within our neighborhood, the High School, and Chestnut Street but also throughout the total land area downstream of the proposed development (the eastern branch of the Silver Creek watershed). During the most recent large rain storm on September 2, 2021, flooding occurred throughout this land area. The rivers flowing through the culverts at the high school and Chestnut Street overflowed, flooded, and closed traffic onto Chestnut Street. Silver Creek at Hope Street overflowed and the areas of Hope, Washington, and Thames Streets were under 3 to 4 feet of water. Classrooms and play areas at Guiteras School were flooded. Flooding is destructive and costly for the residents of Bristol, and impacts everyone. With road closures of Chestnut and Hope Streets, the detour traffic backup onto residential streets that are not capable of handling the heavy traffic volumes. This heavy traffic volumes on the residential streets causes concerns of the residents of the neighborhoods of the inability of rescue vehicles to travel freely responding to emergency situations. (Attached B photos)

Silver Creek Drainage Study -The Town of Bristol retained Beta engineering consultants to perform a drainage study of the Silver Creek watershed. **The Beta study confirmed what everybody in the neighborhood knew: there is a flooding problem in our immediate neighborhood, the high school, Chestnut Street and areas downstream as well.** The study identified the cause and extent of the flooding in the Silver Creek watershed and recommend possible remedial actions including reserving land (upstream) to provide additional storage areas for flood surge. (Supporting document *Silver Creek Drainage Study*, Beta Engineers, November 2007).

- *Updated Drainage Study*-In 2010, Rhode Island Department of Environmental Management (RI DEM) presented a new *Rhode Island Stormwater Design and Installation Standards Manual* (subsequently amended in 2015) that revised the rainfall amounts, particularly for the 100-year storm event. **The 100-year storm event rainfall amount increased from the 2007 value of 7.10 inches, to 8.6 inches, which is the current amount.**

I created a HEC-RAS model (Attachment B *Silver Creek Flood Examination Table of Contents and Executive Summary*), similar to the Beta model in order to better understand the impact of flooding to the neighborhoods and the possible effects of the revised rainfall amounts. The hypothesis of my examination is **that since the rainfall amounts have increased, the runoff into Silver Creek will also increase.** The greater volume of water entering and being conveyed by Silver Creek will result in an increase in the flood elevations and flooded areas than those originally identified by the Beta Study.

The revised HEC-RAS model, created by my examination, showed an increase in flood elevations and flood areas along Silver Creek, without considering the effects of sea rise. The examination considered a free flow condition at the outfall into Bristol Harbor. **The HEC-RAS model demonstrates that there is an increase in flood elevations and flooded areas resulting from the increase in rainfall amount. It reinforces the concern of the downstream residents of the**

flooding problems along Silver Creek and the need for a thoughtful and comprehensive examination. The Applicant must do this same analysis using the HEC-RAS method.

- **RIDEM has requested in numerous reviews that the Applicant perform a Downstream Analysis.**

A RIDEM review dated December 12, 2017 recognized the downstream flooding and requested that the applicant perform a downstream analysis considering the existing limitation at the twin 48” culverts at the high school. The RIDEM review request is based the *R.I Stormwater Design and Installation Standards Manual* that states when there is a known flooding problem, regardless of whether the peak runoff rates from the proposed development are decreased, a downstream analysis is still required. DiPrete response was that the drainage system, at the proposed hotel site, not only reduced the peak flow rates but also resulted in a decrease in flood volumes from pre to post conditions. This did not represent a valid response to RIDEM request (DiPrete response dated January 23, 2018 p.3).

Since the previous response to RIDEM request for a downstream analysis was inadequate. A RIDEM review on March 12, 2018, Item 2 requested the downstream analysis and even suggested that “a downstream analysis would be to revise the existing *Silver Creek Drainage Study*. DiPrete response was that there is no increase in peak runoff, however in order to verify that peaks do not create flood rate, “we completed a rough drainage analysis...**not having the raw watershed data from Beta study...**” (DiPrete response dated May 11, 2018 p.2).

Again, on August 1, 2022, RIDEM requested on Engineering Review Comments No. 11 that you (the Applicant) submitted analysis indicates pre and post project drainage diagrams of flows to Bristol Harbor. No analysis was provided. DiPrete response was that they completed a rough drainage analysis for Silver Creek (using the wrong methodology) **because “not having the raw watershed data from the Beta Study”** (DiPrete response dated January 4, 2023).

RIDEM complete their review on June 30, 2023 concluding that” the designer has addressed potential downstream flooding concerns by indicating that the submitted analysis shows that the total runoff volume of runoff to the receiving wetlands will be decreased in 1, 10, and 100-year 24 hour Type III storm events”. This is not consistent with RIDEM regulations concerning the requirement for a Downstream Analysis if it there is a decrease in the peak runoff rates from the proposed development.

Conclusion A Downstream Analysis should be completed. It is my opinion, that after several RIDEM reviews of the Applicant’s submittals and numerous requests to conduct the analysis, using the appropriate HEC-RAS method, RIDEM accepted a useless and erroneous assessment. RIDEM accepted the Applicant excuse of “Not having the raw watershed data from the BETA study, we model the following parameters. A more detail discussion of the Downstream Analysis and the Applicants erroneous response is contained in Attachment C Downstream Analysis. It is curious why RIDEM ignored their own requirements and accepted such a useless assessment of the flooding issues.

Mr. Martin Wencek

December 13, 2023

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It is important that RIDEM fully understand the Town's flooding concerns and assure that the Applicant will perform a comprehensive and detailed analysis of the effects of downstream flooding from the proposed development. Such an analysis should be consistent with applicable engineering standards and the *Silver Creek Drainage Study*.

This is particularly important, at this time, as the bond issue for \$200 million was approved, by the residents of Bristol and Warren, to build a new high school. The new high school, will be located in the same general area as the existing high school, that is adjacent to Silver Creek. A major issue will be the need to control flooding not only for the new school building but also for the adjacent neighborhoods.

Accurate Erosion and Sedimentation Control Plan

The submitted (E&S) plan sheet (Sheet No. 4 Erosion and Sedimentation Control Plan) is based on the existing surface elevations, where the purposed surface condition is to raise the site two to ten feet in height (Supporting documents Grading Plan Sheet 6, Mainstay/Sleep Inn 1-4-2023). Applicant referenced a E&S Control Plan in Notes 5 and 6 (Sheet 3 of 10 title: *General Notes and Legend*) identifying that sequence and phasing of construction is required).

For example, the floor elevation of the new building is proposed to be at Elevation 81.5 feet. During construction, an infiltration area is proposed to be located just south of the building site at the existing elevation of 72 to 74 feet. The difference in elevation is almost ten feet with a horizontal separation difference of 10 feet. This could result in a very steep slope if it is really feasible to construct.

How does the Applicant proposed to build and maintain the slope? What erosion measures will be used to stabilize the slope? What E&S measures will be used when the infiltration area is being filled to grade to construct the parking lot? It is my opinion that **this needs to be provided to show how wetlands are being protected during construction as the site is filled to a new and noticeably increase in height.**

In conclusion, it is my opinion and I respectfully request that RIDEM **deny the wetland alternation permit** presented by D&M Boca Development for the proposed Mainstay/Sleep Inn Hotel since **essential information has not been provided and what has been provided contains incomplete and inaccurate information leading to unsubstantiated and false conclusions.** Thank you for your consideration of this request.

Sincerely:



Edward Spinard

35 Dartmouth Street, Bristol RI

Attachment A Current NRCS Soil Interpretation Record

Attachment B *Silver Creek Flood Examination*

Attachment C Downstream Analysis

LETTER TO THE EDITOR

Hotel Wetlands Permit Granted without Merit

As described by RIDEM, the proposed hotel development will alter and disturb 4,717 square feet of swamp and 45,200 square feet of perimeter wetlands. This wetland area is part of the eastern branch of the Silver Creek Watershed; wetlands provide flood storage, which helps mitigate flooding. As many of us know, a serious flooding problem is already occurring downstream of this proposed hotel site. Filling in and altering wetlands will only increase the severity of flooding for the residents of Bristol.

RIDEM required that objections to the proposal be written and “must relate to the proposed project’s impacts on the functions and values provided by the freshwater wetlands to be altered.”

During the public comment period, RIDEM received thirty-five (35) letters of opposition and a petition signed by over 100 residents. The correspondence included residents facing flooding problems. Just as important, the letters were authored by knowledgeable professionals: engineers, wetland specialists, geologists, and individuals with PhDs. The Bristol Conservation Committee informed RIDEM of their concern about the impact ‘of building on 50,000 square feet of wetlands’, and its negative effect on property downstream of Silver Creek.

Moreover, the Town Council informed RIDEM of their flooding concerns and the potential impact of the hotel development on the new high school site. The Town clearly stated that RIDEM should thoroughly examine all aspects of the flooding problems. The Town reiterated that they trust RIDEM to perform a comprehensive assessment to ensure the protection of our Town from filling in wetlands that will increase flooding.

However, RIDEM determined that the written objections did not rise to a substantive nature and stated that the proposed hotel does not represent: “a random, undesirable, and alteration of freshwater wetlands”.

One can only wonder how RIDEM arbitrarily and capriciously dismissed 35 letters. It is inconceivable that such concerns/objections did not rise to the standard of a substantive nature. RIDEM did not provide any explanation. RIDEM’s decision is insulting and condescending; we trusted them to conduct a comprehensive assessment and safeguard our community. The Wetland Act of 1971 was designed to protect our wetlands because wetlands protect us. RIDEM has failed us and covers its decision with: “In permitting the proposed alterations, the Department assumes no responsibility for damages...” The Town deserves to know how RIDEM arrived at this paradoxical decision.

Ted and Emily Spinard

Dartmouth Steet

(Note the Petition and Letters were submitted and are included in the Public Records for the Comfort Inn files)

Proposed Gooding Avenue Hotel *Wetland Functional Values*

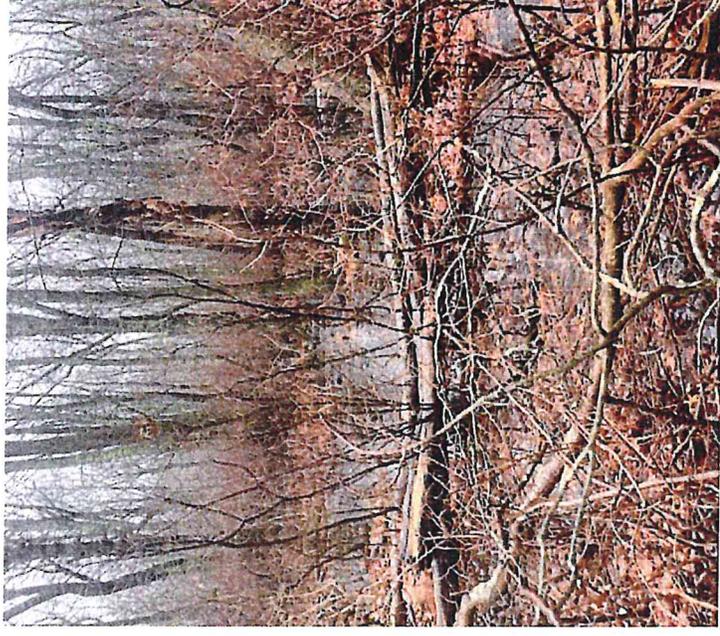


Forested Wetlands, Silver Creek



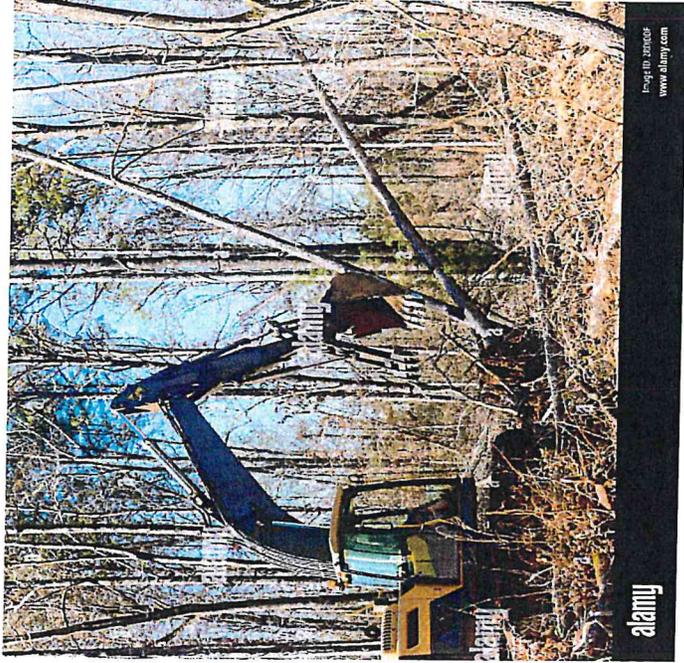
- Wetlands improve water quality by filtering contaminants and sediments

- Wetlands provide flood mitigation by storing and infiltrating floodwaters

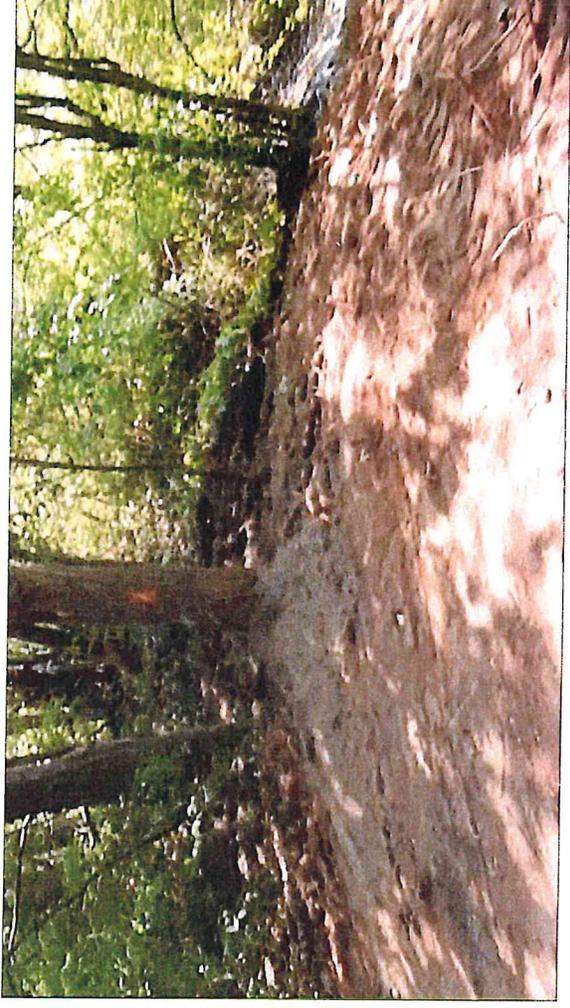


Proposed Gooding Avenue Hotel

Wetlands Functional Value



- Filling in wetlands destroys their functional value, which requires artificial means to try to replicate what nature has created



The proposed hotel will result in the loss of 4,717 square feet of swamp and approximately 45,200 square feet of perimeter wetland. (RIDEM) Public Notice of November 22, 2023)