

STATE OF RHODE ISLAND

TOWN OF BRISTOL PLANNING BOARD

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Proceedings at hearing in re:

MASTER PLAN PHASE/MAJOR LAND DEVELOPMENT

COMFORT INN & SUITES

PUBLIC HEARING

GOODING AVENUE & BROADCOMMON AVENUE

NEAR UTILITY POLE #218, BRISTOL, RHODE ISLAND

ASSESSOR'S PLAT 111, LOT 1

D & M BOCA DEVELOPMENT, LLC

* * * * *

COLT SCHOOL AUDITORIUM
570 HOPE STREET
BRISTOL, R.I.

MARCH 5, 2026
7:00 P.M.

BEFORE:

STEVE KATZ, CHAIRMAN

MR. RICHARD RUGGIERO, MEMBER

MR. BRIAN W. CLARK, MEMBER

MR. MICHAEL P. SOUSA, FIRST ALTERNATE MEMBER

MS. JESSALYN JAREST, SECOND ALTERNATE MEMBER

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1 MARCH 5, 2026

2 7:00 P.M.

3 CHAIRMAN KATZ: Next item on the agenda
4 is public hearing to discuss and possible action
5 on Master Plan phase for Major Land Development
6 of Comfort Inn & Suites, continued from
7 February 12, proposal to build an 80-room hotel.
8 Property on the south side of Gooding Avenue
9 approximately 50 feet east of the intersection
10 of Gooding Avenue and Broadcommon near utility
11 pole #218. Owner: D&M Boca Development, LLC,
12 zoned General Business. Assessor's Plat 111,
13 Lot 1. All right.

14 Before we begin, I have some opening comments
15 like we did in January, so please bear with me.
16 Just to recap --

17 AUDIENCE: We can't hear back here.

18 CHAIRMAN KATZ: Can you hear me now?

19 So to recap, on 13 March, we had a
20 pre-application meeting, no decision was rendered.
21 On 28 August, a Technical Review meeting, Technical
22 Review Committee meeting was held, and we provided
23 the Applicant with a number of comments,
24 recommendations, and the Applicant notified us that
25 they would take these into consideration for the

1 be a public meeting.

2 Tonight we are going to first hear from our
3 own peer-review engineer, Ms. Bree Sullivan, from
4 Fuss & O'Neill on the concerns that were raised by
5 the abutters to this project. We will then hear
6 from the Applicant and their counsel and experts,
7 and they will be responding to the public's
8 comments from last month's meeting.

9 Once the Applicant has concluded their
10 redirect, the public will have an opportunity to
11 comment. Given the number of people that we have
12 here tonight, and we have a pretty good size crowd,
13 and I think that's wonderful, we want to give each
14 of you an opportunity to talk, so as I said last
15 month, we're going to limit your comments to three
16 minutes, and please respect the three minutes.

17 I know we had a couple of folks that spoke
18 longer than three minutes, and there were folks in
19 the public that said, yeah, that's okay. We're not
20 going to do that tonight. We're going to limit it
21 to three minute so that everybody has an
22 opportunity to speak, and then you can come back up
23 and speak again if you choose.

24 As I mentioned in the last meeting in January,
25 we will not, and I repeat this, we will not permit

1 please, if the owner will agree to a deed
2 restriction for the hotel that would prevent the
3 conversion of this hotel into community housing,
4 such as a rooming house, or anything like that,
5 other than a hotel. I would like to see that kind
6 of a deed restriction, and I'm just going to leave
7 that out there to add to your consideration.

8 All right. So I'm going to turn it over to our
9 peer review engineer.

10 MS. SULLIVAN: Thank you, Mr. Chair.

11 MS. WILLIAMSON: Is that on, Bree? I
12 don't think so.

13 MS. SULLIVAN: Check, check, check. How's
14 that? No? All right. Let me do it from over
15 there.

16 Thank you, Mr. Chair. As the Chair said --

17 AUDIENCE: Can't hear you.

18 MR. SOUSA: You have to get close.

19 MS. SULLIVAN: How's that?

20 MR. SOUSA: Perfect.

21 MS. SULLIVAN: Thank you, Mr. Chair. I
22 will repeat. My name is Bree Sullivan. I am with
23 Fuss & O'Neill out of Providence, Rhode Island, and
24 we were requested to do this peer review of the
25 materials. It was a supplemental peer review of

1 the Applicant is to demonstrate that the
2 infiltration system is going to actually infiltrate
3 into the ground in a vertical manner rather than
4 traveling horizontally once it hits the restricted
5 material. That can be an issue when you're
6 infiltrating a large quantity of water in a system,
7 so I think what would be appropriate is to
8 demonstrate that we're not going to see breakout,
9 that it's going to discharge from the site rather
10 than infiltrating into the ground. It's a common
11 thing that typically happens with septic systems as
12 well, so it's definitely something that can be
13 addressed.

14 The other thing is we had a conversation with
15 the Planning Board about the porous pavement that
16 was brought up in the Technical Review hearing.
17 While porous pavement is a very good BMP, and it
18 provides a level of conveyance and treatment that
19 is commendable, I guess is the word for that, the
20 problem with porous pavement is maintenance, and
21 when it performs well, it performs well.

22 The issue with porous pavement is if you rely
23 on that as your -- as your stormwater handling
24 measure, what happens is when it gets clogged, and
25 it will get clogged, the pavement matrix, you

1 forethought or design.

2 Typically what we see when we replace these
3 culverts and stream conveyance, conduits or pipes,
4 we're usually seeing four, five, six times the size
5 that we're replacing it with because that's what
6 should have been installed. So, and the reason why
7 I'm speaking to this is I know that one of the big
8 issues that people have raised, as part of this
9 project, is this flooding concern. And so for --
10 I'm sure everybody here knows, but I will call
11 attention to the plan on the screen, the area we're
12 talking about is to the east of the site, which on
13 this plan, on the screen, is to the right of the
14 screen.

15 (REFERRING TO OVERHEAD SCREEN)

16 MS. SULLIVAN: So the -- in the
17 Applicant's submission, so again, speaking to the
18 level of submission we're talking about here, the
19 Master Plan submission is not typically supposed to
20 submit drainage calculations, detailed drainage
21 calculations. The Applicant did, which is good,
22 because it allowed us to evaluate the suitability
23 of the stormwater treatment on site to protect the
24 off-site areas from additional water and flooding,
25 and that's required, that's a requirement, it's a

1 even required to be submitted, the Applicant has
2 shown that this site's development will not
3 adversely affect flooding off-site, and I do want
4 to speak also to the request for -- for a
5 downstream impact analysis.

6 I want to speak to the fact that RIDEM issued
7 a permit for this site, so the Applicant has a
8 permit in hand for this site, a Wetland Permit,
9 after they reviewed all the information, and I can
10 say that RIDEM is very thorough. I've applied to
11 them several times before, and their reviews are
12 not cursory.

13 So, in summary, we can say that the concerns
14 that were raised by Mr. Spinard have been
15 addressed, have either been addressed in the
16 original submission or subsequent follow-up
17 submissions by the Applicant's engineer in their
18 letter that we reviewed. So, that's the -- that's
19 the end of my summary, and I can answer any
20 questions that the Board may have.

21 CHAIRMAN KATZ: I don't have any
22 questions.

23 MR. SOUSA: I have questions,
24 Mr. Chairman. So going back to the porous
25 pavement, I'm trying to understand, there was a

1 recommendation. The recommendation was it would be
2 in addition to the current design, so I just want
3 to make sure everyone is clear that that's not the
4 case, right.

5 And then you mentioned something about being
6 undesirable. I'm trying to go back, and I think
7 maybe it was about the same situation about porous
8 pavement, that it was undesirable, and then as far
9 as the watershed and the flooding, the concern
10 here, I think pretty much is Dartmouth Road. We're
11 not talking about a point of analysis down on
12 Hope Street, which I agree is a very large
13 watershed, and this is not going to have a
14 significant impact on that, and we're not talking
15 about a point of analysis at Chestnut Street, but
16 the immediate neighbors nearby, they're concerned
17 because they are getting flooded out, there's that
18 -- any increase which can exacerbate an existing
19 condition, an existing condition that did not exist
20 30 years ago, 20 years ago when many of the
21 neighbors lived in their homes, they weren't
22 experiencing that. And recently Diane and I
23 actually spoke to FEMA, and we confirmed that FEMA
24 has not -- has not updated their climate data in
25 support of the floodplain and flood analysis since

1 what my request was to the engineer, to DiPrete
2 Engineering, was the same request that I made to
3 Pare Engineering when they were designing the
4 high school is to try to go way beyond what the
5 limit is, instead of having a net zero impact to
6 perhaps go a little bit further beyond that because
7 of the situation that we're in where the government
8 has not given us updated -- updated flood
9 information that is relevant to today, and that was
10 a request that I would still make to DiPrete
11 Engineering and the Applicant that they try to go
12 beyond -- I'm not buying that 29 percent is
13 significant. I would rather see that they can do
14 better than that, so I don't want that comment to
15 also be lost in the request that we have for them
16 to actually go beyond and try to reduce it further.
17 That's all I have.

18 MS. SULLIVAN: My only comment to that is
19 that doesn't account for changes to the
20 infrastructure that handles the stormwater, so if
21 you have a collapsed pipe and that pipe can't
22 convey the intended flow, that's going to cause
23 issues upstream, so unless the watershed has been
24 analyzed for condition and for capacity, then we
25 can't really say that it's the storms that are

1 immediate concern of the neighborhood surrounding
2 this development downstream is their flooding and
3 there's no infrastructure there that's going to --
4 that's impacting it, and so it's not relative to
5 the HEC-RAS study.

6 MS. SULLIVAN: Okay. All right. Then
7 that's a separate issue. I thought that that's
8 where the comment was coming from.

9 MR. SOUSA: I just don't want, you know, I
10 just -- I'm not trying to pick on anybody, but I'm
11 just trying to make sure there's certain elements
12 in the record regarding porous pavement request,
13 and it's a secondary type of request that we're
14 having a recommendation beyond what the base
15 engineering design is, so it can't get any worse
16 than impermeable, no matter how bad it is, and then
17 I want to make sure that the neighbors' concerns
18 about flooding is adequately in the record where
19 we're not talking about infrastructure, we're not
20 talking about the HEC-RAS study, we are talking
21 about just discharge from the site overlay, so
22 that's it. I just want to make sure it's on the
23 record.

24 MS. SULLIVAN: Okay. Thank you.

25 CHAIRMAN KATZ: Any other comments from

1 MR. CLARK: I just needed a little
2 clarification. Thank you.

3 CHAIRMAN KATZ: All right. Anybody else?
4 Mr. Resnick, you have the mic.

5 MR. RESNICK: Thank you, Mr. Chairman, and
6 thank you to the peer reviewer for her testimony.

7 Mr. Chairman, I have some comments this
8 evening, but I think the first --

9 AUDIENCE: Can you speak into the mic?

10 MR. RESNICK: Can you hear me now?

11 AUDIENCE: Yes.

12 MR. RESNICK: All right. Let's go. Here
13 we go.

14 Thank you, madam peer reviewer. Mr. Chairman,
15 I have some comments this evening, but before I get
16 to them, I'd like to give Mr. Duhamel the
17 opportunity to just respond to the peer-reviewer's
18 comments and also to respond to Mr. Sousa, and then
19 also make himself available to any questions that
20 the Board may have. But, certainly, generally
21 speaking, it was a positive peer review, as a
22 layperson, we believe that supports the analytics,
23 the data, the testimony --

24 AUDIENCE: Can't hear you.

25 MR. RESNICK: We appreciate -- Mr. Duhamel

1 that deed restriction on the property, and one of
2 the reasons that we'll do that is there's already a
3 state law, there's already an adaptive reuse
4 statute that gives any property owner of any
5 commercial property that is not subject to an
6 environmental land-use restriction the ability to
7 convert from commercial to residential so long as
8 the building codes and the fire codes are intact.

9 We're not going to deed restrict that. That
10 type of condition would be illegal. We're not
11 going to tie a developer from potentially changing
12 a hotel to apartment units, but, absolutely, we are
13 agreeing to that condition if we obtain a Master
14 Plan approval as it relates to the deed restriction
15 that you requested, Mr. Chairman.

16 CHAIRMAN KATZ: Thank you very much.

17 MR. RESNICK: With that, Mr. Duhamel, if
18 you could provide some comment relative to the peer
19 review, and open yourself up to questions from the
20 Board.

21 MR. DUHAMEL: Thank you. Thank you.

22 My name, again, Chris Duhamel with DiPrete
23 Engineering, offices located at 90 Broadway
24 in Newport.

25 AUDIENCE: We can't hear.

1 point to this, it has met what the RIDEM Stormwater
2 Manual requires for infiltration rate, but it also
3 asks for consideration to be more conservative to
4 lower that rate by a fact of two, and that was
5 stated at the last meeting by Mr. Spinard that it
6 should be lowered, so we did -- DiPrete Engineering
7 did run the analysis with the greatest factor
8 safety, and we proved that there is a reduction in
9 runoff rate and runoff volume, and the reductions
10 were reported by Miss Sullivan as a significant
11 reduction.

12 So the methodology that we're employing with
13 the DEM requirements, the analysis that we're
14 providing shows that there will be a net decrease
15 to the floodplain.

16 Are we going to reduce the flooding to the
17 site? Not in any significant means because the
18 watershed of this 1.7-acre development parcel out
19 of the 9 acres that we own is not significant
20 enough to reduce the flooding to any significance.

21 The flooding is really from, and I'm sure
22 the Board recognized this when the high school
23 was being rebuilt, the flooding is a result of the
24 culverts that run under the Mount Hope High School.

25 If you look at the data of the BETA Floodplain

1 additional structures on the pavement. I'd like to
2 have the opportunity to work with the town, work
3 with the town's consultant to look at different
4 alternatives so that we do receive the best design
5 for the town, but we certainly will do that at the
6 Preliminary Plan stage.

7 The Master Plan, we're committed to what the
8 requirements of the DEM are, of course, and what
9 the Town of Bristol requires, no increase in
10 runoff, no increase in runoff volume, and that's
11 what we've submitted, that's what we're proposing.

12 I'm happy to answer any questions on the
13 methodology to get more into the weeds, but we're
14 at Master Plan, as the Chair has said. This is not
15 a point where we get into the exact detail of all
16 the analysis or all the design. We have done that
17 as a matter of fact, and it has received the
18 scrutiny of DEM review and approval, which any
19 engineer that's worked, and I'm sure Mr. Spinard
20 has worked with DEM, they don't take anything
21 lightly. They question and re-question everything,
22 and that's the nature of the record that we have
23 with DEM that there's -- many of these questions
24 that were raised at the January meeting, they were
25 already asked prior to the DEM approval, and they

1 Preliminary because we have an obligation to
2 actually present all of this information at
3 Preliminary in order to meet the findings that are
4 required of you at that time when we prove to you
5 that the project that is conceptual now can be
6 built in a manner which is not adverse to the
7 community relying on all the disciplines we've
8 presented, traffic, civil engineering, stormwater
9 management, and the like.

10 So, the reason why we did it was to be
11 transparent, but the reality is, this Board has to
12 be careful, and I have an obligation to tell this
13 Board that when we make findings relative to this
14 Master Plan approval, it's not about DEM permits,
15 it's not about infiltration rates, this is a Master
16 Plan proposal.

17 We know that your Future Land Use Map
18 designates this specific lot is appropriate for a
19 hotel. We are not here asking for any zoning
20 relief. We are not here asking for any waivers
21 from the regulations, so I say this with respect,
22 and I know that you know this, but I need the
23 community to understand this.

24 This is not a political board. This is a
25 regulatory board. Your charge is to apply the

1 need to render your decision is before you and,
2 candidly, even though it's premature, the only
3 established, competent experts in the room that
4 were recognized as such with foundational materials
5 provided before they gave the testimony is
6 madam peer reviewer and Mr. Duhamel.

7 There is nothing before this Board which would
8 suggest that stormwater will adversely impact the
9 surrounding area. And, again, you have that
10 evidence sufficient for what you would need at
11 Preliminary. Never mind what you would need at a
12 conceptual. So, I'm happy to answer any questions
13 that the Board has.

14 As the community can see, we have a
15 stenographer again. We're going to recognize every
16 comment that's made. We'll study it when we come
17 back for Preliminary, but legally, based on the
18 laws of the State of Rhode Island and the
19 regulations that you were charged to enforce, this
20 project must be approved with reasonable
21 conditions.

22 Thank you, Mr. Chairman.

23 MR. SOUSA: Mr. Resnick, how many times
24 have you --

25 UNIDENTIFIED MALE: Sit down, cowboy.

1 I've also been at the Technical Review Committee
2 meetings, wetlands has come up, stormwater as well,
3 but wetlands.

4 The last public hearing that we were all at in
5 January, pretty much everyone that went up, every
6 person, every member of the public that came up to
7 testify mentioned wetlands.

8 Chris Duhamel, I've known him for many years,
9 great guy, I mean, you bring him to every -- you
10 must want to torture him because you bring him to
11 every single one of these, but here's the thing,
12 where is Scott Rabideau, your wetland specialist?
13 I've know Scott for many years, too. I have a
14 great amount of respect for Scott, haven't seen him
15 yet; and, yet, the major concern that the Town of
16 Bristol has, stormwater is part of it, and even
17 beyond that there's been wetlands, we can't seem to
18 get -- see your wetlands specialist so we can ask
19 him questions about the impact of wetlands.

20 (AUDIENCE APPLAUDED)

21 MR. RESNICK: Mr. Rabideau is retired.
22 DiPrete Engineering has taken on that scope --

23 AUDIENCE: Can't hear.

24 (MR. RESNICK ADJUSTING THE MICROPHONE)

25 MR. SOUSA: I'm sorry, I apologize.

1 The third thing is I cannot control nor can the
2 Applicant control nor can Mr. Duhamel control that
3 Mr. Rabideau is retired and not available.

4 DiPrete has wetland biologists. They are on
5 this project. They've reviewed all of the
6 materials. They will be redoing everything that
7 Mr. Rabideau did, and when we're back here at
8 Preliminary, even though it's DEM's jurisdiction,
9 and we're going to answer the questions, despite
10 the fact that we have a permit, that's when you get
11 the presentation.

12 You will have a wetland biologist here. You
13 can ask as many questions as you want. The
14 community can ask as many questions as they want.
15 Fuss & O'Neill can peer review them if you want.

16 We don't have an obligation to do that now.
17 So, no, but there's a little bit of precept and
18 subterfuge. You said to the crowd, "Why are you
19 hiding the wetland biologist?" We're not hiding
20 the --

21 MR. SOUSA: I didn't say hiding. Don't
22 put words in my mouth.

23 MR. RESNICK: This peer review never
24 should have happened. Okay. This testimony never
25 should have been listened to at this stage. It

1 I want you to understand that the questions
2 that you're asking right now, if you were to deny
3 this project, that's a gift to me because you're
4 asking questions and looking at things that are not
5 appropriate at Master Plan.

6 That's why I'm trying to protect the record
7 because we don't want to do this again. You don't
8 want to do it again, I don't want to do it again.
9 I don't want to draft an appeal to court. I don't
10 think the Town wants to spend money litigating this
11 issue only to come back to be told, you asked for
12 this information too early.

13 I understand why you want it logically. I have
14 no problem with it, but legally you're restrained,
15 and you started your comments and said, I'm going
16 around town, and I see a lot of signs about we're
17 concerned and we don't want a hotel.

18 Mr. Sousa, I say this with respect, I said it
19 to Mr. Ruggiero, this is not a town council. You
20 are not an elected official. You were appointed to
21 be on this body to do one thing, to apply the
22 regulations in the law as written. You might not
23 like it. I get it.

24 MR. SOUSA: Mr. Resnick, may I speak now?

25 MR. RESNICK: Yeah.

1 (AUDIENCE APPLAUDING)

2 MR. SOUSA: Okay. But --

3 MR. RESNICK: It doesn't bother me at all.
4 You have the ability to read whatever you want, ask
5 whatever questions you want, say whatever you want.
6 You don't have the ability to make findings at
7 Master that contemplate those issues. Period.
8 Period.

9 MR. SOUSA: I understand that. I
10 understand that. You'd probably win on appeal and
11 all of that if this gets denied, I get it.

12 You know, we have about fourteen references to
13 wetlands in our Comprehensive Plan, about
14 preserving wetlands.

15 MS. JAREST: Actually, I looked at the
16 2016 Comprehensive Plan and hotel is mentioned
17 6 times whereas wetlands are mentioned 31,
18 Silver Creek 33, and flooding 19.

19 So, I would like to know if we are going to
20 hold our standards to what is important in the
21 Comprehensive Plan, why aren't wetlands,
22 Silver Creek and flooding important in your view,
23 or why are you saying that hotel is more important?

24 MR. RESNICK: I'm not saying that wetlands
25 or the preservation of them is not important.

1 we'll bring a wetland biologist, and Mr. Duhamel
2 will work in connection with that wetland
3 biologist, satisfy your concerns, satisfy the
4 community's concerns the best they can, and work
5 with the peer reviewer.

6 I know that we will be peer reviewed again. I
7 invite a peer review because instead of one expert
8 that says that my project has no adverse impact, I
9 now have two. I want her back at preliminary. I
10 want third eyes, I want fourth eyes, because at the
11 end of the day, the data is the data, the standards
12 are the standards, they arrived at the same
13 conclusions.

14 So, Mr. Sousa, I apologize if we got off to the
15 wrong foot, but here's the problem: I'm not
16 telling you what you can ask and what you can say,
17 but I am a lawyer, and I do have an obligation to
18 tell you legally what I think you can base your
19 findings on, whether they're negative or positive.
20 And my position, which you can disagree with or you
21 can talk to your Solicitor about, is the items that
22 you are concerned about come at Preliminary. If
23 you want to listen to the evidence, and if you
24 believe that there's information that supports a
25 negative finding at Preliminary because of an

1 about the Comprehensive Plan.

2 MR. SOUSA: And you had -- I forget the
3 witness's name.

4 MR. RESNICK: Ed Pimentel.

5 MR. SOUSA: And he brought up all these
6 features in support of the hotel at the last
7 meeting.

8 MR. RESNICK: That's right. That's right.

9 MR. SOUSA: And but he never brought up
10 one of the 30-some odd references to wetland
11 impacts at the last meeting.

12 MR. RESNICK: I don't know. We'd have to
13 look through the transcript.

14 MR. SOUSA: The Comprehensive Plan does
15 need to be taken into account at Master Plan,
16 right?

17 MR. RESNICK: Yeah, absolutely.

18 MR. SOUSA: So we're, you know, again,
19 we're trying to bring up something about the
20 Comprehensive Plan in terms of wetlands. I'm not
21 trying to go to Preliminary. I'm not trying to go
22 beyond -- you have an RIDEM permit, okay, I
23 understand that. However, the town also has, in
24 their Comprehensive Plan, a very focused and often
25 mentioned concern regarding wetlands, and it would

1 flooding.

2 The ability of wetlands on the site is
3 4700-square foot of wetlands that is to be altered
4 that was flagged on the site by Scott Rabideau,
5 Natural Resource Services. It was evaluated by our
6 biologist at DiPrete Engineering, and we certainly
7 agree with what the DEM has approved as a limit of
8 wetlands.

9 The function of the wetlands are to retain
10 flood storage, the function of the wetlands to
11 increase the water quality discharge to the
12 groundwater, those are mitigated onsite. Those are
13 mitigated with the stormwater management system
14 that retains the increase in floodwater, the
15 ford discharges to the flood stream. The water
16 quality is improved by having sand filters that
17 take out all the pollutants at a much greater
18 square foot area so that 1.2 inches of runoff
19 across all the impervious area of this 1.7-acre
20 site is captured, routed through the sand filter,
21 mitigated the increase in stormwater pollutants
22 much greater than the 4700-square foot of wetlands
23 would have achieved if left in its current state.

24 The value of the --

25 MR. SOUSA: Chris, I don't mean to

1 -- had the value within this 9-acre site where this
2 1.7-acre site didn't have that same amount of
3 value.

4 So, I'm an engineer here, I'm reporting what
5 our biologist and Scott Rabideau, Natural Resources
6 Services had. The Planning Board has had this
7 data. There's been no questions on this. I guess
8 we should have anticipated these questions at our
9 last minute, but it's been flooding --

10 MR. SOUSA: Chris, we've been having
11 nothing but questions on wetlands. Come on.
12 Enough is enough. Please.

13 Mr. Resnick, no offense, but, you know, you're
14 referring to a report, yeah, we have a report, but
15 there are questions that people, myself including
16 the Board has regarding wetlands because it's in
17 our Comprehensive Plan, so preferably -- so we just
18 wanted to ask questions to a wetland specialist not
19 an engineer, not an attorney, a wetlands
20 specialist.

21 (AUDIENCE APPLAUDING)

22 MR. RESNICK: We're going to give you that
23 opportunity at Preliminary.

24 MR. SOUSA: Okay.

25 MR. RESNICK: This is why I had serious

1 MR. SOUSA: I'm not saying you can't.

2 MR. RESNICK: Wait a minute. Let's
3 understand the history here. The Town Council was
4 revising the Comprehensive Plan that you're
5 speaking about, right, and they sent it to this
6 Planning Board.

7 Now, I can't say what the makeup of the
8 Planning Board was at that time, so I'm not
9 suggesting that it was you, or that it was
10 Mr. Katz. I'm suggesting your peers, whoever was
11 the Planning Board at that time, they voted on
12 amendments to the comp plan. One of the most
13 important documents in that comp plan, or the most,
14 is your Future Land Use Map.

15 A lot of times a Future Land Use Map kind of
16 shows the general area and says that should be
17 commercial, that could be residential. It usually
18 doesn't do it, like, specifically by lot. This
19 specific piece of property was stated to be the
20 best location for a hotel. It's on your Future
21 Land Use Map. It is the operative document that
22 you need to consider at a Master Plan, and in
23 determining whether this project is in compliance
24 with zoning and your comp plan, which is your
25 Future Land Use Map, that was the plan for the

1 one section and drive that and ignore the rest of
2 it.

3 (AUDIENCE APPLAUDING)

4 MR. RESNICK: You're not ignoring it. We
5 have no legal requirement to present you with a
6 wetland biologist at Master. We're going to do it
7 at Preliminary.

8 MR. SOUSA: I know that. I know that.

9 MR. RESNICK: So I --

10 MR. SOUSA: But, hold on, we're making a
11 decision at Master Plan, and you're forcing down,
12 "your own comprehensive plan says a hotel should be
13 on this site --

14 MR. RESNICK: It's pretty serious
15 business.

16 MR. SOUSA: -- okay, "you have no choice
17 but to approve it," but, guess what? There are
18 other parts of the Comprehensive Plan that refers
19 to wetlands, and that needs to be taken into
20 account as well.

21 MR. RESNICK: Look at the Future Land Use
22 Map. That's the key. That's the key.

23 MR. SOUSA: The Future Land Use Map may
24 not have been aware of taking into account the
25 wetlands that are on the site.

1 comfortable, at the end of it, that we will have
2 shown you that we can build this project in an
3 environmentally sound and safe way, but we don't
4 have to prove that yet. We prove it at
5 Preliminary.

6 CHAIRMAN KATZ: All right. Mr. Resnick,
7 I, too, listening to this -- hang on a second,
8 Richard. I've listened to this debate. I know the
9 law, and you know that I know the law.

10 MR. RESNICK: I don't know that, but.

11 CHAIRMAN KATZ: You have made those
12 comments. I know the law. We don't need to be
13 dictated on what the law is because I know what it
14 is. We have counsel here. She knows what the law
15 is.

16 This is the issue, and I would appreciate it if
17 you would at least recognize this issue. You are
18 absolutely correct, and I stated it in my opening
19 statement tonight, and I stated it last month.
20 This is Master Plan. It's conceptual. We get it.
21 But you have a number of people here from the town,
22 and they are intimately focused on water.

23 Every single time this Planning Board meets on
24 -- there hasn't been a single -- every single
25 project that I've sat on in the last 15 years,

1 so, is that there's a stenographer here, is I'm
2 building a record. That's what I'm doing. So it's
3 not about teaching you what the law is. I know you
4 know it. Somebody may have to read this, and I'm
5 going to put every single thing that I need on the
6 record and, candidly, no one is going to stop me
7 from doing that.

8 As it relates to empathy and listening to the
9 concerns, I've done it. I've read every line in
10 the transcript. I'm going to sit down, I'm not
11 probably going to talk for the rest of the night.

12 (AUDIENCE APPLAUDING)

13 MR. RESNICK: I'm going to take notes. I
14 could keep going. If that's what you want, but I'm
15 go to sit down, and I'm going to study this
16 transcript, so to suggest that we haven't given
17 this thought or haven't reviewed it or don't have
18 any understanding or empathy for the concern is not
19 accurate.

20 We paid for a peer review prematurely so that
21 this Board and this community could know that
22 Mr. Duhamel and his opinions were appropriate and
23 correct.

24 MR. SOUSA: Mike, we know that and,
25 frankly, if I were in your shoes, I would be

1 That's what we're here for, and you don't have any
2 right to tell us that we can't make a decision
3 because I'm going to make a decision based on what
4 I think is best for the people of Bristol.

5 (AUDIENCE APPLAUDING)

6 MR. RUGGIERO: And the other thing is
7 this, the other thing is this: How do you know DEM
8 made the right decision? I don't know that.

9 MR. RESNICK: That's not up to me.

10 MR. RUGGIERO: I don't know that because
11 eight years ago they made an opposite decision, so
12 when you tell me you got your permit, I agree with
13 you, DEM gave you that permit.

14 I don't think it was given correctly, and I
15 think the town should appeal that decision. That's
16 my opinion.

17 (AUDIENCE APPLAUDING)

18 MR. RUGGIERO: And I don't want to be
19 lectured by you again. Okay.

20 MR. RESNICK: I'm not going to lecture
21 you, Mr. Ruggiero.

22 MR. RUGGIERO: I don't want to hear from
23 you.

24 MR. RESNICK: Mr. Ruggiero --

25 MR. RUGGIERO: I don't want to hear from

1 minutes.

2 CHAIRMAN KATZ: Ted, you got three
3 minutes. That's it.

4 AUDIENCE: No.

5 CHAIRMAN KATZ: No, I'm sorry, folks.
6 It's three minutes. We've got a lot of people
7 here.

8 MR. SPINARD: I'm sure a lot of these
9 people would give me their three minutes.

10 CHAIRMAN KATZ: No, Ted, we're not going
11 to do that.

12 MR. SPINARD: But it's kind of unfair that
13 the peer engineer talks for an hour, the Applicant
14 talks for an hour, and you let me have three
15 minutes to respond to that.

16 CHAIRMAN KATZ: And, Ted, that's what
17 we're going to do, and I'm going to let each and
18 every single person here present speak for three
19 minutes if they choose to.

20 If there's time at the end, you're more than
21 welcome to come back up. That's what I said.

22 MR. SPINARD: So, let me begin then for my
23 three minutes with the analysis that -- that was
24 provided that showed that the 0.27 was -- did
25 reduce the runoff rates as well as the volume of

1 invalid.

2 They have not presented their model that what
3 they have presented was a HydroCAD that was highly
4 edited. No warning error messages were shown.
5 These hydrographs were never shown to show the
6 insulation (sic), so how do we determine that
7 0.27 is going to reduce the rate? It doesn't make
8 sense.

9 If you don't have the water going into the
10 ground because of the low infiltration rate, how
11 does it then reduce runoff and reduce volume?

12 CHAIRMAN KATZ: All right. Thank you.

13 (AUDIENCE APPLAUDING)

14 MR. DUHAMEL: Do you want me to comment?

15 MS. SULLIVAN: We did not review the
16 model. We got the results, so we reviewed the
17 results because we knew the model review would
18 occur at the next phase, so we did not review the
19 model, but oscillations can be resolved in the
20 settings usually.

21 CHAIRMAN KATZ: Okay. Thank you.

22 MR. SPINARD: And that's not true.

23 MR. SOUSA: It will be addressed at
24 Preliminary.

25 CHAIRMAN KATZ: It will be addressed,

1 approval.

2 I haven't heard resolution to that discrepancy
3 of samples provided to DEM for them to make a
4 decision.

5 Secondly, I haven't seen any representative
6 from DEM over here recommending or talking about
7 the decision that they made and why they made it.
8 That would be helpful for us to understand how they
9 arrived at that decision, okay.

10 Number three, you have a full house over here,
11 Bristol residents, that I believe have an issue
12 with this project in town. That should be enough
13 for you to know that, you know, call it something
14 else.

15 Number four, when I am a developer and I submit
16 a bid to any government, okay, I have to present a
17 bond. I have to present a bond. So, if I'm saying
18 I am going to build a building, it's going to cost
19 \$20-million, it's got all PE licensed engineers
20 approve the plans for all the codes and all the
21 regulations --

22 CHAIRMAN KATZ: Anthony, thank you.

23 MR. BARO: One minute.

24 CHAIRMAN KATZ: Anthony, that's three
25 minutes.

1 somebody did, so I want to make sure the record is
2 clear. I want transparency here.

3 MR. SPINARD: I will speak to that on my
4 next turn.

5 MR. BARO: How about the bond condition?

6 CHAIRMAN KATZ: Mr. Baro, like I said,
7 that will be handled at Preliminary. These are all
8 -- you are bringing up great topics. These are all
9 handled at Preliminary. This is, again, a
10 conceptual Master Plan.

11 MR. BARO: Thank you.

12 CHAIRMAN KATZ: Yes, sir.

13 MR. KLEIN: My name is Doug Klein. I live
14 at 3 Old Orchard Farm Road, Bristol.

15 AUDIENCE: Can't hear you.

16 MR. KLEIN: Usually I got a big mouth.
17 Can you hear me now?

18 So, first of all, for those of you who know me
19 here, I don't like bullies. That's the first
20 thing.

21 MR. SOUSA: Speak right up against it.

22 MR. KLEIN: Is that better?

23 CHAIRMAN KATZ: Yes, sir. Thank you.

24 MR. KLEIN: All right. My family has
25 lived in Bristol since the 1800s. I know a lot of

1 resource that we have in Bristol. There's tons of
2 wildlife here. We're getting bald eagles back. We
3 have deer all in that area. We have everything.
4 Don't ruin it.

5 That's all I need to say. Thank you.

6 (AUDIENCE APPLAUDING)

7 CHAIRMAN KATZ: Thank you.

8 MS. BROOKS: Hi. Naomi Brooks, and I am
9 not a recognized expert. I am a new resident in
10 Bristol.

11 AUDIENCE: Louder.

12 MS. BROOKS: Naomi Brooks, a new resident
13 in Bristol. Bristol's 2017 Comprehensive Plan
14 which includes many references to flood resilience,
15 the importance of retaining wetlands, and
16 requirements for new construction to follow the
17 guidelines for low-impact development is currently
18 being updated.

19 The new plan should be in place early next
20 year, and input to sections on natural resource
21 conservation and protection look to strengthen the
22 guidance of the 2017 plan to align with an updated
23 understanding of best practices.

24 If this project's conceptual phase is approved
25 now, further project submissions will continue to

1 letters to the Phoenix concerning the flooding
2 issues around town, so I have been paying attention
3 to some degree.

4 Now, I would talk on the first thing, talking
5 about infiltration and laboratory measurements.
6 The material that's here, it's glacial till, it's
7 a mixture of material that's just thin coating over
8 bedrock that over a thousand feet of ice sat on,
9 and it's compressed, nothing particular will filter
10 through it. It not only is slow in filtering
11 anything. It is actually used as coatings
12 underneath landfills to keep the toxic fluid from
13 the landfill from entering the bedrock.

14 You're not going to have any significant
15 infiltration on this site, and the site also does
16 not have any room for retaining ponds. What's
17 there is going to run off. So you're having a site
18 runoff, and it's going to be impacting the overall
19 wetlands but, more specifically, it's going to
20 point into the nearby community, the nearby streams
21 that are already stressed, so you're focusing this
22 extra runoff right on them. The water has to go
23 some place, and that's where it's going to go and
24 into some of the schoolyards.

25 I'll keep this short. Across the street,

1 Second, although DEM inexplicably had given
2 this project the green light, the permit was
3 careful to state that DEM assumed no responsibility
4 for any damages as a result of this approval. In
5 other words, the townspeople had no say, but when
6 things go wrong, we get to deal with the
7 consequences and pick up any bills.

8 Third, at the TRC meeting in August, the town
9 official asked about minimizing flooding from the
10 parking lot. The developer's representative
11 responded that putting in a porous parking lot and,
12 quote/unquote, would cost money, voicing the
13 inherent incomparability of this site for a hotel,
14 and I heard what you said about the porous, but
15 still the fact that money came into the equation
16 was not reassuring.

17 In terms of safety, one only needs to drive
18 down Gooding Avenue to see the safety issues with
19 traffic, and one only needs to drive down
20 Chestnut Street to see the road signs warning of
21 safety issues with flooding.

22 Both of the traffic studies determined that
23 the hotel would pose no traffic safety issues, but
24 as previously stated, neither study included the
25 Gooding/Broadcommon intersection although that

1 part of Preliminary that will be done in the spring
2 and summertime during the daylight hours.

3 MS. BYRNES: Thank you. I appreciate it.

4 (AUDIENCE APPLAUDING)

5 MS. CHALMERS: Hello. My name is
6 Patricia Chalmers.

7 CHAIRMAN KATZ: Can you speak right into
8 the mic, please?

9 MS. CHALMERS: Yeah. My name is
10 Patricia Chalmers, and I live on Bristol Woods
11 Drive in Bristol. So --

12 AUDIENCE: Can't hear you.

13 MS. CHALMERS: So, like about 99.999
14 percent of town residents, I have nothing positive
15 to say about this proposal. It's obvious we don't
16 need anymore flooding in town. This project's
17 massive destruction of wetlands will cause more
18 flooding issues. The neighborhood sandwiched
19 between the hotel and high school will take a huge
20 hit with flooding as well as all the houses and
21 businesses along the Silver Creek watershed.

22 It's also obvious the hotel is destined to fail
23 like others have in the area. Precious wetlands
24 will be turned into a 24-hour, 365-day, three-story
25 lighted and noisy flop house that invades the

1 And I'm not going to sit here and let people chit
2 chat in the back and say, oh, someone is getting
3 paid off for this.

4 This Board is as ethical of a Board as I've
5 ever been on. Please be mindful in your comments.
6 Thank you.

7 CHAIRMAN KATZ: Mrs. Spinard.

8 MS. SPINARD: Yes. Emily Spinard,
9 35 Dartmouth Street.

10 I'm going to just hit on certain points. The
11 Applicant asserts that at this stage the Master
12 Plan review is intended to outline project concepts
13 and then address feedback from the TRC and maybe
14 the public during Preliminary.

15 I have three outstanding impacts that I
16 intended to speak to, but I'm going to get to one
17 right now. It's called hotel size. At every TRC
18 meeting, that has been a major concern. It's
19 currently proposed as a conceptual project and will
20 be subject to review under the Master Plan. The
21 concept proposal outlines a three-story, 80-room
22 hotel situated on wetlands.

23 Tonight, before the Board, are what I believe
24 are 14-draft conditions, I'm not sure if the public
25 knows, from the 2025 TRC meeting to be satisfied at

1 CHAIRMAN KATZ: Twenty seconds.

2 MS. SPINARD: All right. I'll come back
3 up.

4 (AUDIENCE APPLAUDING)

5 CHAIRMAN KATZ: Thank you, Mrs. Spinard.

6 MS. FERREIRA: Good evening.

7 CHAIRMAN KATZ: Good evening.

8 MS. FERREIRA: My name is Maria Ferreira.
9 I live at 7 Christine Court.

10 I know this doesn't affect me, but it does
11 affect me in a lot of ways. Okay. I just have a
12 few questions. Was the developer aware that this
13 was wetland? Okay. Why -- was the former owner
14 aware that this was wetland? I'm a woman, and I
15 know what wetland looks like. Okay. I'm not
16 saying anybody is not comprehending what it is, but
17 I know what wetland is, and I can't believe that
18 the realtor and the former owner sold this -- these
19 people that land that no one knows is wetland.
20 Okay.

21 So, in other words, if, Mr. Resnick, if you're
22 going to sue anybody, please sue the realtor that
23 you bought it from or the owner.

24 CHAIRMAN KATZ: So, thank you, and let's
25 not debate each other, please.

1 going to be like.

2 Safety. Now, we're up late watching the news
3 at 11:00 at night, and there are already people
4 walking past. They're probably Bristolians, but if
5 we have a hotel, the increase of safety and crime,
6 please consider that.

7 Of course the impact to wetlands, like my
8 T-shirt says, and animals that we love and want to
9 keep here in Bristol, and the impact to the town
10 infrastructure, and how all Bristolians would have
11 to have higher taxes and pay for any problems that
12 arise with sewerage and drainage, and we already
13 have two sump pumps and a french drain at our
14 house. Our backyard -- excuse me, flows into, you
15 know, 15 Valley Drive, which was my grandmother's
16 house, so we get water, and we're all making
17 Sonny Furtado very wealthy. Thank you, Sonny. So
18 please consider that.

19 And the negative impact this could have on
20 property values as well, and the loss for business
21 for our current Bristol Harbor Inn and
22 William's Grant Inn and Airbnbs in the area, so
23 that's another consideration, and what benefits are
24 there to Bristol residents? The Applicant and the
25 owner are the ones --

1 and that wetlands is inconsequential for wildlife
2 or water runoff, or everything else. Hate to say
3 it, but it is consequential because that's our
4 neighborhood to the west of the property. The
5 cul de sac is immediately next to that property
6 where my other neighbors live who also experience
7 privacy issue, water runoff issues, and everything
8 else related to what will be an enormous building
9 in the neighborhood. Thank you.

10 CHAIRMAN KATZ: Thank you, Mr. Sacco.

11 (AUDIENCE APPLAUDING)

12 CHAIRMAN KATZ: Mr. Garcia.

13 MR. GARCIA: Domingos Garcia,
14 D-o-m-i-n-g-o-s G-a-r-c-i-a. I live at
15 34 Andrews Court. I live at 34 Andrews Court.
16 It's right at the end where the hotel is going to
17 be. Right now I get -- I'm not fishing yet like
18 the other gentleman last heeded. I'm getting
19 close to being fishing in my backyard, and it's
20 really -- it's really bad, so I don't know what's
21 this is going to do if it's getting worse.

22 I'm already getting cracks in my basement, and
23 I just came to say, you know, you know, just,
24 please, don't -- don't do it. But I know it's
25 gonna be, you know, done so, and I echo everything

1 going to reiterate some of what I said because I
2 didn't feel that the Applicant addressed any of it,
3 so I want to make sure it's on record, so that it's
4 addressed at the Preliminary hearing if it comes to
5 that.

6 As I said, my name is Jennifer Alexander. I'm
7 a wetland researcher, a PhD student, and a
8 long-time Bristol resident. I'm here tonight to
9 voice my strong opposition to the proposal to build
10 a hotel by filling in a portion of the wetland.

11 As someone who studies these systems, I cannot
12 overstate how essential wetlands are to the health
13 and resilience of our town. Wetlands support a
14 remarkable diversity of species. They serve as
15 breeding grounds, migration stopovers and buffers
16 for countless plants and animals that rely on
17 connected habitats to survey.

18 Studies also have shown that artificial light
19 at night impacts these animals, and that's
20 something that I think needs to be considered. I
21 would be happy to share these peer-reviewed studies
22 for the Planning Board to consider.

23 Disrupting one area triggers a cascading impact.
24 These changes don't stay isolated. They spread
25 outward and can degrade larger ecosystems across

1 wetlands. I want the council to see what actually
2 it looks like in the woods. All right. Okay.

3 Now, this is their property here. This is a
4 picture walking down the easement of the sewer. I
5 want you to see the water, right here. You see the
6 sewer, right here, that's a manhole. The water in
7 the easement is just -- just as high as this
8 manhole, and all of this water runs off to the east
9 from their property. This is the easement again
10 further on down.

11 Apparently, they haven't -- they haven't walked
12 in the woods over there. This is all -- this is a
13 stream that runs off of the back of there, the
14 property. This comes from the Andrews Court.

15 We'll skip down. This is how wet that is.
16 This is the water coming off the property running
17 east into the Silver Creek. So if they say that --
18 that it's not going to make an impact, I think
19 they're mistaken.

20 This is Silver Creek. It's -- look at the
21 water. This woman happens to live a hundred yards
22 from the road. She has to cross this bridge.
23 That's the water. That's -- now that's running
24 towards the high school.

25 CHAIRMAN KATZ: All right. Thank you,

1 I would like to address the developer and his
2 representation. You referred to the attendees as a
3 crowd and an audience. It was dismissive. We are
4 not an audience. We are not a crowd.

5 CHAIRMAN KATZ: Ma'am, excuse me, I'm
6 going to cut you off because we're not going to
7 debate each other. We're not going to --

8 MS. KATKEVICH: Oh, okay. I just wanted
9 to say --

10 CHAIRMAN KATZ: I do not want this to be
11 argumentative.

12 MS. KATKEVICH: I understand. I just
13 wanted to say that we're not an audience, we're not
14 a crowd, we're participants.

15 CHAIRMAN KATZ: Understand.

16 MS. KATKEVICH: Make no mistakes, we are
17 participants. I'll skip this bit then, and I'll
18 just say our town does have autonomy, and we will
19 work with success to do what's best for our
20 community not yours.

21 (AUDIENCE APPLAUDING)

22 MR. BYRNE: Are we legally required to
23 giving our names?

24 CHAIRMAN KATZ: Loren, you are.

25 MR. BYRNE: I'm weary of this man's

1 prove anything. Science never proves anything.
2 There is evidence on both sides for and against all
3 positions. We can debate that till the cows come
4 home. You can tweak your model with any numbers
5 you want. The big value conceptual question is
6 should versus can.

7 I hope the Board will make a decision tonight
8 so we can all stop wasting our time on this.

9 CHAIRMAN KATZ: Thank you. All right.
10 Emily, hold on. Anybody else that would like to
11 come up? Anybody else that would like to come up?
12 Anybody else that would like to come up?

13 Emily, the mic is open.

14 MS. SPINARD: Okay.

15 CHAIRMAN KATZ: Yes, go ahead.

16 MS. SPINARD: I would like to address
17 another draft condition to be satisfied at
18 Preliminary regarding the dedication of land which
19 says, "conservation easement to the town for the
20 remainder of the property of the approximately
21 eight acres to be left as permanent and protected
22 open space." That was a quote.

23 The Applicant's Master Plan checklist
24 Number D-22 marks this as NA indicating no land
25 will be conveyed thus no land will be conveyed

1 80-room hotel with a wall in front and walls on
2 either side. Also, I would think it would be
3 important to know if contaminants are on the site.

4 Most concerning of the draft of conditions is
5 that the draft fails to include any public
6 testimony of concerns which is problematic because
7 a public hearing is the only time this input is
8 considered relevant, it's recorded as testimony for
9 any type of court procedure.

10 This Master Plan cannot move forward with or
11 without conditions because neighborhood impacts of
12 health, safety, and welfare have not been
13 adequately discussed.

14 (AUDIENCE APPLAUDING)

15 CHAIRMAN KATZ: Hold on one second.

16 Diane, is that correct that there's a missing
17 item on the checklist?

18 MS. WILLIAMSON: It was certified
19 complete.

20 CHAIRMAN KATZ: It was certified complete.
21 Okay. Thank you.

22 MS. WILLIAMSON: Uh-huh.

23 CHAIRMAN KATZ: Yes, sir.

24 MR. PACIFICO: Hello, Vincent Pacifico,
25 45 Mount Hope Ave. I'm a Bristol resident and

1 time. This is Doug Klein from Old Orchard Farm
2 Road. I'm just curious, I'm looking around the
3 audience, I don't see one business owner here
4 saying it's going to benefit the town. No one is
5 here, no restaurant owners, no one. So how is this
6 going to do anything for our economy? What's it
7 going to do? Just asking. I mean, I don't see
8 anybody here that owns a business saying this is
9 going to be great, I'm going to make money. No one
10 is here.

11 There's a lot of businesses in town,
12 restaurants, all kinds of little stores, family
13 stores, corner stores, no one is here.

14 Go to different meetings, they're there
15 supporting things. They're not here. That tells
16 you something. Thank you.

17 CHAIRMAN KATZ: Thank you very much.

18 (AUDIENCE APPLAUDING)

19 CHAIRMAN KATZ: Anybody else?

20 MS. MATTES: Hi, Nancy Mattes,
21 M-a-t-t-e-s. One of the questions I have is has
22 the town done any research to find out if this
23 hotel is needed? I'm sure it is with
24 Roger Williams graduation, but other than that I'm
25 not sure.

1 presented -- that was just presented by the
2 Applicant.

3 Now, when I went and did my soil analysis,
4 the purpose was to do it in an area that was
5 identified as -- excuse me, as Pittstown soils.
6 Okay.

7 What this plan shows, as has been previously
8 said, most of the soils on the site is this, there
9 was some that were identified as Pittstown. I did
10 my soil analysis in an area that you can see was
11 Pittstown soil. The results show that -- the
12 results showed that it was a ML, which is a silty
13 loam.

14 I call your attention to the soil analysis that
15 was just presented by the Applicant. Now, if you
16 notice they are extremely similar. Also, the
17 designation on -- from the lab, the certified lab
18 is ML, which is silty loam. The reason for this is
19 that whether the soil, Pittstown soil, is on their
20 site, is on the one that I took at Dixon Avenue, or
21 is at the high school, Pittstown soil is silt loam,
22 and if you have silt loam, then the infiltration
23 rate is 0.27.

24 As I discussed and showed on the model, 0.27
25 does not work with the stormwater system. The

1 feasibility and fiscal impact.

2 CHAIRMAN KATZ: Speak into the mic.

3 MS. SPINARD: Am I all right?

4 CHAIRMAN KATZ: Yes, closer.

5 MS. SPINARD: Closer, like this? Okay.

6 As mentioned, the submitted FIS which depends
7 on an occupancy rate of 70 percent at 365 days a
8 year is not substantiated. What I've showed --
9 what has been showed is that Bristol's occupancy is
10 highly seasonal, and this questions the feasibility
11 of the concept of the 80-room hotel, and that --
12 besides the size, the feasibility has been brought
13 up at every meeting. Like that previous woman
14 asked, does the town need it? Their feasible --
15 Fiscal Impact Study is not validated. There is
16 nothing to support it.

17 Furthermore, more importantly, the Applicant
18 claims, like my husband said, a new tax revenue
19 stream which justifies the hotel consistency with
20 the Comprehensive Plan. However, if this Fiscal
21 Impact Study that was done, and if it's -- if it's
22 -- sorry, if it's analysis is questionable, the
23 consistency with the Comprehensive Plan is not
24 valid.

25 So, it's been flooding, it's been the hotel

1 CHAIRMAN KATZ: Can you turn that?

2 MS. JONES: -- you people have patience.
3 Thank you to the Board because you have the
4 patience of all the saints.

5 (AUDIENCE APPLAUDING)

6 COURT REPORTER: Can I have your name,
7 please.

8 MS. JONES: Linda Jones. You talked about
9 a restrictive deed to prevent it -- to convert it
10 to public housing. I just want to know if that's
11 sold, that property gets sold, what happens to that
12 deed? Who wants a hotel in their backyard? You've
13 got the noise, you've got the traffic.

14 During the winter cold months, agencies give
15 out vouchers to those who are homeless, and
16 unfortunately many of them suffer with mental
17 illness, drug and alcohol addiction. If you were
18 to find out or look around, you would notice that
19 or find out that there have been so many problems
20 that have arisen in some of these hotels because
21 these people, unfortunately, their problems are not
22 able to abide by the law. I don't know how else to
23 -- and I don't want to insult because it's
24 unfortunate to be homeless, but it's created very
25 unsafe situations for the people staying in the

1 Monica Bailey. Can you hear me?

2 CHAIRMAN KATZ: I'm sorry, couldn't hear
3 you.

4 MS. BAILEY: Monica Bailey.

5 MR. SOUSA: You can turn that down.

6 AUDIENCE: Can't hear you.

7 MS. BAILEY: Monica Bailey. I'm a
8 therapist in town. I live in Bristol,
9 7 Harrison Street.

10 AUDIENCE: Louder. Can't hear you.

11 MS. BAILEY: Okay. So, basically, what
12 the last lady said, I totally agree with the animal
13 situation, the deer running out into Metacom and
14 Gooding Avenue is going to be a major concern.

15 Secondly, as a therapist, I worked at a
16 place in Newport, and one of the places that
17 the shelter put people in off-season was a
18 Super 8 Motel and because the hotel in Newport was
19 very busy in the summertime but, in the off-season,
20 it was not. A lot of people were -- that had
21 mental health issues and substance abuse problems
22 would go into the hotel rooms and hang out and do
23 drugs.

24 So, my concern is I don't agree with the
25 Applicant that it couldn't be a possibility in the

1 twice, seventeen times, that restriction would
2 benefit the land, and I just want to say, I spoke
3 -- this issue came to my client within the past
4 couple days, and his reaction was immediate and
5 swift, I have no problem with that, that's not what
6 we're doing here, that's a very low use of that
7 property, it's not what's envisioned, it's not
8 economically feasible, I'm happy to restrict it.
9 So, that's the answer.

10 CHAIRMAN KATZ: Thank you.

11 MR. RESNICK: It will run with the land.
12 That's it.

13 CHAIRMAN KATZ: Thank you.

14 MR. RESNICK: One minute, I think.

15 CHAIRMAN KATZ: All right. And I'm going
16 to make a motion to close the public hearing. Do I
17 have a second?

18 MR. RUGGIERO: Second.

19 CHAIRMAN KATZ: Second. All in favor?

20 MR. RUGGIERO: Aye.

21 MR. CLARK: Aye.

22 MS. JAREST: Aye.

23 MR. SOUSA: Aye.

24 (UNANIMOUS MOTION TO CLOSE PUBLIC HEARING)

25 CHAIRMAN KATZ: So, the next step I

1 MS. GOINS: So, you mentioned two separate
2 topics in there, so I'll respond to them
3 separately.

4 I think the environmental concerns, that's a
5 separate finding that the Board has to make. The
6 Board has to make the finding that there are no
7 significant negative environmental impacts, and the
8 law says as shown on the final plan. So we can't
9 conflate comprehensive plan consistency with
10 environmental impacts.

11 Where you have an application here in the kind
12 of unusual posture that's been presented to the
13 town where the DEM has already issued the Wetlands
14 Permit, that finding has essentially been satisfied
15 for you by the State. Okay. So that's my advice
16 on the environmental finding.

17 On comprehensive plan consistency, this is
18 by-right with no zoning relief required. The hotel
19 is permitted by-right. The Fiscal Impact Statement
20 being submitted at Master Plan, I believe the draft
21 condition in the staff report suggests a peer
22 review at the Preliminary Plan stage. It is not
23 typical for a commercial -- Fiscal Impact
24 Statements are something we usually see for housing
25 developments. It is not typical that a use

1 Preliminary, after they spent all of this money
2 and effort to develop a set of documents at
3 Preliminary, which is about 90-percent complete
4 from an engineering perspective, and then say, oh,
5 you know what, we don't think, you know, we can't
6 approve that, we would rather approve a 40-room,
7 which is half the footprint, it changes everything.

8 So how can that not be appropriate at
9 Master Plan?

10 MS. GOINS: If the -- so, first, I'll just
11 say at this point, the Fiscal Impact Statement, and
12 I think it's correct to describe that as an example
13 of how the -- how the tax revenue would be improved
14 by having a hotel developed on this site.

15 I don't know if it was the same thing as a
16 market analysis. Again, I think that's something
17 that the Planning Board can choose to have peer
18 reviewed, but typically we don't require, you know,
19 whether it's a restaurant or an office building, we
20 don't require the Applicant to produce proof at
21 Master Plan that, you know, the market needs,
22 whatever the use is. To the extent there's
23 concerns based on the local history in Bristol,
24 it's appropriate for you to get into.

25 To the extent that the Board would feel more

1 will want to see is plans that show a hotel no more
2 than 40 rooms, no more than two-stories high, and
3 must have a New England look to it. And, clearly,
4 and I've heard this from several of the folks here
5 tonight, I'm aware of it, I know where these people
6 live because I know where this project site is, and
7 I don't want to have a three-story hotel where
8 people that are staying in these rooms are looking
9 down at people's backyards that have little
10 children and so on. That is unacceptable to me,
11 and I will not support that.

12 So, it has got to be no more than two stories
13 and no more than 40 rooms, and it must be a
14 New England looking hotel, and then there are other
15 things that we're going to need in our -- as
16 conditions for Preliminary Plan, like, a new
17 traffic study for spring and sum -- that's done
18 here in the spring and summertime in the daylight;
19 and, yeah, I think that was it. Oh, and you took
20 the words out of my mouth, Amy, a boutique-style
21 hotel. That's what New England is. That's what we
22 need. If we're going to have a hotel, it has to
23 look like it fits in this town.

24 MR. SOUSA: And I would add one more
25 element to that. I'm not sure who else would be in

1 what we're saying when we're asking for extras,
2 okay, we have to have the ability to enforce that
3 and make it so it's --

4 MR. SOUSA: Yeah, that's part of the
5 process.

6 MR. CLARK: We have one code compliance
7 officer in this town, and he runs 40-hours a week,
8 all day long. So I don't want to see -- I would
9 not like to see undue burden on either side, you
10 know, and to me, you know, as -- yes, it's an added
11 safeguard, sure. I'm not going to disagree with
12 that, you know, but we can't do that and then not
13 have the mechanism to enforce that.

14 MR. SOUSA: We can have DPW do an annual
15 check. We did that with other developments, Brian.
16 There's ways around that. I mean, we don't have to
17 have a code enforcer do it. It would be a DPW task
18 as well.

19 MR. CLARK: So, I am more concerned with
20 the massing of this than I am the permeable
21 pavement.

22 CHAIRMAN KATZ: So, pervious pavement,
23 look, I can go either way on this now that I've
24 heard from the peer review engineer, and she has
25 noted that their design plan right now at least,

1 had a massive problem with that. It was literally
2 shut down and that went on for five months, and
3 there was all kinds of problems that came about --

4 CHAIRMAN KATZ: Which is another reason --

5 MR. CLARK: -- a burden on the fire
6 department, the police department, you know, all of
7 it.

8 So those are my biggest concerns, you know. I
9 don't think we're here to pick winners and losers
10 to say whether, you know, the hotel would work or
11 not. I mean, that the developer's risk at that.
12 It's if it doesn't work, what are we going to do?
13 What will this become is my -- that's my biggest
14 concern, and it's the massing.

15 CHAIRMAN KATZ: That's the other reason
16 I want it on the smaller scale. Any other
17 thoughts?

18 MS. JAREST: I have -- I'm still
19 struggling to find how this fits with the
20 Comprehensive Plan because we have to find
21 consistency, right, the proposed development is
22 consistent with the Comprehensive Community Plan
23 and/or has satisfactorily addressed the issues
24 where there may be inconsistencies, and Page 1 of
25 our comp plan, the vision statement says, "Each

1 that I'm here during this part of this project
2 because you all have come out, written multiple
3 letters and voiced your concerns, and they are not
4 going on deaf ears. I need you to know that.
5 Okay.

6 Also, the land use goals which Mr. Resnick has
7 also talked about, land use, maintain the character
8 of Bristol and make sure that new development does
9 not adversely impact the integrity of the town. We
10 have heard from every single person that has given
11 testimony to this that they disagree or they feel
12 like this is not in the -- this is going to
13 adversely affect the town, and I think that we need
14 to consider that.

15 (AUDIENCE APPLAUDING)

16 MS. JAREST: Now, I also want to say, I am
17 very pro-hotel. I think a boutique hotel, I think
18 our town needs another hotel. I think that during
19 the summertime we need people to stay here to use
20 our businesses, to frequent our restaurants. We
21 need tourism. We need -- we need -- our town needs
22 that. That's how we survive. Okay. But I'm not
23 sure that an 80-person hotel that is truly out of
24 scale for the neighborhood that it's in is the
25 right choice.

1 can't get out of my mind. 2016, this is written by
2 the gentleman that denied the permit in 2016 and
3 approved it in 2024, just listen to this, and this
4 is verbatim.

5 "The DEM Office of Water Resources earlier
6 this year denied the proposal to build a
7 Comfort Inn hotel on Gooding Avenue across from
8 Broadcommon Road. The property contains freshwater
9 wetlands that would be destroyed in the development
10 according to DEM permitting supervisor,
11 Martin Wencek. The elimination of 1.35 (sic) acres
12 is swampland, would have a detrimental effect on
13 wildlife in the area, eliminating habitat,
14 including feeding grounds, breeding areas, and
15 nesting sites. And according to a letter,
16 Mr. Wencek said, denying the plan" -- this is the
17 best one. "'The hotel's impermeable services, like
18 the roof and parking lot, would not absorb water
19 and could also increase flooding in the area
20 potentially swamping properties downstream,' DEM
21 ruled, especially during heavy rainstorms."

22 Mr. Wencek wrote, the runoff from the hotel
23 property would impact Silver Creek's -- Silver
24 Creek which continues downhill to form the property
25 and running through two culverts at Mount Hope High

1 of what the State is granting us.

2 CHAIRMAN KATZ: You are free to do
3 whatever you feel to do --

4 MR. RUGGIERO: Oh, thank you. Thank you.

5 CHAIRMAN KATZ: But I'm telling you that
6 by making a decision based upon this Wetlands
7 Permit is inappropriate. That's my opinion because
8 they already have it. It's done. It's settled.

9 Whether it was done correctly, whether it was
10 done based on false pretence, I don't know. If you
11 think it was, then file an appeal with DEM.

12 MR. RUGGIERO: I think that's what the
13 town should do.

14 CHAIRMAN KATZ: Maybe. But my point is
15 it's irrelevant for making a decision on Master
16 Plan.

17 MR. SOUSA: That was a denial from a
18 different plan of 2016, Richard. That has nothing
19 to do with what's before us tonight.

20 CHAIRMAN KATZ: All right. All right.

21 Let's -- are there any other topics that you
22 would like to talk about? Go ahead, Mr. Resnick.

23 MR. RESNICK: Mr. Chairman, thank you for
24 a very brief opportunity. The Board's considering,
25 I understand that there is the potential for a

1 the project we've designed is 80 units, so we're
2 not going to spend the time or the money to revise
3 the plan set for 40 units because we're not
4 building 40 units, and it would be a waste of our
5 money and your time.

6 That ties directly into the market analysis. I
7 genuinely question -- I'm not saying we won't do
8 it, but I genuinely question the ability of the
9 Board to compel a market analysis even for the
10 hotel we want, but we can talk about it. To say
11 that we need to do a market analysis of our
12 proposed hotel and also a 40-unit hotel, which is
13 your choice, your selection, which is not what
14 we've applied for, not what we've presented, we
15 can't agree to either of those two. So you can
16 pass those as conditions if we're lucky enough to
17 get an approval, but I'm going to have to talk to
18 my client, and my understanding, as we sit here
19 today, is that they are not acceptable, and I
20 would, whether it's now or at another time, I would
21 invite you to talk to your Solicitor about the
22 ability to tell us what our unit count is going to
23 be, and I know you're a Planning Board, you deal
24 with not many hotels but more subdivisions and
25 residential projects. You don't say to a

1 residential developer, ah, we don't like the ten
2 units, we'll take five. No, there's density,
3 there's minimum lot size requirements. We decide
4 it. We decide it.

5 So, respectfully, I get it. We're agreeing to
6 all the other conditions. We're not agreeing to
7 design a hotel we'll never build.

8 CHAIRMAN KATZ: I hear you, and I can tell
9 you that if it doesn't fit within our Comprehensive
10 Plan, if it doesn't fit within our community, if it
11 is not a Bristol-looking property, if it looks down
12 at the neighbors' yards, at their children, I will
13 vote no.

14 (AUDIENCE APPLAUDING)

15 MR. RESNICK: Understood. All I'm
16 suggesting to the Board is I'm putting --

17 CHAIRMAN KATZ: And let me finish,
18 Mr. Resnick.

19 MR. RESNICK: I'm sorry, yup.

20 CHAIRMAN KATZ: That, of course, is at
21 Preliminary Plan. That is not here at Master Plan.
22 We may agree -- we may not be unanimously in
23 agreement at Master Plan, but we may agree to go
24 forward with this at Master Plan, but when we get
25 into Preliminary, that's when we have the back

1 and I have to tell you, I think that we can come to
2 something that's reasonable.

3 I just don't have the authority and, candidly,
4 I can't recommend that my client say, I agree,
5 reduce it by half, I'm going to spend all the money
6 for the plans, I'm going to do a market analysis.
7 That doesn't make sense to me. Coming back and
8 having these discussions and working with the Board
9 about that density and about those concerns, about
10 how it looks, about the phasing, we are more than
11 onboard.

12 I just have to say, those conditions as written
13 I have to object to, but it's up to you. I want --
14 I want everybody to understand, my client has not
15 said to me if those are part of this, we are
16 appealing. No. What he said to me is we need to
17 object to them because I don't understand it, it's
18 a financial burden, it doesn't make sense.

19 I will have to discuss it with him tomorrow
20 if those conditions are part of it. If we can
21 tweak them a little bit to say that the Applicant
22 or the Board will agree to discuss density and
23 discuss other things at Preliminary, sure. I just
24 can't agree to that, Mr. Chairman.

25 CHAIRMAN KATZ: And I appreciate that, and

1 but my understanding, if I remember correctly, it's
2 been awhile, that the developer needed 70-percent
3 occupancy, that's what the economics was based on,
4 the feasibility was based on, and Bristol has a
5 history of failed hotels, okay, a number of them
6 over the years, and they become ugly when they
7 fail, and they remain ugly after they fail. So we
8 don't want another ugliness to occur. And the
9 feasibility, the idea that that hotel with 80 rooms
10 on Gooding Avenue is going to be 70-percent
11 occupied on average throughout the entire year is
12 ridiculous, in my mind, and I'm a lifelong
13 Bristolian. There's just no way that's going to
14 happen, and if the feasibility, the economic
15 feasibility of this development is based on that
16 assumption, which was, again, given to us, it's
17 going to fail, and we're going to have another
18 problem.

19 CHAIRMAN KATZ: And we don't want -- we
20 don't want your client's hotel to fail, and that's
21 another reason why we're throwing out this smaller
22 scale size.

23 MR. RESNICK: And of course my client
24 doesn't -- I mean, why would he be here to develop
25 a hotel --

1 enough time. I mean, if we direct the Solicitor to
2 put together the decision and findings of fact,
3 that's one week, that's not enough time. So, if we
4 come back in April that's -- that after the
5 March 27th.

6 Go ahead, Amy.

7 MS. GOINS: If the Board votes to make a
8 decision and directs me to prepare a written
9 decision, for deadline purposes, the vote tonight
10 would be the vote that counts.

11 CHAIRMAN KATZ: Okay. So, I'm inclined
12 to do an up-or-down vote tonight with conditions
13 and -- and recognizing the conversation that we
14 just had with Attorney Resnick, I'm inclined to do
15 that.

16 What is -- what's your druthers?

17 MR. SOUSA: What was the Board's idea,
18 and, Richard, I apologize, but, Brian, Richard,
19 with, you know, Jessalyn brought up a couple of key
20 points with regard to our Comprehensive Plan and
21 the introductory page to the Comprehensive Plan,
22 and that was really great in the sense that, jeez,
23 it doesn't seem to hit the mark.

24 Now, I'm not saying -- now, maybe a revision.
25 If this were to say a what if -- if we were to deny

1 for a Preliminary.

2 MS. GOINS: It would. It's just if it
3 comes back -- if it comes back after an unfavorable
4 for the Town court decision, there would be no
5 conditions of approval. The court doesn't impose
6 conditions of approval.

7 MR. SOUSA: Yes, but at Preliminary, we
8 could have a lot of the same discussions we're
9 having now.

10 MS. GOINS: Yes.

11 CHAIRMAN KATZ: You have less leverage.

12 MS. JAREST: At Preliminary?

13 CHAIRMAN KATZ: That's why I'm inclined --
14 I am leaning towards approving this, recognizing,
15 again, it is Master Plan, it is only conceptual,
16 and we put the conditions that we want to see for
17 this town at Preliminary.

18 MR. CLARK: Those condition have to be in
19 tonight's motion, correct?

20 CHAIRMAN KATZ: In the up-and-down vote.

21 MS. GOINS: You have the staff report with
22 draft conditions of approval. Now, you need a
23 written decision, so the -- so the vote tonight
24 would be to direct staff and legal to prepare a
25 written decision for the Board's review, but I

1 It's called Master Plan. It is not a design build
2 plan. It is not a Preliminary Plan. It doesn't
3 have the engineering drawings. It should not have
4 had the DEM permit, it did, so we had the
5 opportunity. At this point, to deny Master Plan
6 would be based upon what? We cannot deny it
7 because they want to build it in the wetlands. We
8 cannot -- because they have a permit now. We
9 cannot deny it because they have a legal right to
10 build it in that location.

11 So, I am torn on how else to deny their
12 Master Plan conceptual application. Legally I
13 don't see a way to do that, but we can put
14 conditions on it for the Preliminary Plan. Go
15 ahead. What's your question?

16 MR. RUGGIERIO: So, if you -- I'm just
17 asking a question. If the Board denied the
18 application, what happens after that?

19 CHAIRMAN KATZ: You have to have a reason
20 for denying.

21 MR. RUGGIERO: I'm sorry?

22 CHAIRMAN KATZ: You have to have a reason
23 for denying it.

24 MR. RUGGIERO: You have to have a reason
25 to approve also, right?

1 with.

2 CHAIRMAN KATZ: I will make a motion to
3 approve a conditional approval of this Master Plan
4 that will include all of the conditions that we had
5 stipulated at back at the TRC, it's in your memo,
6 as well as I wanted to add the deed restriction, I
7 want to add that in there, and I think that was it.
8 So that would be my motion.

9 MR. SOUSA: Does it include the density
10 evaluation and the boutique?

11 CHAIRMAN KATZ: Well, that's part of the
12 -- that was one of the conditions that I had laid
13 out at the TRC meeting, which was the
14 boutique-looking hotel, New England-looking hotel,
15 a 40-room, no more than two-story high hotel.

16 MR. SOUSA: Pervious pavement.

17 CHAIRMAN KATZ: Pervious.

18 MR. CLARK: That's not what the
19 application says.

20 CHAIRMAN KATZ: No, those are the
21 conditions that we're adding to it, yeah.

22 MS. JAREST: And that it maintains the
23 character of Bristol?

24 CHAIRMAN KATZ: It has to have the
25 New England look.

1 don't have any option to get what's right for
2 Bristol; it gets appealed; they get approval; they
3 do whatever they want. So, again, then they get
4 the three-story hotel, and then that's worse for
5 the town.

6 CHAIRMAN KATZ: And let me add --

7 (AUDIENCE OUTBURST)

8 MR. CLARK: Do not interrupt, sir. You
9 cannot interrupt, sir.

10 CHAIRMAN KATZ: And I will add to what
11 Mike just said, and that is that if we deny, if we
12 vote no, I think I know Mr. Resnick well enough and
13 his partner, Michael Kelly, we will be sued, and it
14 will be an expensive lawsuit, and we will likely
15 lose that lawsuit, so we will be paying taxpayer
16 dollars to carry that lawsuit, pay their legal
17 fees, and like Mike said, we'll be stuck with the
18 result that is not in the best interest of the
19 Town of Bristol.

20 So I'm looking at the opportunity to try to
21 mediate this and go into the Preliminary Plan,
22 which is the actual plan, the detailed plan, where
23 we can provide guidance to make it fit within the
24 town. That's where my head is at this. So, that's
25 my motion.

1 to try to sway you folks. You guys decide which
2 way you want to go.

3 MR. CLARK: And I know that there's people
4 in this room who are upset, and that's fine.
5 They're advertising my seat and any other seat in
6 the Phoenix this week. If you want to be on the
7 Planning Board, go down to Town Hall and apply.
8 Okay. I serve at the will of the Town Council.
9 I'm not elected. If you don't like my decision,
10 that's totally fine. Call your councilman and tell
11 him not to reappoint me, and please volunteer for a
12 board.

13 CHAIRMAN KATZ: We have a motion, and we
14 have a second. Do I -- who's in favor?

15 MR. SOUSA: Aye.

16 MS. JAREST: Aye.

17 MR. CLARK: Aye.

18 MR. RUGGIERO: Opposed.

19 CHAIRMAN KATZ: All right. We have a
20 four to one in favor.

21 (MOTION TO APPROVE MASTER PLAN APPROVED 4/1)

22 MS. GOINS: And that was a motion to
23 direct staff and legal to prepare a written
24 decision for your review and approval in April, I
25 believe.

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C E R T I F I C A T I O N

I, PAMELA A. NEWBERG, hereby certify that the foregoing is a true, accurate, and complete transcription of my stenographic notes taken of the Bristol Planning Board meeting held on March 5, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand on March 12, 2026.

/s/ Pamela A. Newberg
Pamela A. Newberg
Notary Public/My Commission expires
April 2027

Date Approved: 9 April 2026 By: 