

**Planning Board Meeting**

**Thursday, October 9, 2025**

**Called to order at 7:00 pm**

**Bristol Town Hall, 10 Court Street, Bristol, RI**

**Minutes**

**Present:** Mr. Charles Millard, Chairman; Mr. Richard Ruggiero; Mr. Anthony Murgo, Vice Chairman; Mr. Brian Clark, Mr. Steve Katz, Mr. Michael Sousa, Alternate.

**Absent:** Jessalyn Jarest, Alternate

**Also Present:** Ms. Diane Williamson, Director of Community Development; Mr. Edward Tanner, Zoning Enforcement Officer and Ms. Amy Goins, Esq., Town of Bristol Solicitor's Office.

**Approval of Minutes:** Motion was made by Mr. Katz, seconded by Mr. Clark to approve the minutes of September 11, 2025. Mr. Murgo abstained motion carried 4-1.

**C.1** **Review of Master Plan phase for Major Land Development of the Comfort Inn and Suites to build an 80 room hotel (continued from September 2025);** Property on south side of Gooding Avenue approximately 50 feet east of the intersection of Gooding Avenue and Broad common Road, near utility pole #218: Owner: D&M Boca Development, LLC Zoned: GB. Assessor's Plat 111, Lot 1.

Mr. Murgo stated that the applicant has asked for continuance until November 13, 2025 Planning Board meeting.

**A Motion made by Mr. Clark, seconded by Mr. Katz to continue granting the request was granted. Mr. Millard and Mr. Murgo abstained.**

Ms. Williamson explained that along with that there is a continuation on the time frame for the Board's actions, 30 days.

**C2. Public Hearing and Consider Action on Minor Land Development – Preliminary Phase/Unified Development –** proposal for construction of a 3,500 square foot building for a contract construction use in a General

Business Zoning District that also requires a Special Use Permit (continued from September 2025); Property located at 670-688 Metacom Avenue, Assessor's Plat 128, Lot 15 & 16, Zone: General Business and Metacom Overlay District. Owner/Applicant: David Ramos and Lionel Ramos.

Also, Waiver requested for sidewalk requirement along Metacom Avenue in front of Lot 15, required per Section 2.8 of Appendix G in the Subdivision and Development Review Regulations.

Attorney Matthew Landry presented the Petition to the Board. He explained that at the end of the last public hearing they gave a pretty comprehensive thorough analysis of the application. Just prior to the close of the meeting, there was a suggestion and an agreement that Mr. Ramos reach out to the neighbor immediately to the east that had expressed some concern regarding landscaping and buffering. It was the general consensus that the Board would like to see some discussion over the last three to four weeks and come back to the Board with an update on that, to see if they could come to some sort of agreement. After that meeting, his client did have some discussions with that neighbor. The last couple of weeks, as he understands it, there has been some exchange of information and ideas about what that landscaping buffer would look like. He understands that that neighbor is present and that she has obtained council as of today; it was the first that he had been notified of that. They did submit a landscaping plan into the record. The landscaping plan is pretty detailed and shows a 15-foot-wide vegetative landscaping easement on the neighbor's property, with 14 specific plantings ranging from six to eight feet in height over time. Obviously, the Board knows that they can not impose that on the neighbor and the Board cannot condition that they do plantings on the neighbor's property, but that was suggested because of the elevation change; it would be much more effective to have landscaping up on that property. His client would pay for it, maintain it and it would be an agreement to some extent on how to control that, a planting schedule and so on. In addition to that they proposed a double layered landscaping buffer on Mr. Ramos's property that abuts this immediate neighbor. There are 30 plantings in between there of substantial sizes and different types of species. That's a pretty comprehensive and elaborate landscaping scheme to help buffer this property from the neighbors to the east, on top of what is already in existence. He shared the plan with the neighbor, and her counsel had responded today; they haven't had any further discussions and don't want to speak for them. He only wanted the Board to know that the plan was developed to address the concerns of the neighbor had raised. It was presented to them, and it was presented to the Town. If they can't come to some sort of agreement, he's not sure either the applicant or the Town can impose a condition that the landscaping go on the neighbor's property. They are merely offering to do it and would be happy to do it, because they think it

would be even more effective than just the landscaping on the applicant's property.

The only other change that they presented to the Board was that there were some responses to comments. Sheet 6 of 10 had comments about the changes that would limit disturbance. They have submitted a supplemental sheet with the changes that were requested. There were no other changes or updates from the last meeting; it's just relating to the proposed landscaping buffer.

Mr. Murgo asked if there were any elevations to the building and what it looks like. Ms. Williamson stated she did have them for the Board. Mr. Ramos also presented a poster board showing some architectural drawings of the proposed building.

**Motion to open the public hearing by Mr. Clark, seconded by Mr. Murgo, unanimously approved.**

Attorney Joshua Slepko spoke on behalf of the abutting neighbor, Shannon Lagarto. He stated that his client retained him in opposition to Mr. Ramos's application. He understood that there have been several hearings and there's been a lot that happened before his involvement in this case, which was just several days prior; so, he has tried to get himself up to speed about what has transpired. As Attorney Landry explained to the Board, he just reached out to Attorney Landry on that day, notifying him that he was representing the abutter. His client is strongly opposed to Mr. Ramos's application. The first thing that needs to be addressed is the significant expansion of this non-conforming use. When Mr. Ramos purchased the property several years ago, it was not simply a continuation of a non-conforming use; it was a significant increase in the use of that property. The evidence for that is that his client is notifying the Town and Police of issues with the property. His client is not simply upset that her property abuts a parcel of land that has a non-conforming use. She's lived next to that property since 2010. When the predecessor to the applicant was operating a property there, his client had never made calls to the police, had never reached out to the Town's Building Official or the Planning or Zoning board. This is not simply a disgruntled neighbor who's upset that she lives next to a non-conforming use. It's her being upset of that significant increase and intensification of the use. And, obviously, how this has transpired it's not necessarily the applicant is that someone who has reached out to the Town to do things in the appropriate manner. As has been detailed previously, he's sure the applicant took it upon himself to intensify the use, put up structures without seeking the appropriate approvals or permits from the Town. Once the Town caught the applicant, or notified the applicant of those issues, then the applicant requested the appropriate relief. With the application itself, there is some significant issues. He thinks that the current use of the

property is not simply limited to contract construction services. His client will be able to testify, based on the best of her knowledge and observations from her property, that there has also been some mechanical repair, or automotive repair; she's seen welding equipment, welding sparks. Additionally, he believes she's seen distribution of material directly from site. So, it's like a retail operation, with vehicles and trucks coming in to purchase the materials. It's not simply storage to support the applicant's contract construction services. As required for a Special Use Permit, the applicant was required to provide a narrative, which the applicant did, but he doesn't believe the narrative adequately describes the use of the property. The hours of operation listed in that narrative are 7:00 a.m. to 5:00 p.m. His client would testify that the trucks are there clanking around the big metal barriers and the backup beeping and people yelling much earlier than 7:00 a.m.; sometimes as early as 6:00 a.m. Additionally, as the narrative states that only 90% of the applicant's business occurs off site and this land is just minimally used 10% to support the contract construction services. Obviously, he didn't have any numbers about what kind of business the applicant does. But based on what his client has informed him of the significant activity that occurs on that property, it would be very hard to believe that that's just 10% of the applicant's business activity. His client would request that the Board deny the application. He understands there's been significant work done by the Board, several meetings by the applicant; so, if the Board is inclined to approve the application, his client would request some significant conditions on that approval with respect to the intensification of that business that's been done by the applicant. Most specifically the noise, the odor, the vibration and the hours of use. He knows that other neighbors are present, he doesn't represent them, but he did know that they were also planning to speak in opposition.

Mr. Millard asked if it meant that the objector was not interested in working with the applicant, as far as putting up a barrier.

Attorney Slepckow stated that unfortunately for everyone present, he just got involved recently and hasn't had an opportunity to talk to Attorney Landry other than notifying him that he was being retained that same day. He's certainly open to discussions. But he thinks the focus is more on the intensification and what conditions are going to be placed on that, rather than whatever buffer zone is going to be put there.

Mr. Millard asked if his client had conversations with Mr. Ramos about buffer zones. Ms. Lagarto stated that they had one conversation via text message in regard to planting trees on her property. At the last meeting she was at somebody who advised him to make the neighbor happy. And she didn't appreciate that. By planting seven-foot trees, she already has 12 -foot trees on that property line and her property line goes down 10 feet. So, putting a

seven-foot tree on that property line is really not going to do anything. It's not that it's a dead deal; there has to be more options besides just planting more vegetation; there is lots of vegetation there. On the applicant's side of the property, the vegetation that's currently there is bamboo and it's not maintained. That bamboo has taken over her trees that she planted there in 2010 to keep a buffer zone from Lionel Ramos. When she built that house, along with those trees, she had to put netting on her land to bring back her property line six feet. So, she's already losing six feet from the trees that are in a ditch ten feet lower and then she has a six-foot rise above his property line with netting; so, she's already losing five feet and then trees that are 12-foot tall now.

Attorney Slepckow stated that in the narrative there was a request not to have to put up a fence line to shield storage of equipment or material; and the explanation in the narrative was that it's already being stored. But there are material and equipment that is being stored throughout the property, and his client would request that in addition to any buffer that the requirement of a six-foot fence would also be included in the conditions for approval.

Mr. Millard asked if it was their understanding that there is a retail operation going on on the property. Ms. Lagarto stated that she's currently seen in the past couple of weeks F-150, Dodge Ram trucks coming into the property and getting the beds of their trucks dumped with material and then covering them with tarps. There was a truck that came through a trailer, they filled the trailer with dirt with their little bobcat and then the driver drove away. Not sure if they're making a profit off of it or not but it is occurring. She also has some videos that she can e-mail and present with the sound if possible; and she can e-mail the video.

Ms. Lagarto stated that she actually cut probably 20 hours into 3 minutes and 30 seconds. Attorney Goins stated that it did sound reasonable, if it sounded reasonable to the Board, it could be allowed.

Ms. Lagarto explained the video would be hard to see but what she really wanted was for the Board to hear the sound. Again, it's a clipped video of the transition of vehicles; something that she hears everyday from between 5:30 in the morning until 8:00 at night.

Mr. Millard questioned if just hearing a video would give any context. Attorney Goins stated it would be up to the Board to decide whether it's relevant. In terms of content they could certainly ask when it was taken and with the 20 hours and what it represents; but it would be up to the Board to decide whether the evidence is relevant to their decision and determination.

Ms. Lagarto played her video through her own blue-tooth speaker to the Board. She stated none of it was intensified, it is video she takes from her

phone on her deck while she's cooking dinner or doing homework with her children.

Board members expressed that it would be the off-hours that they would be interested in, before 7:00 or after 5:00; so being able to point that out to the Board would be helpful.

Attorney Goins stated that it is very difficult for the Board to assess the level of sound, because there is not a point of reference; there was no decibel meter. So, if the Board could ask her perception of how loud it was. But the Board hearing it kind of turned up in the room may not represent what it sounded like.

The Board inquired on when the video was made, if it was on the weekend, regular work hours, when? Ms. Lagarto stated that she made the video that afternoon at 1:30; but she stated that she has a whole folder full of videos that she saved, where she put her phone out on a tripod while she's doing yard work, with dates and time.

Attorney Slepckow asked if the video she presented is similar in sound to other days and times. Ms. Lagarto stated 100%, she just wanted to be able to relate it to her senses; she hears it, she sees it, she has to tolerate it, deal with it; the nuisance is absurd. Even with the elevation and distance, it's hard to explain, she feels that she is invading his privacy by videotaping her neighbor's property, because she feels it is unacceptable. But she's called the Town multiple times, and the police have shown up.

Mr. Sousa talked about the difficulty of listening to the video and being able to tell what the experience is on her deck and it's difficult for them to grasp the real nature of the sound.

In response to when the intensity started to pick up at this location, Ms. Lagarto stated it was in 2024, probably the end of 2023.

Mr. Murgo stated that he could understand how the area feels just by hearing the short video and asked if it went on all day. Ms. Lagarto stated that she works from home three days a week. She does training for industrial services and she has to move her webx to the other side of the room or down in the basement, because she can't have her back door or her kitchen window open.

Mr. Murgo stated that he does feel for the neighbors there, but he didn't know how much the Board could do if they're not over the noise meter limit.

Attorney Slepckow stated that his client's testimony was early 2024 when the noise increased and the recorded deed into the applicant was December of 2023.

Mr. Ruggiero stated he was trying to remember his years on the Council when they had noise ordinances, and he always remembered there was a starting time that you could begin work with equipment and there was an ending time. He remembers no earlier than 7:00 am, whether it be cutting grass or cutting down trees or running a backhoe, until either 4:00 or 5:00. It was legal to run your equipment, so if they're running equipment at 1:30 or 2:00, what can the Town do if they're within that time frame? If they're doing it prior to 7:00 in the morning or after 5:00, they put themselves in a position where there's not much you can do.

Mr. Millard stated that the Board is dealing with an expanded use, expanding a non-conforming use; that's the issue.

Mr. Ruggiero stated that then if it's non-conforming use, then it's not proper. But the use is proper and they're within the time frame, there's not much to be done about the noise.

Mr. Millard stated that they are trying to deal with the fact that it's expanding and has it expanded beyond what reasonable for a non-conforming use.

Attorney Goins stated that the Board must determine whether the Special Use Permits Standards have been satisfied. They don't have to determine anything about expanding of use. They're present, they've requested the Special Use Permit, and the Board has to review the application and the evidence and see if the Standards have been satisfied. And if the Board finds that they have, then yes, they can impose whatever reasonable conditions the Board think are appropriate to mitigate the impact of this use on the abutting residential neighborhood. Her office has been consulted on various issues related to the noise ordinance and when it applies and when it doesn't. Her understanding is the police department has gone out there several times, and they have not found a violation of the noise ordinance. It's also important to note lawn mowing activity and other activities can take place before 7:00, as long as that doesn't exceed the decibel limits set forth in the noise ordinance. So, the short answer is yes, as the Chair indicated the Board can impose reasonable conditions. She doesn't believe they can set a higher bar in terms of a lower decibel limit for the operation, but you can impose limitations on when and where the use takes place on the property and what kinds of activities are allowed on the property. If that's what the Board thinks it is necessary to mitigate the impact. To refresh everyone's memory from the previous meeting, the Town issued a Notice of Zoning Violation indicating that the use had been expanded, the pre-existing legal non-conforming use had been expanded, and the applicant filed an appeal to the Zoning Board. That appeal was withdrawn so that this application could proceed before the Planning Board.

Mr. Millard stated that it was a legal non-conforming use by the previous owner and this is an expansion of that.

Attorney Goins explained that is the Town's position. And, at this point, whether it's non-conforming or not isn't really what the Board needs to determine, as a Court would, they just have to evaluate the application and see whether the Standards for a Special Use Permit are satisfied.

It was noted by the Board that they've been talking about noise a lot, but what about the air quality.

Attorney Goins stated that her understanding is that this isn't the kind of activity that requires an air quality permit from DEM. But, to the extent that neighbors have alleged concerns about air quality, the Board can certainly ask for that. But, again, there are some rights to do what the applicant has been doing on the property. It's just the question of the extent, which is why they are before the Board for a Special Use Permit. If the Board needs to impose reasonable conditions on air quality, they can.

Mr. Millard asked if there is already a Special Use Permit on the property.

Ms. Williamson stated just to clarify that this use in the use table in this zone, a General Business Zone, a contract construction business is use that is allowed only by a Special Use Permit. Because there's also a land development proposal, that is a unified development with the Planning Board; usually the Zoning Board deals with Special Use Permits. But the Planning Board has to vote on the Special Use Permit first. The contract construction service is an expansion of what was previously there and in intensification of what was previously there. The expansion, the intensification and the fact that this use is in the use table as requiring a Special Use Permit in this zone, is what the Board is considering.

In response to questioning by the Board, Attorney Goins did confirm that the previous use was a contract construction service. And, if the applicant had moved his operation there and continued operating just as the prior occupant of the property had to the exact same extent in terms of activity and operations, she doesn't believe there would be a need to apply for a new Special Use Permit. But they're present because the Town's position is that the scope of their pre-existing legal non-conforming use was expanded. They are present with the application for a Special Use Permit as presented.

Attorney Goins continued and stated that they can accept it or deny it, but that's not based on any determination about whether it's expanded or not; it would be based on a determination on whether or not the evidence in the application satisfies the Standards in the Ordinance for Special Use Permit for contract construction services. She continued that the Board could ask the applicant to explain how, if he knows, how his operation differs from the

predecessor in title. But there is not a record on this issue, because there wasn't a hearing before the Zoning Board on this issue. So, she thinks rather focusing on the aspect of what kind of expansion, she thinks they should ask questions about what was there before only to the extent that it's relative to the Board's determination of how what's on the property now, whether it satisfies the Standards and what the impact on the neighbors is.

Mr. Ruggiero asked Mr. Tanner if the Town is considering the current use of this property, right now, the way it's being used, legally or illegally.

Attorney Goins stated, no, the Town issued a Zoning violation. Mr. Ruggiero continued and stated, okay, so it's not being used legally now and the only way it can be legal is by granting a Special Use Permit. Attorney Goins stated he was correct. Mr. Ruggiero stated that then why don't they just grant a Special Use Permit and put conditions on it, because then it gives more control to the Town. Attorney Goins again explained that was what the task was. As soon as the public hearing is closed.

Mr. Millard stated that there could be some people who think the expansion is unacceptable and don't want to grant the use permit. Mr. Ruggiero stated that he understands that, but if they grant a Special Use Permit, conditions can be put on it to make it acceptable. Mr. Millard stated that if they don't grant it then they don't have to worry about whether it's expanded or not, because it won't expand.

Attorney Landry stated that he has the Notice of Violation that was issued; it was issued for an expansion of a lawful nonconforming landscape construction business; but the expansion was related to the tent structure that's been subject to this. The expansion is not based on the number of trucks or the noise or the activity taking place; it's based on the work trailer that was installed and the tent structure that was put on the property that's been subject of dispute. It's not the use itself; it's the structures that were created without the proper building permits. They're getting into the realm of the expansion of more trucks, more noise, more activity; that's not what was cited in the Notice of Violation. The violation related to the construction of that tent structure without a permit; and in order to construct that building you needed to go to Zoning and his client didn't understand that at the time. The whole point of this process, he dropped that appeal to pursue this land development application and do it properly and replace the use that's on lot 16, Lionel Ramos'. A lot of those issues that are there are going to be resolved if this is approved. So, a lot of the activity taking place in that southern lot is not going to be there anymore. That new building is going to be there. It's going to be paved and all the activity that is being stored there, if anything, is going to be moved to the northerly lot that currently has that business. He agrees, there are no conditions or anything. So, if this isn't approved, he can still do what he's doing on that property, except for that

tent. This isn't going to go away; it's a lawful nonconforming use and there's been no citation for any specific business activity that's taking place that's expanded beyond what's existed previously other than that tent structure. And that's what is in the Notice of Violation. By going through this process and doing it the correct way, the Board has the opportunity to impose hours of operations, conditions of approval, such as paving to control he dust, landscape buffers, a seven or eight foot fence; all those things his client agrees to that don't exist now and he can conduct his business without any of those conditions. So, respectfully, with the expansion of the use, he thinks it was being interpreted as the business is growing and he's doing more than he ever did; and that's not accurate. Again, the expansion was related to the building that was constructed without a permit and that's all that's been cited. He thinks that's important. And this application proposes to remove all that and correct it. The whole point of this process is to work with the Town, combine the two lots; because lot 16 isn't included right now and go through this properly.

Attorney Slepko stated that certainly attorney Landry has been involved in this much longer than he has. But he's not sure that Attorney Landry or his client is in the best position to say what the use was prior to the applicant purchasing the property. He does think that the neighbors who have lived there for years would be in the best position to offer testimony as to whether the business has expanded or intensified in its use.

Attorney Goins suggested that if they were at the Zoning Board and if they were deciding whether to uphold the violation letter or not, that would be entirely appropriate. But they are not there to determine whether or not its expanded. The Board's questions to the applicant and the neighbors about what the use was before, what it is now, are only relevant to the extent the Board deems it relevant to address whether the application satisfies the Standards. Her guidance to the Board was that rather than focusing on the expansion aspect, get all the testimony they need and get all the facts straight on what the use is now and then they can determine whether the application, as presented, satisfies the Standards for a Special Use Permit. And if it does, are there conditions that should be imposed. If it doesn't, they don't worry about conditions. At the end of the public hearing, once they've heard from all the neighbors and the applicant has a chance to respond to anything, evaluate. She noted that Ms. Williamson supplied the Board with a memo and laid out the Standards and suggested some conditions of approval in the event that the Board deems it appropriate to grant the Special Use Permit.

Mr. Chris Fernandes stated that he abuts Ramos construction and that everything Ms. Lagarto says is true. He doesn't think everyone understands what is going on. He sits in his kitchen, and his house shakes from the heavy

equipment, it's ridiculous. He has a sound recording from this morning; its heavy equipment, it's not a landscape company where he's cutting grass; this is a major construction landscape company. Heavy equipment, working on heavy equipment on Sundays; Mr. Ramos does not care. The last meeting he was told to make nice with the neighbors, 5:45 the next morning they're loading trucks, dragging chains across heavy equipment. His life is horrible, his house is covered in dust, 6:00 he hears guys screaming, all day long. He has a six-foot fence and about 20 feet of full woods in between and in the summer it's full of foliage and with all that it is incredibly loud. So, whatever they are proposing for Ms. Lagarto is not going to work. In the winter when there is no foliage on the trees he can see the trash, major violation. He's been in the business for a long time and what's going on is that Mr. Ramos is fooling the Town; this is a huge scale construction company. It's made for industrial park; that's why there is an industrial park, so they can put large businesses in there. Mr. Ramos is trying to turn a decent little area into an industrial park. Everyone knows Lionel, he had a pile of dirt and a couple of trucks and he moved dirt once every couple of days. This is ridiculous. He couldn't even sell his house right now; if he shows his house it sounds like a construction zone. If the Board grants this application the value of the neighboring homes will go down. The quality of their life is horrible. He played a recording to the Board that he recorded that morning from the inside of his house in his kitchen and said it goes on all day long. He called Mr. Ramos last year, because at 1:30 in the morning they were dumping materials. He apologized and three days later, 1:30 in the morning, they're dumping materials again. He's called the Town, and he gets no answers. Called the police, the Police Chief is a saint, he says he can't go down there and issue violation. So why is the Town saying to call the police; it's a waste of resources. He asked if Mr. Ramos is allowed to be in the tent working.

Ms. Williamson stated they were reviewing that issue. Attorney Goins stated it is under review with the Town's Building Official. There is a new Building Official, and they have had a conversation with him on this subject. As is known, the previous Building Official who issued the building code violation has retired. So, that's under review by the Town's new Building Official.

Mr. Fernandes confirmed he's been living in his home since 2010 and was there when the prior tenant had the property.

Again, the Board noted that the issue is that the prior tenant did X and Mr. Ramos is doing X plus 2000.

Mr. Fernandes stated he understands how tough it is to be in business. But Mr. Ramos is related to the previous owner, Lionel Ramos, who got a deal on the land and let's get wild, and that's what's going on. If the Board approves this, Mr. Ramos will buy the rest of the land from Lionel. Mr. Ramos doesn't listen to anything anybody says, if he puts a \$700,000 building on that land,

you won't be able to control what he does on that land. He continued in detail the issues that could arise if this is granted. He believes it will only get worse in the winter with heavy trucks. There was a sign outside the building for months hiring a full-time mechanic. On Sundays you hear air guns, grinders, for hours. In response to questioning he confirmed he would be very happy if it went back to having a pile of dirt and moved it every couple of days; but he doesn't think that will happen.

Mr. Katz stated that all this goes back to what he said at the last Planning Board meeting where he was adamantly opposed to this, and he was even more opposed to this now. He thinks that what Mr. Ramos is doing doesn't belong on that site. He thinks it does belong somewhere off of Broad Common or somewhere in the Industrial Zone. Right now, he would vote no.

Mr. Fernandes stated that as far as the dust control, he's pretty sure ELJ had a very large lawsuit about dust control and had to manage his dust control. That has to be looked into; there is processed, unprocessed, compost, torn up asphalt, all kinds of chemicals in it.

Mr. Sousa stated that once that tent gets removed and the trailer, it's not going to solve the problem; it's going to continue the way it is right now; that's not solving the problem for the neighbors.

Ms. Williamson stated that is necessarily true, she thinks they would have to look back; again, it goes back to the intensification of the nonconforming use, and they would have to look into it.

Mr. Sousa stated that the only record of violation for intensification was written up in what the attorney mentioned, it was the tent and it was the trailer.

Ms. Williamson stated that she doesn't know what the attorney read from. She read the violation that was in her records and read, Notice of Violation was written on December 10, 2024, and again read "in addition to the intensification of a nonconforming use, the construction of new commercial structures on this property requires Planning Board pursuant to the Zoning Ordinance". She continued and stated that it does mention intensification in addition to the structure.

Attorney Goins stated that she had the sentence in which Ms. Williamson was trying to read and its after the membrane structure was mentioned, "In addition, these improvements have intensified the existing nonconforming landscaping contract construction business operation at the site, which was in existence outdoors within a limited area of the property of a pre-existing nonconforming use". She stated that, again, this isn't the Zoning Board hearing, where they're hearing testimony and evidence on what it was before and what it is now. The Planning Board's task is to evaluate what's proposed,

meaning what's been operating there and now what's proposed to be approved officially. Determine whether the operation as it exists now and as its proposed to continue in existence satisfies the Standards. So, they needed to move the focus away from nonconforming. Just evaluate the application and see whether or not it meets the Standards.

Ms. Williamson stated that there are three specific Standards, which were in the Board's packets. The Standards are that whether the use is specifically authorized by the Zoning Ordinance, whether it meets all the Standards set forth in the Special Standards that the Board had, and whether or not it will alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Ordinance or the Town's Comprehensive Plan.

Mr. Millard stated that Standard Three is the one being discussed. Ms. Williamson said he was correct. It comes down to whether it changes the neighborhood or not. Attorney Goins stated that is the key.

Ms. Nikki Richmond, abutting property owner, stated that she works from home on a daily basis, they all have little children and when they're talking about the volume of noise, she can't tell everyone how loud it is. The videos do not do it justice at all. She works from home and has a very high demanding job, she presents all day long and since this has gotten worse and worse and worse over the years, she actually now travels to Boston instead of one or two days a week, sometimes she's there two to three days a week. If anyone knows the traffic to Boston it is horrible, it adds almost six hours to her workday. But, because of how much the ground shakes, and she lives across the street from Ms. Lagarto and Mr. Fernandes, it is so loud, and she cannot hold the conference calls she needs to do on a daily basis. She has young children, and they don't need an alarm clock to wake up in the morning, they're up at 5:45 every day as soon as the banging starts outside, until the time they come home, eat and go to bed they hear this noise. For years all the neighborhood children played outside and cookouts in the backyard and bonfires and because of all the dust and noise they can't even go outside with the kids because they're constantly eating dust or they're hearing profanity, words that they don't want them to hear. She begged the Board to please deny the application.

Mr. Matthew Francis, Sousa Street resident, asked about the property that Mr. Ramos wants to put the building on, it has been deemed commercial for many years.

Ms. Williamson stated it is the general business zone and it requires a Special Use Permit.

Mr. Matthew Francis stated that it's been that way before those houses were there, so as far as his expanding

Mr. Millard asked him to stop because that's like saying I built my house next to a farm and then a pig farmer moves in, and you're supposed to accept it. There's been a radical change apparently.

Mr. Francis stated he was correct, but as far him expanding, kudos to him, he's a hard-working kid. If it was zoned business, they moved there, they thought everything was hunky dory because they had Lionel Ramos there. But if he remembers right, J.T. O'Connell was supposed to move there many years ago. So, if J.T. O'Connell was already there, would they have bought their house next to a lumber yard.

Mr. Millard stated it was irrelevant.

Ms. Carol Fernandes, 43 Lisa Lane, right behind lot 15 stated that she is in complete agreement with her neighbors; but she did want to know if this is approved and set limitations, who would enforce those limitations.

Attorney Goins stated that sometimes conditions of approval could be a combination of Ed Tanner as the Zoning Officer, Diane Williamson as Administrative Officer. Some conditions could require the assistance of the Police Department; but the answer is the Town is responsible for enforcing conditions. And just like with any zoning issue, enforcement is typically complaint based. Neighbors have to bring something to the Town's attention; the Town doesn't typically go out on zoning patrol. People would have to call in.

Ms. Fernandes stated that approving a Special Use Permit would have to have Town agreements that they would also enforce any complaints by the neighbors.

Attorney Goins stated, no, not exactly. It's not the Town saying whenever a neighbor complains they're going to go out there and issue a Notice of Violation. The Town's obligation to enforce a condition of approval depends on the Town independently investigating the violation that's complained of and making a determination. Sometimes that determination requires legal assistance, sometimes it doesn't if it's black and white. But conditions of approval don't equal if someone makes a complaint and automatically a violation is issued. There's a process that has to be followed.

Ms. Fernandes stated well if the condition is from 7 to 5 and he's working at 5 in the morning that means nothing. So, he can be approved based off of those timelines and he can still work beyond that until the Town decides to take action.

Mr. Millard stated that they would have to be tracked down and it is a frustrating procedure. Ms. Fernandes stated then the only thing she can say is that she's opposed to the application, as the abutting neighbor that shares

property lines directly behind Lot 15. He wants to take the business move it to the other side and you're still going to have lot 15, even though they're not addressing her concerns, she's still abutting and am opposed.

Mr. Sousa stated that earlier they spoke about the sound ordinance, and he thought it was said that there is a restriction now in the Town now and asked if there are any restrictions on this lot right now for them conducting their operations before 7:00, after 5, and on Sundays.

Attorney Goins stated that she didn't have it in front of her and would have to review it again. What she could say was that she's consulted with the police department and with Town officials multiple times over the last year and at no point did any of the complained of violations amount to a violation of the noise ordinance.

Mr. Nicholas Franco, 46 Kingswood Road, lifelong resident of Bristol, current operations manager for Ramos. He wanted to ask if anybody had looked at the record of the police reports, the decibel readings and everything that had gone on at 670 Metacom Ave.

Attorney Goins stated that information hadn't been provided to the Board because the Board only sees what the applicant and what the abutters provide.

Mr. Franco stated that it seems like the previous meetings and this meeting is the issue of noise. They've had officers there for months and has anybody looked into that and seen any problem with any of the readings.

Attorney Goins stated that what she just told the Board is that to her knowledge, unless something happened in the last week or so, the police department has never issued a noise ordinance violation. They've been investigating complaints; they're consulted with the Solicitor's office. None of the complaints have proven to be found in violation of the ordinance.

Mr. Dave Ramos, 10 Roosevelt Drive, stated he was in support of the Special Use Permit because the complaints are from people that are having a problem. He heard Board members say they are opposed to it because of their complaints. If there's no ordinance violation when it comes to noise and everything else, then it's a mute issue. This is a business that he would think the Town would encourage. He's been told that this Town is Business friendly; let's see it happen, because he's not trying to do anything, he's providing a service. Does he have more employees? Yes, Lionel ran the business by himself, he had no one helping him. That huge property with one person on it, sure that's going to make the neighbors happy. But now you've got more employees. They're exaggerating the fact that it's happening all day, because they go on site and work, their jobs are not done there, they're not fabricating things there. There might be noise at times and if they need to do

it in a certain time frame, so be it. He'll have to stay in accordance with all the rules. Someone saying they're giving you a recording, he's seen all the reports in the Phoenix day after day; the police are there at 6:00, no violations found. He doesn't see where there's much of a leg for the neighbors to stand on and he hopes the Board reconsiders that they're mad and it's different there, but the Town should be encouraging business

Attorney Landry stated he was going to have his client explain exactly what type of activity is taking place on both the lots and what his intention is for lot 15 and lot 16, so that everyone is clear on what type of activities, hours of operation. He also noted that the Board still has 30 days to decide. He spoke to his client and noise seems to be the overarching theme and they are sensitive to that. And, again, he stressed the fact that trucks are coming in and out, deliveries, all that is going to continue whether this is approved or not, because it's a lawful nonconforming use on Lot 15. That's not going to change and there are no conditions. He believes his client would be amenable to noise mitigation measures such as a fence along the perimeter on lot 15, that would help buffer the sound. But he's also been involved in cases where there's ways to mitigate the sound from tailgate slamming, you can buffer those, you can reduce the backup alarms by using lower beeps; they have them on Amazon trucks. That could be a good reasonable condition that could be imposed that could dramatically affect or change the extent of the noise coming from the trucks. He believes that would be something reasonable to impose and something his client would be amenable to, as are the hours of operation. But he thinks there's a concession to be made and they can address the noise issue, on top of landscaping and buffering and all those things. This has been going on for over a year, and this is the first time there has been a room full of neighbors talking about noise and all these concerns. They've had one or maybe two neighbors that they addressed. These are public hearings, they know, they've been involved with the Town. They would have been happy to address these issues if they were brought forward sooner. All they heard was landscaping and buffering on two neighboring lots; respectfully, that's all they were aware of. And they waited a year to get counsel to represent them when there was going to be a decision. They are doing everything they can. His client has been doing everything he can to try to resolve these issues and will continue to do so. He's offering these concessions now in order to show in good faith that they're trying to work with the neighbors and resolve these issues and not put the Board or the neighbors in a tough position. This is a use that's permitted in this zone. It does require a Special Use Permit, but the Town Council deemed this an appropriate zone for this use. They could have said it was a non-permitted use if they didn't contemplate that it would have this conflict. The Metacom Overlay District also requires that these businesses be close to Metacom no more than 50 feet. This project started with a much

closer to the property line. They have since amended the plans to move it much closer to Metacom, the trash, the buffering; they changed all those things to move it closer to Metacom Avenue also as concession to the neighbors to the rear. Great efforts have gone into this plan to ensure minimal impact. The noise, the tailgate slamming, those things to the extent that they're going on; they would continue anyway even if they weren't before the Board, because it's already happening on lot 15, it's a grandfathered use. That's not going to stop. But, with this plan incorporating lot 16 into it, moving all these things back to lot 15, all the trucks and some of the things that exist. Conditions can be imposed that don't exist now to help resolve some of these issues and he believes that's a good compromise.

Mr. David Ramos, owner, explained what activities take place on lot 15 and what his intent is with this application. Lot 15 is the northerly lot. Right now, there's obviously a tent and some materials on lot 15. With approval of the plan, the plan would be to move all dust causing materials, dirt, compost, mulch, stone, all in the appropriate bins on lot 15. By developing lot 16 they will no longer be loading and unloading equipment on that lot, they'll be no longer dumping material on that lot. Everything will be paved, so the dust will definitely immensely be resolved. They're also proposing and one of the conditions the Board might have thrown in is an 8-foot fence, if approved, on lot 15, so that even in the winter months when the trees and vegetation on the wood line there go away, at least you have some kind of noise and visual barrier. He knows it's not going to be 100%, but at this point anything that he needs to do to solve the noise issue, the dust. For lot 15, for instance, where it remains gravel, he has no problem with maybe a stipulation of maybe sprinklers that need to run over there on a certain regular basis to keep the dust controlled. One thing he would say, he hears about early morning noise, he can say for the last six months since they've been going through the process, they do not show up to work before 7:00 am. There may be a dumpster company emptying a dumpster and he's talked to them and hopefully that's still not going on. But his trucks that do leave for work prior to 7:00 am, he actually rents a space for them over at Jack's Salvage. So, he's doing what he can to keep the noise to a minimal. He did also wanted to mention that the residential sales of loam and all that, there's a sign out front and that's Lionel Ramos' kind of retirement gig. Once he moves on and he's no longer in business there, the plan is to really clean up that lot that they know looks like a junk yard. He wants to make the property look good for the Metacom Overlay District, and for the neighbors. He knows a lot of them think that granting this application is going to make the situation worse for them; but he actually believes it will improve. It will give some organization a lot more structure. Right now, if they get a flat tire at 5:00 in the afternoon they have to change it on a trailer in the parking lot. One of the stipulations will be after 5:00 pm everything has to happen inside the closed garage, so

that the noise is baffled. The talks of the trash that the neighbors are looking at; right now the trash is in the wide open. This plan proposes an enclosure with a cedar fence against Metacom Avenue away from all the houses. So, he's just looking to get to a place where they can figure out what kind of conditions could be imposed on top of what they are already proposing, so they can get this to work. As far as the buffer he doesn't know how much more they can do for plantings. They do have three rows there, between the two on his property and the one on the neighboring residential property. He hopes they can keep moving forward in the right direction. He doesn't think a decision needs to be made at this meeting. If that's what the Board wants to do, he understands, but he is open to any other options and with working with the neighbors as far as the noise, the dust and so on.

Mr. Katz stated that he's currently on lot 16 and intend to move into lot 15. Mr. Ramos explained he's on lot 15; he's technically on lot 15 and Lionel is on lot 16. Lot 16 is the southerly lot and 15 is the northerly lot. And he would be moving down as far as the tent structure will go away. The building is going to go on the southerly lot and then any aggregate, machine loading, truck loading is to happen on that gravel piece of land on lot 15, surrounded by trees and buffers; so that open lot 16 is truly just a nice looking wood building with a paved lot and landscaping and its really going to look good when you come into Town. You're not going to see the operation as you do now.

Mr. Katz stated there will be no loading or unloading on lot 16. Mr. Ramos stated that was one of the stipulations. Right now, Lionel for years has had his dirt right up Ms. Lagarto's property. Personally, he's told him many times that he would like him to move it off of there. But until he takes the reins everyone knows how it is to tell an old man what to do. He's stubborn in his ways and doesn't want to get rid of some of his stuff. He's trying to take a new path forward and trying to make the property usable and functional for him, but also not an eyesore. One can see in the renderings he's put a lot of work into engineering and design and he's still willing to make any changes if there are any recommendations that would help get it approved.

Mr. Clark stated that the noise is really what everybody is upset about and dust. If you had to pick one of the two you would probably pick noise. He asked if he could get quieter backup alarms. Mr. Ramos stated that he has no problem he could put a kill switch on every truck, so that it only has a backup alarm when its on a DOT job and its required. As far as being on his property he doesn't need a backup alarm, unless neighbors are looking to call OSHA and complain about safety violations at that point.

Mr. Millard stated that he is required to use backup alarms at all times by OSHA. So he was admitting that he would violate OSHA laws.

Attorney Landry stated that there are ways to modify existing backup alarms to a lower decibel. So, the suggestion he made earlier, he's done it on other contract construction projects; to mitigate noise you can modify existing backup alarms with lower decibels. The Amazon trucks lately have like a small beep, it's very inaudible, but it's enough to satisfy what requirements there are. That's something that Mr. Ramos can look into if it's an amenable condition. The reduction in noise would be instantly noticeable. So, he thinks that would be something that is well within reason, as well as buffering tailgate slamming. There are certainly options to do that and retrofit existing trucks.

Mr. Ramos stated he was not asking the Board to believe him over the neighbors, but he can say there is no tailgate slamming or backup alarms or machines loading any time before 7:00 am or any time after 5:00 pm. If you hear any kind of noise on that property before 7:00 am it's the dumpster being picked up by Holmes Disposal. He believes that having a building that's insulated instead of working outside like Lionel has and the way he has, that will definitely quiet things right down. The air guns won't be outside off the back of a pickup truck. A lot of his staff are mobile mechanics right now. And confirmed that the only noise is going to be loading and unloading the trucks. And he would have no problem with putting a stipulation on that, because, again, he knows the other lawyer said he doubts 10% of his business happens in the yard, but it truly does. A lot of their material comes outsourced from other delivery yards and if that's something that they really need to dial back on to make people happy; that's not the bread and butter of his business, it's having a place to have a safe place to keep his equipment to report to work, to go to work. If he had to dial down to having only one pile of mulch and one pile of loam, so be it. He would definitely be amendable to that. The production and material that's Lionel gig; he doesn't own a screener. The one that is there belongs to Lionel and he's going to sell that with a lot of his other stuff. He is not taking over Lionel's equipment. He didn't get a deal on his land; he paid for the land fair market value. He's invested in it to make it work better than it has been for the last decade. Neighbors can say that there was no problem with Lionel, we know he was getting older and the business was dying down. But he thinks many people in Town knows that there was always a complaint on the property, about the look of it, the junk yard feel. He's trying to get to a place where he can be proud of that, and the Town can be proud of it. It's one of the first things you see when you drive into Town. Unfortunately, he is stuck with the property now, so if this gets denied it's not like I'm just going to not buy the property and move on. He's going to have to find maybe a new place to lease garage. Maybe Bristol Toyota will lease him a garage bay, but he's still going to have his materials as they've been in his family on that property for ever. His thought is to try to shrink that operation down once he does this.

In response, by questioning by the Board on what type of machinery is causing people's houses to vibrate. Mr. Ramos stated that to be honest he had to guess that might be Lionel's screener. He has a wheel loader that will load two or three buckets into a truck and then he parks the machine and then drives to a job. He may come back and get one or two more loads of material. Unless they have a job where they have 100 yards of mulch going out in a day, they aren't always there loading and unloading. There will be a span of five days when they show up at 7:05 and leave at 7:10 and show back up at 3:30 and leave at 3:45. In a perfect world they're on-site making money, they're not working on fixing things and running machines on the property. He can say, it might not seem this way, but he's been stressed to the max, more than ever the last six months, making sure that his guys know we need to be respectful to the neighbors, need to be quiet. He's definitely now factiously telling people hey swear, hey do this, hey do that. They're really dialed down, it's 5:00 pm and he's telling the guys they have to finish up the next day, go home. Hopefully with the building those are the kind of things that can say its 4:30, go inside and close the door.

**A motion was made and by Mr. Clark, seconded by Mr. Katz to close the public hearing. Unanimously approved.**

**Mr. Millard made a motion that we deny the Special Use Permit based on Standard three.**

Attorney Goins stated that she was going to ask, because of the multiple attorneys involved, to get a little more detail on why it doesn't satisfy that Standard. Attorney Goins read Standard Three again to the Board. If he wants to make a motion to deny, they would be finding that it didn't meet that Standard because; and she would ask him to elaborate a little bit on the because.

Mr. Millard stated that because the testimony of the neighbors says that the general standard of the area has been greatly denigrated since the new use from the standard use.

Mr. Katz second the motion.

Mr. Ruggiero stated that he sits on the Board and he's not going to speak as a Planning Board member, just going to speak as a normal person. He is really saddened to see that they can't get people to agree to come to some reasonable solution. It's really sad. He watched the petitioner speak and he sees the neighbors; there's such a distrust between the two parties that that shouldn't be. Somehow there should be a meeting so that people can talk and try to come to an agreement, so that you don't destroy a business, but yet you don't destroy a neighborhood. There is no way when you put residential with business there's always problems. And you can't find a

reasonable solution. He thought originally when the Petitioner came before the Board, he wanted to put up a building to store his equipment, because of the elements. So he would ask the question to the neighbors and to the Petitioner; if he was allowed to put up the building and all he did was put his equipment in there in the evening and took it out at night with no work done on the property; would that be sufficient to the Petition, would that be sufficient to the neighbors. To him, he doesn't want to see the neighborhood destroyed, but he'd hate to see a business destroyed. And the other question he had is if the Board denies the Special Use Permit, does that really help the neighborhood. Let's say he has to take down the tent, he takes down the tent. What can he do on that property now that's going to make it any better for the neighbors than it would have been if he was granted the Use Permit, put up the building, put his equipment away and did no work during the day. Sometimes what you are trying to achieve by denying something, you don't really help the neighborhood. He's concerned about the neighbors. He wants them to be there in peace; but, if this is denied what is he allowed to do, and will that make the neighborhood worse, or the same that it is now, or will it make it better?

Attorney Goins stated that the Board was now at the point where a motion has been made and seconded and she shares the desire and hope that now that there are two attorneys involved perhaps something can be worked out. She stated that she had just provided a copy of the suggested conditions of approval to Attorney Slepko about hour ago but doesn't think he's had much time to review them. It's possible that there could be a meeting like that; but they didn't hear that suggested by either the applicant's counsel or the objector's counsel.

Mr. Sousa stated that he had sat on the TRC meeting on this. He agrees with Mr. Ruggiero that a denial is not going to solve problems. He believes that the Board could put stipulations on an approval. Whereas there is no operation, no work is allowed to be done before 7:00 and after 5:00. And if there is anyone there it's a zoning violation. Because right now there's nothing stopping them on the books to make them from working before 7:00 or after 5:00 or on Sundays, so they are. Of course, it's hurting the neighbors' lifestyles and being able to live there. Putting the backups, all the sounds of the trucks, requiring any work being done on trucks being done inside a new building, with the overhead door down, so that way it is muffled, even during the day. There's an opportunity that an approval with the correct stipulations will make life better. Right now, if it's denied, life goes on for them the way they are there's no improvement.

Mr. Millard asked if there was any chance to get the two attorneys together. Attorney Goines stated that the Board could reopen the public hearing and ask that question. Limited reopening of the public hearing, not for everyone

to speak again and reiterate what they've said. But the Board wants to ask whether they would agree to a one-month continuance for a meeting. She also wanted to make the Board aware, and the neighbors aware, and the applicant aware as well, if this is denied they have the right to appeal to Superior Court. But, also, the Town may well choose to resume prosecution of the original Zoning Violation that was issued based on a nonconforming use. So, there could at some point be another hearing before the Zoning Board, which would lead again to an additional right of appeal. So, she did not agree with the statement or the position that if this is denied life can go on and they can do what they've been doing. But she would say for everyone, this could lead to protracted litigation. She also shares the hope that potentially something could be worked out now that at least one neighbor has retained an attorney. But, again, that's one neighbor, you have more than one person involved.

Mr. Katz stated that he liked what was said and withdrew his second of the motion, on the condition that the parties get together and there is some type of meeting. It kills him to see the neighbors suffering like they're suffering; but he's also very pro-business. He doesn't want to see Dave Ramos disappear; that's not right either. He'd like to see some type of compromise or agreement that everyone can agree on, and the Board will put it in for approval for a Special Use Permit.

Mr. Clark stated that this has been going on forever and it's just so frustrating. He understands the neighbors' concerns and he understands Dave's concerns, because he has to run his business. He doesn't know how it got this far. He doesn't think it should be continued for another 30 days. He thought they should accept the Special Use Permit and put it in the Standards.

Mr. Millard stated that he believed they would need 30 days to establish the Standards.

Mr. Clark stated that it could be approved with guardrails, stipulations that says what Dave can do and not do.

Mr. Ruggiero stated that he believed they should continue the public hearing, letting the two sides meet.

**Mr. Murgo made a motion to open the public hearing, seconded by Mr. Clark; approved unanimously.**

Attorney Landry stated that he would be happy to do that, he thinks it was a great suggestion. Attorney Slepakow has only had a little bit of time to get up to speed. He thinks it would be helpful, even for the Board's benefit. They've already agreed to the Town's suggested stipulations. He's added

others for tailgates and backup alarms. He's not sure what more they can do but is more than happy to work with Counsel.

Mr. Sousa stated that what he's heard is that oh yeah if they have the building, now they can move everything inside at 4:30, 5:00. No, the stipulation is that operations stop before 7 and after 5.

Mr. Ramos stated that the stipulations originally proposed were loading and unloading vehicles. Obviously, like working in his office, working inside is different.

Attorney Slepckow stated that he obviously could only speak for his client but is certainly amenable to having discussion with it. Some of the concerns that he has, and, again, he just started speaking with Attorney Landry earlier that day. His concern with the applicant is that all of this went forward without seeking approval from the Town first. He mentioned that he's stuck with the lot now. He could have come before this Board and requested permission to do this prior to starting work. The concern would be that there's been a lot of testimony of the lack of enforceability. One of his concerns will be, and there was testimony here that they are willing to violate OSHA just to get this approval. So, what is said just to get this approved and then will not be carried forward with whatever stipulations and his client and the neighbors are stuck with the enforceability options provided by the Town and police, which we have all heard testimony are not great. He is willing to talk to Attorney Landry, but his reservations are that whatever stipulations that would be agreed to by his client and the neighbors, will it be followed through by the applicant.

Mr. Millard inquired if there is any way to set up a bond in a situation like this.

Attorney Goins stated that no, it is not allowed in this type of situation.

Attorney Landry suggested that most of the things are things that can be implemented at the time the building is complete; whether its backup alarms or landscaping; he would suggest that perhaps a CO doesn't get issued until all those stipulations are satisfied. So that it's a condition of getting a Certificate of Occupancy for the use of the building. At least there's a check for the Town.

Ms. Williamson stated that if someone could come up with a creative way to enforce the hours of operations, which is one of the biggest complaints, she would welcome it. It's challenging for her department as well, because they get complaints and can't always run out there in the minute that the complaint is happening and then when police arrive the operations aren't going forward, so there aren't any violations, because the complaint was 20 minutes prior. No one is on staff on Saturday and Sunday. She hears the concerns, and she feels her own concern on how to enforce it.

Mr. Millard stated that Counsel has made it clear to him that the motion he previously made left the door open for the applicant to pursue a lawsuit at a later date.

Attorney Goins stated that there are multiple different paths that the litigation could take. She thinks at this point it would be appropriate for the Board to make a motion to continue to the next hearing, which is November 13, 2025, which would still be in the timeframe for a decision, which isn't until early December.

**Mr. Clark made a motion, seconded by Mr. Ruggiero, to close the public hearing. Unanimously approved.**

Mr. Ruggiero was concerned about who was actually going to meet prior to the next meeting. He thinks that the Petitioner should meet with any concerned neighbors and come up with some sort of agreement, not just the two attorneys.

Attorney Goins explained that Attorney Slepakow at this time only represents Ms. Lagarto. Certainly, if invited, the other neighbors can attend. It's possible that the neighbors could share the cost of the attorney. However, her advice to the Board is, yes, they should all meet. The Town can't make them do that, but she thinks at this point it's appropriate to continue it to allow the opportunity for a meeting to happen, whoever participates.

**A motion was made by Mr. Katz, seconded by Mr. Clark to continue to the November 13, 2025 meeting. Unanimously approved.**

**C3. Preliminary Phase Review and consider action for the Major Land Development Application for Unity Park at 500 Wood Street: proposal to add surface parking to the rear of 214 Franklin Street and the northerly portion of Unity Park that fronts Franklin Street: Rehab LDP Zone with conditions and is within the Historic District Zone. 214 Franklin Street is Assessor's Plat 29, Lot 54. Unity Park is located at 500 Wood Street, Plat 29, Lot 1. Owner of Lot a: Unity Park, LLC/Owner of Lot 54: 214 Franklin LLC/ Applicant: Unity Park, LLC**

Ms. Williamson explained that this application was before the Board for Preliminary Approval as Phase 2, which is the parking on the North side of the Unity Park Development, incorporating that part of 214 Franklin Street. The zone change was granted by the Council, so that is all in the Rehab LDP Zone. The engineering is still pending, they are waiting for some drainage reporting, so any approval should be subject to that review and any conditions of that review. The Board did have in their packet a late item to illustrate the

proposed landscaping on the first phase of the project. She called the Board's attention to the renderings that were submitted to show the plantings that are being proposed. She noted that Board member Jarest wasn't present at this meeting, but asked she reiterate her concern that there are no trees proposed. But she thinks that the illustration does show some trees being planted in the vicinity of the new building and there is a landscaping plan that will be presented for final. Also, in the applicant's engineer's presentation they ask for three variances, and she doesn't think those variances are applicable. Two of them indicate a variance for buffers. There will be fencing replacing the existing fencing, and she doesn't believe that variance is necessary, because they are installing fencing. The other speaks to landscaping in the parking lot on the South side of the project, which was reviewed back in August, and again there were no conditions for landscaping in that part of the area. It's a rehab LDP, so it's really not applicable to that. In summarizing, the three variances she noted, she believes are not applicable to what is before the Board at this meeting. It might be pertinent to call out the conditions of the fencing, because the plan does say that fencing will be removed. But by reviewing it with the applicant's representative earlier in the week, it was explained that they will be replacing and installing new fencing; it won't be just removing it, it will be replaced. On the East side of the property for the lots that border Magnolia Street will be a chain link fence with slats, similar to what is there now. What is there now has barbed wire and they won't be needing the barbed wire.

Mr. Ed Cox stated that on the North side where there is a chain link fence, they are more concerned about the impact on the neighbors' houses, so they're going to put a six-foot privacy fence, so that there will not be light shining into their back yard and it is an improvement over the existing fence.

Mr. Joseph M. Brito, Jr., representing the application, stated that first of all he wanted to thank the Board for their assistance in helping bring Unity Park to its fruition. The landscaping that was referenced is going to be under Traverse Landscaping, who the Board has already seen some of her work; she's very involved in what they will be doing at KVH, as well as other areas. The reference by the engineering firm for landscaping was just as like a place holder. He doesn't think there is much more the Board needs from him; he thinks everything was included.

**A motion was made by Mr. Murgo, seconded by Mr. Ruggiero to grant the Preliminary Phase for Major Land Development, 500 Wood Street.**

**Attorney Goins stated that Ms. Williamson's memo asked that any approval be subject to the Peer Review, Engineer's review for approval.**

**Mr. Murgo added that request to his motion. Mr. Ruggiero second. The motion was unanimously approved.**

**C4. Public Hearing and Consider Action on Minor Land Development/Adaptive Re-Use/Unified Development Application Preliminary Plan Phase for John J. Marshall (continued from September 2025):** to convert two historic manufacturing buildings at 19 Burnside Street and 1 Resolute Lane, into seven (7) residential dwelling units. Variance required for residential density in the Manufacturing Zone which has an underlying residential density of 0. Assessor's Plat 16, Lot 48 & 39, Zone: Manufacturing and within the Historic District. Owner: Halsey C. Herreshoff. Trustee/Applicant: John J. Marshall.

**Mr. Clark recused himself and stepped down from the Board, Mr. Sousa stepped on.**

Attorney Alfred Rego, Jr. presented the application to the Board on behalf of Mr. Marshall. He explained this is a permitted use under the Re-adaptive Use Statute. There was earlier testimony last time that the building was underutilized and not used for active industry for the past four years. They do meet the requirement that 100% of the building is to be converted into residential properties, five units in Burnside, two on Resolute. On Burnside and with Resolute the first floor is for parking and access will be through an easement that is going to be expanded to then have the one garage bay expanded to seven. With respect to the dimensional requirements of parking under that adaptive re-use, there's one per unit and they can accommodate 14.

Mr. Thomas Principe, Registered Professional Engineer, Principe Engineering, explained that at the last meeting there was some discussion on showing some more elaborate civil plans. Before they only had one plan sheet with existing conditions survey and some proposed items on there. So, to clarify for the Board, there were some questions on the proposed civil plan, they have provided it and should be in the packet. Sheet number 2 of 5, 3 of 5 and 4 of 5 they added to the packet. Basically, what they did was they added the parking service area, which will be porous shells; there's an underlaying of stone there, just to mitigate any excess runoff. There is existing pavement as it is today, which will get ripped up and redone. But, again, the finished look will be all shell surface with a stone drain underneath it. They all the garage bays will have parking spaces in part of those bays, with additional parking in the back, which is done by a proposed parking easement, approximately 3,900 square feet. One of the concerns from the Board was how people are going to get in the garages of the first two units. Again, they are labeled 1 through 7. Unit number 1 is the westerly unit towards Hope Street and then it works its way back to unit 7. Units numbers 1 and two are the closest to the driveway coming in. Essentially, it's almost like a 180-degree turn. What they did they have a software program that models passenger vehicles and on the sheet of number 3 of 5, which is bay 1 access. There is a video that actually simulates it in real time. Mr. Principe showed on screen the computer simulation of the vehicle entering and parking to the Board in detail. The

purpose was also to expand the parking to the South there is a hatched area next to the parking space; that is only going to be used for turning. They will have proper signage and striping on that particular spot; it's not a parking spot, it's just an expansion of the parking area that will be dedicated for units number 1 and 2. He continued to show a second video showing the model radius into unit 2. The garage door openings are 10 feet wide, 12 feet high. He reviewed the plans in detail with the Board.

Mr. John Marshal, Marshall Properties explained that the building is 40 feet deep, so there will be more than enough room to have two cars in each garage.

Mr. Sousa stated that at the previous meeting there was a Mrs. Barlow that came with concern. Mr. Marshal stated that he personally went to her house, met with her and her son and she is in favor of the project. Mr. Marshall explained that they did address her concern about how she will access her property. Access will be on the opposite side of the car turn around. He approached the Board and showed them on the plans.

Attorney Rego stated that the other question Ms. Barlow had was where the dumpster would be located and that also has been shown on the plans and to her.

Mr. Sousa stated that there probably should be some legal easement with her. Attorney Rego stated that Mrs. Barlow claims that she has been using it and doesn't need an easement. That property is museum property, and it has to be worked out with them.

Mr. Marshall stated that he had to get his easement from the museum. He agreed to leave it open for her, but she would have to go to the museum for a legal easement.

Mr. Sousa continued to review the plans and noted that the parking easement is going to be with the museum. Mr. Marshall approached the Board and reviewed it in detail.

Ms. Williams asked where the clamshell parking is, is there any buffer or any edging to that. Mr. Marshall explained that there is a bunch of trees there; once again it's not their land, it's the museum's land; he's not sure if they have a boundary dispute or what's going on. They're not going to park beyond the trees. Right now, it's currently a lot of trailers that look like they haven't been moved for a long time. The objective is to clean it up and make it look really nice.

Mr. Katz inquired if these were condominiums that they are going to sell. Mr. Marshall said, yes. Mr. Katz stated that then it would be incumbent upon the owner if they have a larger vehicle, they're going to realize they can't park in

those first two units. Detailed discussion was held on the size of the garage units.

**A motion to open the public hearing was made by Mr. Murgo, seconded by Mr. Katz, which was unanimously approved.**

Attorney Goins instructed the Board that they have to consider the Zoning aspect first and Ms. Williamson supplied a memo with the variance Standards.

No one spoke in favor or against the application.

**A motion to close the public hearing was made by Mr. Murgo, seconded by Mr. Katz, which was unanimously approved.**

**A motion was made by Mr. Millard, seconded by Mr. Katz, to grant the dimensional variance.**

Attorney Goins explained that the Standards for a variance are set forth in the third page of Ms. Williamson's memo; they don't need to read all the Standards, but would ask the motion address why the proposed density here is appropriate for the area. She didn't want to put words in the Chairman's mouth, however she did ask that he explain why the requested density won't alter the general character of the surrounding area.

**Mr. Sousa stated that it matches what is there right now on the street.**

**The motion was unanimously approved.**

Attorney Goins asked Ms. Williamson if there were any conditions. Ms. Williamson stated that it was just the easement that is pending with the Marine Museum that would have to be finalized. Attorney Goins stated that all the legal documents can be final, which will be Administrative. So, now it would be a motion to grant the Preliminary Plan approval

**A motion was made by Mr. Sousa, seconded by Mr. Katz to grant Preliminary Plan approval, subject to all the legal elements of the easement be worked out and filed with the Town, which was unanimously approved.**

**Mr. Sousa made a motion to adjourn.**

**Meeting adjourned at 9:10 p.m.**

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Susan E. Andrade

TOWN OF BRISTOL PLANNING BOARD

MEETING HELD ON: 09 OCTOBER 2025

Date Accepted: 11 December 2025

Chairman: 