

IBA

December 1, 2023

Honorable Members of the Bristol Town Council
Bristol Town Hall
10 Court Street
Bristol, RI 02809

Ref: Wetland Application No. 22-0264
Mainstay/Sleep Inn Hotel
Gooding Avenue Plat 111 Lot 1

2023 NOV 29 PM 12:05
TOWN CLERK'S OFFICE
BRISTOL, RHODE ISLAND

Dear Honorable Members:

This letter, written in reference to the Wetland Application #22-0264, and the attached Petition (over 100 signatures) respectively request that members of the Town Council inform R.I. Department of Environment Management (RIDEM) of the Town's concern of the major flooding that occurs in the areas adjacent to Silver Creek; and to clarify that the Town has not taken any position to support this hotel development, nor has the project been deemed consistent with the Town's zoning ordinances.

- The Project

The Applicant (D&M BOCA Development, LLC of North Dartmouth, MA) proposes to build an 80-room extended stay facility primarily within the wetland area associated with the eastern branch of the Silver Creek Watershed. It will result in the filling of over 60,000 square feet of wetlands. (Written Narrative in Support of an Application for a Hotel Development A.P. 111, Lot 1 Gooding Avenue, Bristol, RI). However, it seems that the wetland impact was later revised to about 50,000 square feet.

- Flooding Issue

The Town is well aware of the flooding issues that affect all the neighborhoods adjacent to Silver Creek as well as Mount Hope High School, Guiteras School, Chestnut and Hope Streets. The Town commissioned a flood study (*Silver Creek Drainage Study*, Beta Engineers-Scientist, 2007) to identify the flooding problems and to recommend mitigation measures. Filling wetland areas, that provide storage of flood water, has the potential to make a programmatic flooding issue become unmanageable.

It is for this reason that it is incumbent upon the Town to make certain that RIDEM fully understands the Town's flooding concerns, and to assure the Town that RIDEM will perform a comprehensive and detail analysis of the effects of downstream flooding from the proposed development. Such an analysis should be consistent with applicable engineering standards and the *Silver Creek Drainage Study*.

This is particularly important, at this time, as a bond issue for \$200 million was approved to build a new high school. The new high school will be located adjacent to Silver Creek. A major issue will be the need to control flooding not only for the new school building but also for the adjacent neighborhoods.

TOWN COUNCIL
DEC 06 2023
MEETING

- Applicant's Statement of Town Support is Misleading and False

The Applicant has stated that: **"The project is consistent with local zoning and is supported by the Town of Bristol"** (Natural Resource Service, Inc. written narrative in support of application to alter freshwater wetlands, June 2022). We are prepared to provide RIDEM with detailed information/analysis identifying that the wetland application is missing essential information and what has been provided contains inaccurate information leading to unsubstantiated and false conclusions. We understand that the Town Council is not the proper format to discuss our substantive objections. The project needs to be vetted by the Town's review agencies and during this review each interested party will have the opportunity to present their positions.

Therefore, just as much as we would like the Town Council to support the neighbors' and petitioners' objections to the project, we understand the project needs to be examined by the appropriate Town's reviewing boards. This obviously should be the same case for the Applicant. The Applicant's statement (referenced above) that the Town supports the project is false and as such, RIDEM must be informed of this false statement, to remedy the misconception.

The 2015 application for this project contained the same narrative of Town support. The Town Council, at that time (October 6, 2015), was reluctant to correct this false statement, and instead decided to send a copy of the Town Council's meeting minutes to RIDEM "so that you (RIDEM) may have an understanding of the concerns as expressed by these petitioners". It seems that the reluctance of the Council in 2015 to correct this false account has not deterred the Applicant from continuing to state this erroneous narrative. Therefore, it is incumbent upon the Town Council, as the official representative body of the Town, to inform RIDEM that the Applicant's statement of Town Support is false.

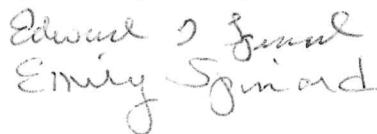
Moreover, the Applicant's statement that the project is consistent with local zoning has not been confirmed. In November of 2021, when the Applicant last appeared before the Technical Review Committee (TRC), there were questions on whether an extended stay facility is allowed in a General Business Zone. Thus, it is uncertain if this facility is consistent with the zoning ordinance.

The Request

- In conclusion, the Petitioners request that the Council send a letter to RIDEM that:
- **Identifies the Town's concern for the flooding issues in areas adjacent to Silver Creek, and that the flooding issues be properly addressed.**
- **Clearly states that the Town has not taken any position on the proposed project until it has been properly vetted by the Town's reviewing agencies.**

It is our belief that it is in the best interest of the Town that RIDEM understand the flooding concerns and conduct a comprehensive analysis that is fair and not biased by a false statement of Town support or consistent with zoning. Thank you for your consideration.

Edward and Emily Spinard
35 Darthmouth Street



Attachments: Petition of Opposition: Flooding Impacts by Proposed Mainstay/Sleep Inn
Applicant's Narrative of Town Support

(401) 443-7321

Natural Resource Service, Inc.
written narrative in support
of application to Alter

the standards set forth in these regulations. Stormwater mitigation systems and erosion control measures will be implemented to achieve this goal.

z) Any detrimental modification of the wetland's ability to retain or remove nutrients or act as natural pollution filter.

This project will not pose any detrimental modification of the wetland's ability to retain or remove nutrients or act as natural pollution filter. The majority of the work will occur outside of the wetland. The portion of wetland proposed to be altered is situated in a drainageway which directs flow to the lower gradient portion of the wetland where most of the treatment will occur. This portion of the wetland will not be altered. This project does not represent a significant alteration to the wetland or its ability to retain or remove nutrients or act as a natural pollution filter.

Conclusion

The applicant has proposed the construction of an 80 room hotel along the Gooding Avenue frontage of A.P. 111, Lot 1. The applicant, KenDan, LLC, has had all freshwater wetlands on the 9.77 acre parcel delineated and verified by the DEM, OWR. The lot is bisected with a 12 inch municipal sewerline.

This utility easement segments the wetland into two distinct habitat types. The swamp west of the easement is ruderal forest with an understory dominated by state listed invasive species. The swamp east of the easement has a well-developed Red maple/Tupelo canopy with a native species understory. All wetland impacts are proposed on the west side of the utility easement, minimizing the effect on freshwater wetland functions and values.

The project has been designed by DiPrete Engineering to comply with the RI Stormwater Design and Installation Standards Manual. A Soil Erosion and Sedimentation Control Plan has also been developed by DiPrete in conformance with the revised Soil and Sedimentation Control Handbook. NRS has performed the requisite habitat assessments and prepared the written narrative required by the freshwater wetland regulations for any AAFW.

The project is consistent with local zoning and is supported by the Town of Bristol. It will add to the commercial tax base and still preserve, through a conservation restriction, a significant area of natural habitat. Impacts to freshwater wetland functions and values have been avoided to the maximum extent possible while still achieving the project purpose. Impacts considered unavoidable have been minimized and a series of mitigation measures developed to offset short and long-term effects from the hotel.

The application as presented documents that the development plan does not represent a random, unnecessary or undesirable alteration to freshwater wetlands. The DEM, OWR is in a position to evaluate the application and, after the required public notice, issue a Permit to Alter Freshwater Wetlands.

PETITION AGAINST

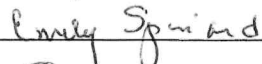
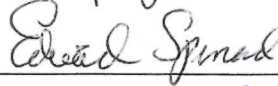



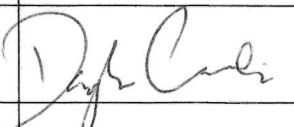
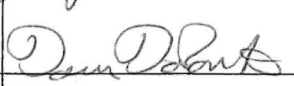


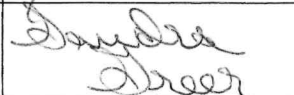
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2023 NOV 2 11:14 AM
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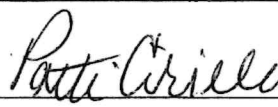



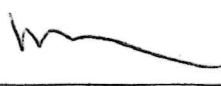
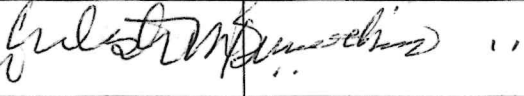
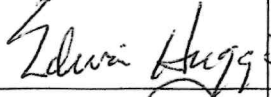
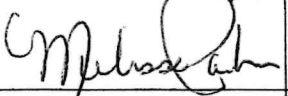
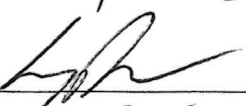

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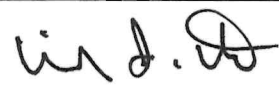

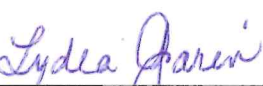
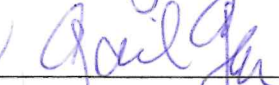
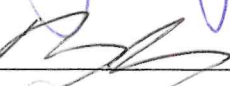
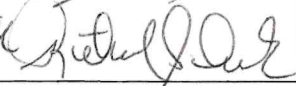
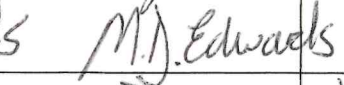

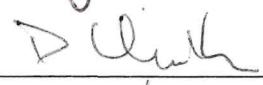

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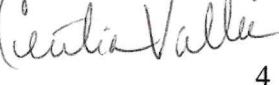
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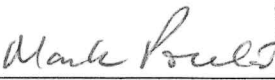
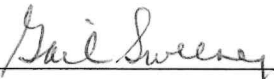







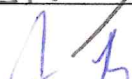
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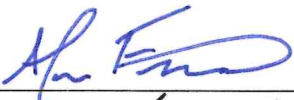

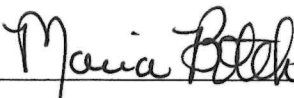
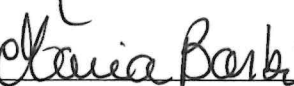
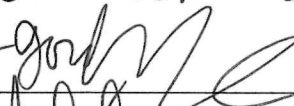
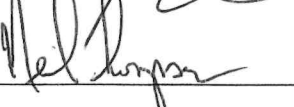
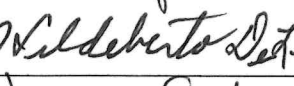
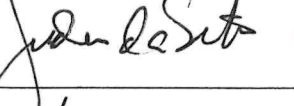

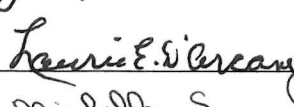
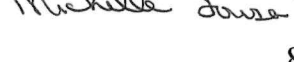
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The applicant's KenDan, LLC (DEM Wetland Application #22-0264) request to ALTER WETLANDS by filling in 66, 215 square feet of wetland areas (Plat 111/Lot1) along Gooding Avenue, Bristol, RI to build an 80 plus room Mainstay Extended Stay/Sleep Inn.

We **oppose** the granting of this Application because it is our opinion that: it will increase the already problematic flooding in our neighborhoods; it will degrade Silver Creek; it is not consistent with *Bristol's Comprehensive Plan, Silver Creek Drainage Study, and Open Space, Storm Water Management, and Natural Hazard Mitigation Plans*. The preservation of wetlands is crucial to provide flood storage to mitigate flooding of our homes, schools, nursing facilities, and streets.

Name (Print) Signature Address email address

Maria D. Aguiar	M. D. A.	30 Dixon Ave	
FRANK ABUONIA	FRANK ABUONIA	DIXON AV 30 BRISTOL	
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Kerry Tenness	Kerry Tenness	21 Dixon Ave BRISTOL, RI 02809	kerry.tenness @cox.net
Anthony Carbone	Anthony Carbone	31 DIXON AVE	weatherfreek@yahoo.com
CASSIE ANDRADE	CASSIE ANDRADE	21 NAOMI STREET	CASSIEANDRADE @gmail.com
Margarida Dias	Margarida Dias	14 ANDREWS COT	
ANTONIO DIAS	Antonio Dias	14 ANDREWS CT.	

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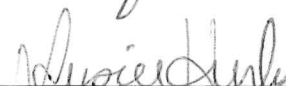
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Steven Silva		C5 BRISTOL WOODS BRISTOL RI DRIVE	—
Angelo Caland		B12 Bristol Woods Dr. #123 Bristol, RI	—

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How Jones		86 Bristol Woods 02809	Boston TAFE & Cmsn
Phyllis Poisson		82 BRISTOL WOODS BRISTOL RI 02809	phyl0921@gmail.com
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Rosie Hurley		B-4 BRISTOL WOODS DRIVE	HURLEY RESID@aol.com

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Name (Print) Signature Address email address

Brian McCarthy	Brian McCarthy	118 Bradford St	
BETH McCarthy	Beth McCarthy	32 Central	
CHRISTINE BURWELL	Christine Burwell	35 Central	
Mark Moreira	Mark Moreira	36 Narrows	
Gina Moreira	Gina Moreira	36 Narrows	
Lynn Feri	Lynn Feri	40 Thayer St	
Kennedy Smith	Kennedy Smith	40 Thayer St	
Julie Cavalieri	Julie Cavalieri	43 Thayer St	
Alicia Smith	Alicia Smith	34 Thayer St, #10	
Anthony Buono	ANTHONY BUONO	52 Constitution	

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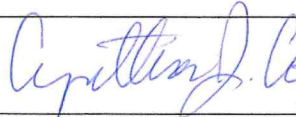







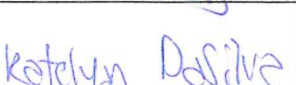
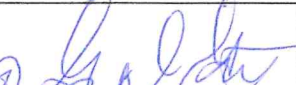
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	Kate Sylvia	41 Sherry Ave	katemsylvia@gmail.com

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William Cole		High St 321 Bristol	—
Kristen Conway		24 Court st Bristol	—
Chir Carter		21 Chorjoke Dr Bristol RI	—
Kristen Caton		Zicharlotte Dr Bristol	
Manuel DaSilva		5 Larson Court Bristol	—
William W. Hark		27 Clipper Way	—
Christine Felipa		31 Brooks Farm Bristol R.I.	
Katelyn DaSilva		31 Brooks Farm Drive Bristol RI	
Guerra DeGara		115 Hester	