



BRISTOL PLANNING BOARD
APRIL 9, 2026 MINUTES

TOWN HALL
10 COURT ST.
BRISTOL, RI 02809
401-253-7000

Held: April 9, 2026 in person

Location: Bristol Town Hall, 10 Court Street, Bristol, RI

Present: Steve Katz, Secretary; Member Brian W. Clark; Member Richard Ruggiero; First Alternate Member Michael Sousa; and Second Alternate Member Jessalyn Jarest

Also Present: Diane Williamson, Director of Community Development; and Amy Goins, Esq., Assistant Town Solicitor

Not Present: Charles Millard, Chairman; and Anthony D. Murgo, Vice Chairman

A. Pledge of Allegiance

Secretary Katz called the meeting to order at 7:00pm and led the assembly in the Pledge of Allegiance.

B. Approval of Minutes – March 5, 2026

A motion was made by (Sousa/Jarest) to accept the minutes of the March 5, 2026 meeting
In favor: Clark, Katz, Ruggiero, Sousa, and Jarest
Refrained: None
Opposed: None

C. New Business

- C1. Take Action on Draft Decision for Master Plan phase for Major Land Development of the Comfort Inn and Suites** – proposal to build an 80 room hotel. Property on south side of Gooding Avenue approximately 50 feet east of the intersection of **Gooding Avenue and Broadcommon Road, near utility pole #218**. Owner: D & M Boca Development, LLC Zoned: GB. Assessor's Plat 111 Lot 1

Secretary Katz announced that tonight's meeting would be concluding the first stage of the major plan development for the proposed Comfort Inn Hotel. The correspondence the neighbors have provided to the Board and the testimony they have given during the January and March Planning Board meetings for the master plan was relevant, very much appreciated, and considered by every member on the Planning Board. Secretary Katz advised everyone that at the conclusion of the March 5, 2026 meeting, the Planning Board closed the public hearing and as such there would not be testimony taken from the public during tonight's meeting. He did advise everyone that should the applicant wish to proceed to the next stage under the preliminary plan review, the Planning Board would open a public hearing and accept testimony from the public for the preliminary plan

phase. Secretary Katz stated the applicant had requested that the Planning Board's decision tonight on approving the applicant's master plan expressly stipulate that it be for an 80--room hotel instead of an 40-room hotel which is what the applicant had proposed in their master plan application. The Planning Board had consistently stated throughout their review process for the master plan application that 80 rooms would be inconsistent with the Town's Comprehensive Plan and thus inconsistent for what was best for the Town of Bristol. Secretary Katz stated that the Planning Board was approving the applicant's master plan which was purely conceptual. Should the applicant proceed to the next stage, which was the preliminary plan review, the Planning Board would require the applicant to provide detailed engineering plans, renderings, and a market analysis fiscal impact study for a hotel with a smaller footprint, reduced height, and reduced room count to ensure consistency with the Town's Comprehensive Plan. In particular, in the Town's Comprehensive Plan, it stipulates among other things: a) the preliminary plan must maintain the character of Bristol and make sure that new development does not adversely affect or impact the integrity of the Town; b) require new developments to stay within a scale that is appropriate to Bristol, to surrounding homes, and ensure that neighborhoods are livable places; and c) and promote good design in all future developments. The Board thanked the neighbors for sharing their thoughts and concerns through their correspondence and public testimony and should the applicant wish to proceed to the preliminary plan phase, they will open a public hearing at that time. Before the Planning Board discussed the draft decision before them, which included findings of fact and conditions of approval, they asked Attorney Goins to address the public's question about appeal RIDEM's award of a wetlands permit to the applicant.

Attorney Goins stated she reviewed the statute and regulations that govern DEM wetlands permitting and neither the statute nor the regulations provide for a right of appeal from anyone other than the applicant from a permit that has been granted. The only person who can appeal a decision of the DEM with regard to a wetlands permitting is the applicant if the permit has been denied. She said even though there was no clear statutory right, she felt that it was possible that some interested party with standing could potentially file an appeal in Superior Court if DEM completely ignored procedure in issuing the permit, for example, if DEM failed to send notice to required parties. She didn't have any indication that happened in this instance so Attorney Goins' conclusion to the Planning Board was there was no right of appeal from this DEM permit. Attorney Goins advised the Board that the law and regulations have changed in recent years with regard to DEM wetlands permitting. She stated that the law used to provide essentially veto power for a city or town council, but it was written out of the law in 2015 so that was an example of showing a trend in the laws where local control was being eroded.

Secretary Katz said the draft decision would be read out loud and then the Board would discuss it. make changes, amend it, and then take a vote. He stated that would be the process for the evening. Secretary Katz and Member Clark took turns reading the draft decision in its entirety.

Attorney Goins advised the Board that item #15 under the conditions of approval regarding opening the meeting for public comment was appropriately going above and beyond what the State law requires because under State law only one public hearing was required which has been concluded. She said with this condition, the Board was saying that even though there was no legal requirement to have a public hearing, there was not going to be notice to abutters, the Board wanted to hear from the public, so the Board was committing to do so. Attorney Goins suggested an edit, based on the request from counsel for the applicant, was under Section III. Findings of Fact and Conclusions of Law, on page 2, where it said the Board conditionally approved the application, Attorney Goins suggested adding for clarity purposes the words "as presented (80 rooms)" as that would make it very clear that the Board was granting master plan approval for what was presented which was an 80-room hotel. She stated for financing purposes it was

important that the decision reflect the room count. Member Clark asked where that change should be placed. Attorney Goins said the first paragraph under Section III should read:

“After considering the submission and testimony of the Applicant, as well as the testimony and submissions of the public during the course of the public hearing, the Board conditionally approves this application as presented (80 rooms) for the following reasons:”

and then go on into the rest of the section.

Diane Williamson made the suggestion edits on page 4, under item #11. She stated the wording, “dollar value as determined by the Town’s Tree Warden” needed to be changed. She suggested removing the words “dollar value” because whether there’s additional trees planted or a dollar value whichever option is selected, she wants the Tree Warden to oversee the selection. Secretary Katz agreed that it should be up to the Tree Warden to make that determination. Ms. Williamson stated whatever choice was presented, the Tree Warden should determine the final outcome.

Secretary Katz asked the Board members if anyone had corrections, suggestions, or comments.

Alternate Member Sousa said under Section III, page 2, item #1, he had a hard time with language, where it stated, “The proposed development is consistent with the comprehensive community plan”. He stated it seemed like there were several inconsistencies where the Board mentioned later in the motion where they were concerned about the Comprehensive Plan and, to Alternate Member Jarest’s point at the public hearing where she stated that the residents would feel like they would be a part of a long history of careful and people oriented town building along with the letters from Save the Bay, etc., written against the project, how can the Board state that it was consistent with the Comprehensive Plan when it seemed to go against that statement.

Attorney Goins stated she drafted the decision along with Ms. Williamson to reflect the Board’s 4 to 1 vote to approve the application and all of the required findings have to be satisfied. She said there was a report from the applicant’s land use expert stating the development was consistent with the Comprehensive Plan. If she thought the Board could have found it inconsistent, she would have advised them to do so, and the Board would have been justified in denying it on that basis. Attorney Goins said that if the Board had made that decision, she didn’t feel that it would have held up in court because they had an expert report that it was consistent. She said there was a lot about affordable housing, natural resources preservation, encouraging business growth, and many other competing goals and policies. She felt that framing the finding that it was consistent, but a smaller hotel would be more consistent sent a clear message of what the Board wanted to see and in fact was requiring the applicant to show for the next stage of review.

Alternate Member Sousa stated he wasn’t suggesting saying it to be inconsistent but rather tone down the language that it was consistent. He said there were parts of the Comprehensive Plan as Attorney Goins pointed out and the applicant had a land use expert which the Town did not have, so it was just one sided, but to tone it down to say it appeared to be consistent. He said it appeared as though the Board was asking for something more and he didn’t want it to say it was consistent without it stating something like it was consistent at this stage of the proceedings it was found to be consistent. So, at preliminary the Board had the option to raise the question again.

Secretary Katz’s said because DEM awarded the permit and everyone knows it was a done deal and nothing could be done about it, it didn’t affect the consistency with the Comprehensive Plan

because the Board couldn't do anything about it. Going back in time when the Board could have challenged a DEM permit and say it was inconsistent with the Town's Comprehensive Plan, they might have been able to do something about it, but they can't. Taking the whole wetlands matter and setting it aside, Secretary Katz said the rest of the application was consistent with the Comprehensive Plan. Attorney Goins said with all of the findings, the Board was only making at the master plan level based on the evidence and the record they had for the master plan application. She stated architectural and design review would be a very important part of the next stage of review if they got there. Attorney Goins said it was possible that the Board could find the conceptual proposal consistent at this stage of review but still leaving room legally to potentially find the same big 80-room hotel inconsistent at the next stage if the Board's concerns about aesthetics, design, architectural compatibility, and general neighborhood compatibility aren't satisfied. She said the Board could put some language in the decision to soften it. Alternate Member Sousa said if they had another shot at it, then he was fine with it. Attorney Goins said they would have a second bite at the Comprehensive Plan consistency apple at it at the next stage. Secretary Katz agreed with Attorney Goins.

Alternate Member Sousa had another concern about the stormwater system issue under Section IV, item 4 or 5, he wanted to clarify that pervious pavement condition was not to be included in engineered calculations as it went above and beyond the engineered calculations. He had an issue with Fuss & O'Neil's memo because they misunderstood the intent. Alternate Member Sousa said the intent is that with the stormwater system design as is, they're needing the regulation to be at or less than peak discharge rates and volume on the site and the condition is that they're going to include pervious pavement that had to be maintained but that couldn't go into their calculations. He stated that it needed to be over and above what the regulation was and they agreed to it. Secretary Katz agreed with Alternate Member Sousa. Member Clark had a problem with the pervious pavement to being with as it was not going to be maintained. He stated it would require a significant maintenance schedule. He wasn't sure why they were being made to do it because if it wasn't maintained and the Town didn't enforce it, it wasn't realistic. Alternate Member Sousa said it was the same thing as the entire drainage system. He said they had a leaching system which needed to be maintained. He stated they were going to place a bond and whatever stipulation with DPW to make sure they maintain it because if they didn't then the Town would go in there with their money and maintain it. Member Clark stated that bonds weren't going to last forever. Alternate Member Sousa stated that if he didn't like pervious pavement, then they had to get rid of the leaching system because both went hand-in-hand and both had to be maintained.

Member Clark asked Ms. Williamson how long the Town would hold a performance bond. Ms. Williamson said the performance bond was held only until the performance of the improvement, but in item #4 they were asking for a separate escrow amount to guaranty the applicant's maintenance of the drainage which was different than the bond. Her understanding was the escrowed amount would be held in an account that could be used to do the work if the owner didn't. Member Clark asked if that had ever been required before. Ms. Williamson couldn't recall if the Board had ever required that before. Member Clark stated that they were setting a precedence for future developments as well. Ms. Williamson stated the Board had held a maintenance guaranty for a long time which kept a system maintained typically until the Town could roll into their maintenance schedule and the Town has had situations where they've held them and the longest one was 10 years and the developer had to keep maintaining it. Alternate Member Sousa said item #4 regarding the pervious pavement would be part of that maintenance, but it wouldn't be included in the engineering calculations. He said to Member Clark's point if they're going to fail to maintain one, they're going to fail to maintain all of it. Member Clark stated that leaching systems required much less maintenance. Alternate Member Sousa stated

that pervious pavement systems required going in with a sweeper to maintain them. Attorney Goins stated that language like that for item #5, adding a sentence, “an escrow account shall be established to guaranty maintenance of the pervious pavement area, and such area shall be excluded from stormwater calculations”. The Board agreed with the language.

Alternate Member Sousa went on to item #10 on page 3 regarding the review of the landscaping plan. He stated the review should be done by a registered landscape architect in addition to the Conservation Commission. Attorney Goins said whether or not it was put in the conditions of approval, the Board could require a peer review by a registered landscape architect. Alternate Member Sousa stated they should want to shield a lot of the visual from Gooding Avenue and from the neighbors. Ms. Williamson directed Alternate Member Sousa to item #13 which was that exact stipulation. Alternate Member Jarest agreed that a review by the Conservation Commission is important, but also a review by a registered landscape architect as well.

Member Clark was concerned about item #11 on page 4, regarding a report from a licensed arborist. He asked Ms. Williamson if it had ever been requested before. Ms. Williamson couldn't recall. Member Clark asked if it was construed as punitive by the applicant and, if so, could the Town and Board be sued over it. Attorney Goins said she provided a copy of the draft decision to counsel for the applicant, and she didn't hear any complaints or concerns about that condition of approval. Secretary Katz felt it was okay because it was in the watershed.

Member Clark asked how it would affect future developments going forward. Attorney Goins stated each application was unique and the Board considered each application as a unique property and unique circumstances, and someone could take a copy and waive it up to the Board at some point, but land use decisions weren't precedential because they deal with property and each is unique. Secretary Katz agreed with Attorney Goins. Member Clark concerns for the entire project were that they're left with no good decisions. He wasn't disagreeing with Secretary Katz, but 10yrs ago the Board could have vetoed the project because they didn't want it, but the State Reps that live in the Town changed the laws and now everyone was left with the ramifications of it. Member Clark stated that as a result, the developer decides to do 80 rooms and if it didn't work out, he could get 40 apartments out of it because he could go to adaptive reuse. He stated adaptive reuse was rammed down the Town's throat by the General Assembly and the Town's local Reps who all voted for it. Secretary Katz asked Member Ruggiero if he had any comments or changes. Member Ruggiero stated that he was against everything and had no comment.

A motion was made by (Katz/Sousa) to accept the Findings of Fact and the draft Motion with the changes as discussed.

In favor: Katz, Clark, Sousa, Jarest

Refrained: None

Opposed: Ruggiero

Passed: 4 to 1

D. Adjournment

Meeting adjourned at 7:47pm by Sousa

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 14 May 2026 Planning Board: 