



Town of Bristol, Rhode Island

Department of Community Development

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March 10, 2025

TO: Planning Board

FROM: Diane M. Williamson, Director

RE: **Supplemental Memo on Gooding Hotel – Comfort Inn and Suites
Pre-application Conference**

To further clarify Section 6.6 in the Subdivision and Development Review Regulations, as noted in my previous memo, the Planning Board can require a full Environmental Impact Statement. This requisite would come at the preliminary phase of the application. A full copy of that Section is provided for your information.

It is also recommended that the Planning Board schedule a site visit upon receipt of the Master Plan application and request that the applicant stake out the building envelope location the site.

- (3) Failure to protect existing improvements and/or properly repair such improvements should damage occur during construction of the subdivision or development project;
- (4) Failure to clean debris from the site and adjacent areas upon completion of construction within the subdivision or development project; or
- (5) Failure to complete required improvements to the land within the time prescribed or within any extension granted by the Board.

E. Authority of Board to Take Action

Upon notification of default by the Administrative Officer, the Board shall notify the applicant and order the applicant to show cause why the Board should not take action against the guarantee. If the Board in its sole discretion determines that the default has not been cured within the time set by the Board, then the Board shall withdraw or cash in that portion of the security necessary to correct the deficiencies for which the applicant is deemed to be in default, and the Board shall cause the required improvements to be completed in a satisfactory manner. In the event of a default posing an immediate danger to health, safety or welfare of the Town or its residents, the Administrative Officer shall act immediately to remove or abate such danger, and the Board may seek reimbursement through the guarantee.

F. Partial Release of Performance Guarantee

When an applicant, who has posted a performance guarantee in the amount of all of the required improvements, has completed all improvements except 1) the surface course of pavement; 2) landscaping; 3) lighting; 4) as-built record plan; and, 5) if applicable septic systems; then, the applicant may request a 50% release in the performance guarantee. Said release will only be considered if the following conditions are met: A) all improvements that have been completed have been inspected by and approved by the Planning Board Engineer; B) all invoices of the Planning Board for the project are reimbursed by the applicant; and, C) the remainder of the improvements must be completed with 12 months from the date that the Board approves the release of the 50%. For phased projects, no release shall be considered for any phase until all public improvements are completed for all phases or until the application has completed all but the above list of improvements for all phases. A maintenance guarantee in accordance with this section shall also apply.

6.6 IMPACT STATEMENTS

In certain instances, an impact statement shall be required, at the expense of the applicant. Where an impact statement is required, the applicant may choose the person or company to prepare such statement subject to the prior approval of the Board. Where the Board is given discretion to require an impact statement, it shall only be done pursuant to a vote of the Board with findings setting forth the need for such statement. Such impact statements shall include, but are not limited to, the following:

A. Environmental

In accordance with R.I.G.L. 45-23-60(3), in order to make a positive finding that there will be no significant negative environmental impacts, the Planning Board may require that an environmental impact statement be prepared by the applicant of any subdivision or development project. Any application for a Major or Minor residential subdivision, a nonresidential subdivision, or a Major Land Development shall include a narrative describing the proposed project's major elements, potential significant impacts on the surrounding neighborhood and/or community and the means by which these identified impacts shall be mitigated by the project design or otherwise.

(1) The planning board shall have the authority to require the applicant to prepare an Environmental Impact Study (EIS) to assess the potential short and long term effects of the proposed subdivision or land development project under any of the following conditions:

- a. If all or part of the property that is the subject of the application includes land identified by any or all of following agencies; the Bristol planning board, the Bristol conservation commission, the Rhode Island Natural Heritage Program, the Rhode Island Historic Preservation and Heritage Commission, the Nature Conservancy, the RI Department of Environmental Management, the U.S. Geological Survey, the U.S. Environmental Protection Agency, as unique natural areas or areas of critical and/or environmental concern; or
- b. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative environmental impact on natural systems located on the property or adjacent to the property that is the subject of the application or upon nearby properties or natural systems.

(2) The board shall make findings of fact in writing and shall identify the environmental resources found to be potentially threatened. The board's findings shall be made a part of the record of the application

(3) An EIS required under this section shall be prepared by a qualified professional(s) and shall include research and documentation describing and assessing short and long-term cumulative environmental impacts, which may include but not be limited to impacts upon:

- (a) Freshwater wetlands;
- (b) Flooding and drainage;
- (c) Noise and air quality;
- (d) Solid waste generation;
- (e) Historic/archaeologic areas;
- (f) Traffic/road capacity;
- (g) Hydric soils;
- (h) Forests and agricultural lands;
- (i) Unique vegetation, significant trees, and important scenic or designed landscapes;
- (j) Natural heritage sites;
- (k) Wildlife and wildlife habitat;

- (l) Groundwater quality and quantity;
- (m) Surface water quality, streams and rivers; and
- (n) coastal resources and features.

(4) If an EIS is required, the applicant shall be so informed at the preliminary stage for a minor subdivision, or the master plan stage for a major subdivision or major land development and shall be advised as to the specific issues that the EIS must address.

(5) For any subdivision or land development project for which an EIS is required, the board shall have the authority to impose conditions on approval, including but not limited to off-site improvements, that, based on the findings and analysis of the EIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural environment.

(6) All Environmental Impact Studies shall be referred to the conservation commission and other appropriate town boards, commissions, or other local, state or federal, agencies for their review and comment prior to planning board approval of the preliminary plan.

(7) The planning board may waive the requirement for an EIS if the development plans include LID Site Design strategies and innovative stormwater management techniques including total site impervious cover be 10 percent or less and total site disturbance of 20 percent or less.

(8) If in the opinion of the planning board, impacts identified in the EIS cannot be adequately mitigated so as to achieve compliance with each of the requirements specified in section 8.6, the planning board shall have the authority to deny approval of the proposed development design.

B. Fiscal

In accordance with R.I.G.L. 45-23-60(1), a fiscal impact statement, detailing the estimated cost of providing services to the proposed development and the estimated revenue to be derived from taxes and other fees, shall be required of all major land development projects and of all major subdivisions of twenty (20) lots or more. A fiscal impact statement may be required of any DPR applicant, in accordance with the parameters set forth herein.

6.7 APPROVAL AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Approval of a plat by the Planning Board shall be deemed the acceptance by the public of any street or other open space offered therein for dedication. Notwithstanding the acceptance of any land, street, or facility offered for dedication, such acceptance shall not impose any duty or responsibility upon the Town of Bristol to maintain or improve any dedicated streets, areas, or facilities until the Town Council shall have specifically authorized maintenance or improvement under procedures established by State Law or Town Ordinance governing public expenditures for such purposes. The above shall be stated on