

## Town Council Meeting – Wednesday, June 1, 2022

- 15.** Director of Community Development Williamson re Application for Zoning Map Change of Steven Januario, Managing Member, Januario Family Realty, LLC, for 374 & 380 Metacom Avenue - M (Manufacturing) to MMU (Metacom Mixed Use designation), **1st reading and call for public hearing on July 13, 2022.)**

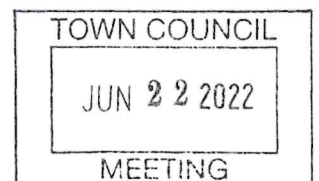
Teixeira/Sweeney - Voted unanimously to consider this action to constitute the first reading of a request to the Zoning Map Change and set a public hearing for July 13, 2022. Advertise in the local newspaper.

Prior to the vote taken, Council Chairman requested a point of clarity on an "MMU" zone and asked if it included manufacturing. Town Planner Ed Tanner responded that the "MMU" zone was intended for mixed-use of residential and various commercial uses.

Vice Chairwoman Parella asked if it would be sensible to give up what little manufacturing space Bristol has even though there is less demand for it. Town Planner Tanner responded that the Metacom Avenue Corridor Management Plan explained the entire rationale for creating the mix-use zones and that it had been determined in the Comprehensive Plan that this area would be appropriate for this area and consistent with the comprehensive plan.

Vice Chairwoman Parella voiced concerns about possible residential units near the transfer station.

Town Planner Tanner noted that MMU zone provides flexibility in uses and that there are no current proposals for residential units. He further noted that design guidelines would be triggered for a redevelopment project if the building were to be torn down for mixed-use.





## Town of Bristol, Rhode Island

### Department of Community Development

10 Court Street  
Bristol, RI 02809  
[www.bristolri.us](http://www.bristolri.us)  
401-253-7000

May 23, 2022

TO: Melissa Cordeiro, Town Clerk

FROM: Diane M. Williamson, Director

*Diane*

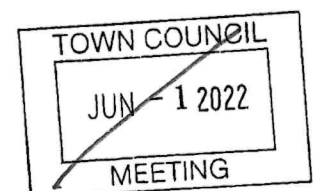
RE: Change of Zone petition for 374 and 380 Metacom Avenue  
Change of Zone from "M" Manufacturing to "MMU" Metacom Mixed Use Zoning

Attached is an application for a Change of Zone submitted by the property owners of 374 and 380 Metacom Avenue.

Please schedule this for a first reading and referral to the Planning Board for a recommendation. Three weeks of advertising is required prior to the second reading and public hearing.

Thank you.

2022 MAY 24 PM 2:09  
TOWN CLERK'S OFFICE  
BRISTOL, RHODE ISLAND





## Town of Bristol, Rhode Island

10 Court Street  
Bristol, RI 02809  
[www.Bristolri.us](http://www.Bristolri.us)  
401-253-7000

### APPLICATION FORM FOR ZONING MAP CHANGE

1. Name of Applicant Januario Family Realty, LLC  
Address 374 Metacom Avenue  
Bristol, RI 02809
2. Name of Owner Same  
Address \_\_\_\_\_

*If Owner is different from applicant, a notarized statement from the owner authorizing the applicant to make the zone change request on their behalf is required.*

3. Property Address 374 + 380 Metacom Avenue
4. Tax Assessor's Plat(s) 171 Lot(s) 27 + 114
5. Current Zoning M
6. Requested Zoning MMU
7. Area of Subject Property Lot 27 = 53,578.80 sq. ft. (in square feet or acres)  
Lot 114 = 35,196 sq. ft.
8. Is the subject area:
- ☐ In a Flood Zone ; if yes, indicate which one \_\_\_\_\_
  - ☐ In the Historic District;
  - ☒ Serviced by Public Water;
  - ☒ Serviced by Public Sewer.

I hereby certify that all information provided above and on any attached maps and reports is correct and true and that all requirements for a zone change have been met.

Signed [Signature]  
Print Name Steven Januario

Date 5/20/2022

2022 MAY 20 PM 1:10

This following narrative is intended to address the requirements No 1. (i) of the list of submission requirements in connection with an Application for (a) Zoning Map Change.

There are two (2) properties the Applicant is seeking to rezone. Both are located on Metacom Avenue in the M ("Manufacturing") zoning district. The first is 374 Metacom Avenue, AP 171, Lot 27, containing 1.23 acres and upon which is situated a 3,306 square foot single-story concrete commercial building. The second is 380 Metacom Avenue, AP 171, Lot 114, containing 35,000 square feet and upon which is situated a 2,730 square foot concrete industrial/commercial building sitting. The applicant is petitioning to rezone the parcels to a Metacom Mixed Use designation ("MMU").

As the Land Use Element of the Town of Bristol Comprehensive Plan (the "Comprehensive Plan") explains, the MMU district was created in 2010 in conjunction with 2007's "Metacom Avenue Corridor Management Plan. The expressed intent was to establish a mixed-use zone development along Metacom Avenue with retail /office uses on the first floor of existing or proposed structures. To quote the Comprehensive Plan's Future Land Use designations and descriptions, the MMU district is "Intended for designating key areas along the Metacom Avenue (Rt. 136) corridor and nearby nodes for focused development or redevelopment in dense mixed-use zones to help create a sense of place and order and encourage the expansion of business use areas while creating vibrant, walkable affordable neighborhoods well served with appropriately scaled retail, services, and other commercial development."

The subject parcels abut Minturn Street and are situated directly across from Franklin Street. The Land Use Element of the Comprehensive Plan recognizes that Metacom Avenue, in the vicinity of Bayview Avenue, Franklin Street, and Minturn Farm Road are zoned M, LB or GB and that *this area is ripe for redevelopment where appropriate consistent with the Metacom Avenue Corridor Management plan and proposed MMU zoning* (pg.53 emphasis supplied)

The Comprehensive Plan also informs that the Town Council has already rezoned two (2) neighboring Metacom Avenue properties to MMU.

The Applicant presently only has specific plans only for 374 Metacom Avenue. The intended use will be a children's daycare facility which will be permitted as a matter of right in the MMU zone. However, the MMU designation for both properties will ensure the parcels' future use will conform to the ideals expressed in the Comprehensive Plan and the Metacom Avenue Corridor Management Plan. Currently, Petitioner has no plans to physically expand either structure. Accordingly, there will be no new construction beyond some interior renovations to accommodate future uses.

01:14 PM 20 MAY 2010

730441



## Town of Bristol, Rhode Island

10 Court Street  
Bristol, RI 02809  
[www.Bristolri.us](http://www.Bristolri.us)  
401-253-7000

### APPLICATION FOR ZONING MAP CHANGE

1. The applicant must submit the following to the Director of Community Development who shall review the submission for completeness and forward same to the Town Council and Planning Board:

	Complete
a. Application Form (Page 3 see attached).	
b. A narrative explaining the proposal in detail, including intended use of property and the reason for the zone change request.	
c. Application fee of \$1,000 to cover the cost of advertising, the cost of mailing notices; and, the cost of recording the change on the Town's zoning map. The Applicant must pay any deficits.	
d. A map showing the area to be rezoned.	
e. A map showing the property <b>within 200 feet</b> of the perimeter of the area being rezoned including, existing and proposed boundaries, zoning district boundaries, existing streets and roads and their names; and, where appropriate, town boundaries. <b>Note: This map must be clear and legible since it will be part of the newspaper advertisement.</b>	
f. A list with the names and addresses of the current property owners <b>within 200 feet</b> of the perimeter of the area being rezoned. This information must also be provided on three (3) sets of standard mailing labels for notice.	
g. A legal description of the land being rezoned.	
h. A concept plan for proposed development (master plan level detail)	
i. A narrative, with specific citations, indicating how the proposal is consistent with the Comprehensive Plan; or, identifying where it is inconsistent and indicating what Plan changes are needed.	

2002 MAY 20 PM 1:10

2. The Planning Board shall report to the Town Council within 45 days after receipt of the proposal giving its findings and recommendations including a statement of consistency with the Comprehensive Plan.
3. A public hearing by the Town Council must be held within 65 days after receipt of the proposal, with the following notice requirements:
  - A **display advertisement**, including the map, in the newspaper (Bristol Phoenix and/or Providence Journal) at least once each week for **3 consecutive weeks**, which may include the week in which the hearing is to be held, prior to the date of the hearing;
  - At least **2 weeks** prior to the date of the hearing, written notice to the property owners within **200 feet** of the perimeter of the area to be rezoned shall be sent by **certified mail return receipt requested**;
  - At least **2 weeks** prior to the hearing, written notice shall also be sent to the Associate Director of the RI Division of Planning by certified mail;
  - If the subject area is within 200' of the Town of Warren, notice shall also be mailed to the Warren Town Council; and,
  - If subject area is within 2000' of the Touisset Point Water Trust wells, notice shall also be mailed to the Trust.
4. Within 45 days after the close of the hearing, the Town Council shall render a decision on the proposal. In granting an approval, the Town Council may impose limitations, conditions, and restrictions. (Refer to Section 1102 of the Zoning Ordinance.)
5. If the rezoning is granted, the Director of Community Development shall have the zoning map amended to reflect the new zone within 90 days.

11:11 PM 20 MAY 2002



387

383

AP 047 Lot 0028  
Zone: MMU

METACOM AVE

Zone: GB

AP 046  
Lot 0010  
381

CLIN ST

400

AP 046 Lot 0012  
Zone: M

AP 046  
Lot 0015  
Zone: M

367

375

AP 046  
Lot: 0014  
Zone: M

AP 046 Lot 0009  
Zone: M

AP 046 Lot 0005  
Zone: M

AP 046  
365  
Zone: M

Zone: M

METACOM AV

AP 171 Lot 0026  
Zone: GB

AP 171 Lot 114  
380

Current Zone: M  
Proposed Zone: MMU

AP 171 Lot 27

374

Current Zone: M  
Proposed Zone: MMU

AP 171 Lot 0030  
370

Zone: M

MINIURN FARM RD

AP 171 Lot 0093  
Zone: M

AP 171 Lot 0015  
360

Zone: M

AP 171 Lot 0028  
Zone: M

3

Assessor's Plat 171 Lot 0093  
R.P. ASSOCIATES, INC.  
c/o COMPOSITES ONE, LLC  
4 Minturn Farm Road  
Bristol RI 02809

Assessor's Plat 047, Lot 0028  
JACKYS REALTY, LLC  
383 Metacom Ave.  
Bristol, RI 02809

Assessor's Plat 046, Lot 0014  
William St. Vincent, Jr.  
13 Weetamoe Farm Dr.  
Bristol RI 02809

Assessor's Plat 046, Lot 0015  
The Maria A. Neves  
Irrevocable Trust  
10 Casey Dr  
Bristol, RI 02809

Assessor's Plat 171, Lot 0115  
VK PROPERTIES, LLC  
360 Metacom Ave  
Bristol, RI 02809

Assessor's Plat 171, Lot 0026  
SAINTGOBAIN PERF PLASTICS  
c/o RYAN, LLC  
13155 Noel Rd, Ste. 10  
Dallas TX 75240

Assessor's Plat 171, Lot 0028  
OUTERLIMITS REALTY, LLC  
323 Manley Street  
West Bridgewater, MA 02379

Assessor's Plat 046, Lot 0012  
VICTORY REALTY, LLC  
PO Box 436  
Bristol, RI 02809

Assessor's Plat 046, Lot 0009  
David, Jr. & Sarah McGovern  
365 Metacom Ave  
Bristol, RI 02809

Assessor's Plat 046, Lot 0005  
Riley Kitchen and Bath Co., Inc.  
369 Metacom Ave  
Bristol, RI 02809

Assessor's Plat 171, Lot 0030  
MINTURN METACOM, LLC  
370 Metacom Ave.  
Bristol, RI 02864

Assessor's Plat 046, Lot 0010  
JOMA REALTY CO  
670 Metacom Avenue  
Warren, RI 02885



Description: AP. 171, Lot 114  
380 Metacom Avenue

EXHIBIT A

That certain real estate situated on the easterly side of Metacom Avenue in the Town and County of Bristol, Rhode Island, together with all the buildings and improvements thereon, bounded and described as follows:

Beginning at a point on said easterly line of Metacom Avenue which point is One Hundred Ninety-Five and 38/100 feet (195.38) northerly of the northerly line of Minturn Farm Road; thence running northerly along the easterly line of Metacom Avenue a distance of One Hundred Forty-four and 62/100 feet (144.62) to the southerly line of a Right of Way; thence making an interior angle of Eighty-Nine degrees, Three minutes and no seconds ( $89^{\circ} 03' 00''$ ), and running easterly a distance of Two Hundred Forty-Six (246) feet, more or less, to land now or lately of R.P. Associates, Inc. bounded on the north by said right of way; thence making an interior angle of Ninety-One degrees, Thirty-Seven Minutes and Forty Seconds ( $91^{\circ} 37' 40''$ ) and running southerly along the westerly line of said R.P. Associates, Inc. land a distance of One Hundred Forty and 55/100 (140.55) feet, to a point for a corner; thence making an interior angle of Eighty-Nine degrees, Nineteen minutes, Twenty seconds ( $89^{\circ} 19' 20''$ ) and running westerly, a distance of Two Hundred Forty-Seven and 71/100 (247.71) feet, more or less, to the easterly line of Metacom Avenue and the point and place of beginning, the first and last courses making an interior angle of Ninety degrees ( $90^{\circ}$ ).

Together with any and all right, interest and title which this grantor may have in and to that right of way, so-called, along the north side of the herein described real estate, which right of way is fifty (50) feet in width by the entire depth of the herein described premises.

402217v1  
513101105156

**FW: Application of Januario Realty Trust, LLC**

Diane Williamson <dwilliamson@bristolri.gov>

Wed 6/8/2022 10:33 AM

To: Melissa Cordeiro <mcordeiro@bristolri.gov>

Just to keep you in the loop that Scott confirmed the schedule. He didn't copy you on his reply.

Thank you!

Diane W.

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**From:** Scott Partington <scott@b-plaw.com>

**Sent:** Tuesday, June 7, 2022 3:01 PM

**To:** Diane Williamson <dwilliamson@bristolri.gov>

**Subject:** RE: Application of Januario Realty Trust, LLC

Hi Diane. Confirmed. I hope you are feeling better. Thanks for your consideration. Scott

Scott J. Partington, Esq.  
Bigos & Partington, Ltd.  
2176 Mendon Road  
Suite 2000  
Cumberland, RI 02864  
Tel: (401) 334-4354  
fax: (401) 334-4818  
e-mail: [scott@b-plaw.com](mailto:scott@b-plaw.com)

TOWN CLERK'S OFFICE  
BRISTOL, RHODE ISLAND  
2022 JUN -8 PM 3:51

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**From:** Diane Williamson <dwilliamson@bristolri.gov>

**Sent:** Tuesday, June 7, 2022 1:41 PM

**To:** Scott Partington <scott@b-plaw.com>

**Cc:** Melissa Cordeiro <mcordeiro@bristolri.gov>

**Subject:** RE: Application of Januario Realty Trust, LLC

Hello Scott – It was good to speak with you today and this will confirm our agreement to schedule the Change of Zone Application advisory recommendation on the July Planning Board meeting which is July 14, 2022.

As we discussed, this also aligns with your need to ask that the July 13 Town Council Public hearing be re-scheduled due to your schedule conflict for that night. The next Town Council meeting date after July 13 is August 3.

I'll continue to coordinate with the Town Clerk on the schedule and the required advertising.

Thank you!

Diane M. Williamson, AICP, CFM  
Director of Community Development  
Town of Bristol

10 Court Street, Bristol RI 02809

P: 401-253-7000 ext. 126



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**From:** Scott Partington <[scott@b-plaw.com](mailto:scott@b-plaw.com)>  
**Sent:** Tuesday, May 24, 2022 2:26 PM  
**To:** Diane Williamson <[dwilliamson@bristolri.gov](mailto:dwilliamson@bristolri.gov)>  
**Subject:** RE: Application of Januario Realty Trust, LLC

Hi Diane: Steve is the managing member of the LLC. Thanks again. Scott

Scott J. Partington, Esq.  
Bigos & Partington, Ltd.  
2176 Mendon Road  
Suite 2000  
Cumberland, RI 02864  
Tel: (401) 334-4354  
fax: (401) 334-4818  
e-mail: [scott@b-plaw.com](mailto:scott@b-plaw.com)

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**From:** Diane Williamson <[dwilliamson@bristolri.gov](mailto:dwilliamson@bristolri.gov)>  
**Sent:** Tuesday, May 24, 2022 2:14 PM  
**To:** Scott Partington <[scott@b-plaw.com](mailto:scott@b-plaw.com)>  
**Subject:** RE: Application of Januario Realty Trust, LLC

Thank you Scott. Could you please tell me Steve's title in the business? The Town Clerk needs it for the agenda. Is he the President of the company?

Also, I will let you know about the PB Meeting.

Take Care,  
Diane W.

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**From:** Scott Partington <[scott@b-plaw.com](mailto:scott@b-plaw.com)>  
**Sent:** Tuesday, May 24, 2022 1:27 PM  
**To:** Diane Williamson <[dwilliamson@bristolri.gov](mailto:dwilliamson@bristolri.gov)>  
**Subject:** Application of Januario Realty Trust, LLC

Good afternoon, Diane.

Thanks so much for the call this morning. I've attached the legal descriptions for 374 & 380 Metacom Ave. If there's anything else you need, please call. Will you advise me if the June 9<sup>th</sup> planning review is on?

Thanks. Scott

Scott J. Partington, Esq.  
Bigos & Partington, Ltd.  
2176 Mendon Road  
Suite 2000  
Cumberland, RI 02864  
Tel: (401) 334-4354  
fax: (401) 334-4818  
e-mail: [scott@b-plaw.com](mailto:scott@b-plaw.com)