



BRISTOL PLANNING BOARD
MAY 14, 2026 MINUTES

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

Held: May 14, 2026 in person

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

Present: Anthony D. Murgo, Vice Chairman; 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, Nick Toth; and Amy Goins, Esq., Assistant Town Solicitor

Not Present: Charles Millard, 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 – April 9, 2026

Secretary Katz had the following corrections: page 1, last paragraph, line 4 after the word “every” the word “member” should be added; page 2, line 2, says “expressly stipulate that it be for a 40-room hotel” and it needs to read as “expressly stipulate that it be for an 80-room hotel instead of a 40-room hotel which is what the applicant had proposed” which is extremely important that it be changed; and on page 3, 1st full paragraph, 2nd to last line it should read “Williamson stated” not “state”.

A motion was made by (Clark/Katz) to accept the minutes of the April 9, 2026 meeting as amended

In favor: Clark, Katz, Ruggiero, Sousa, and Jarest

Refrained: Murgo

Opposed: None

C. New Business

C1. David Ramos - Public Hearing and Take Action on request to modify the Planning Board’s conditions of preliminary approval granted in December 2025 for construction of a 3,500 square foot building for a contract construction use in a General Business Zoning District that also requires a Special Use Permit. Property located at **670-688 Metacom Avenue**, Assessor’s Plat 128, Lot 15 & 16, Zone: General Business and Metacom Overlay District. Owners/Applicants: David Ramos

David Ramos and Attorney Matthew Landry present.

Attorney Matthew Landry appeared on behalf of David Ramos. Attorney Landry stated Mr. Ramos gave an overview of the events leading up to their reason for coming before the Planning Board this evening. He said Mr. Ramos was coming before the Planning Board to seek clarification and modification regarding Conditions #2 and #3 which was agreed upon at the public hearing in December. Attorney Landry stated that Mr. Ramos has not yet received final plan approval as he only had preliminary plan approval from the Planning Board and the next stage was the administrative final plan approval, DEM permits, and everything that was required as part of the approval. He said they were actively pursuing those things. Attorney Landry said that Mr. Ramos has received a number of continued complaints from some of the neighbors which resulted in 3 notices of violation related to Conditions #2 and #3 under the Planning Board's conditions of approval. Specifically, the general business hours of operation as well as the loading and unloading and sorting of materials during certain hours. Attorney Landry reminded the Board that Mr. Ramos had originally suggested these conditions of approval in an effort to find a balance between the neighbor's concerns and to allow him to continue his operation as historically been done on the property. He said there was a discussion between staff, Diane Williamson, and counsel and there's some ambiguity in the conditions and the way they had been drafted which have been creating issues with Mr. Ramos' ability to operate under normal circumstances and the Town's ability to interpret and enforce the conditions to be applied.

Attorney Landry said looking at Conditions #2 and #3, the hours of operation were limited to Mondays through Fridays from 7am to 5pm, Saturdays from 8am to 3pm, closed on Sundays, and holidays were included. He said that Condition #3 was a segway that was part of Condition #2 originally which dealt with the sorting and loading and unloading of trucks and materials which was the loudest part of operation that occurs on the property as everything else happened off site. Attorney Landry said the intention of those hours of operation was to limit the specific activity of loading and unloading of trucks which is the loudest activity and typically the source of the complaints. He said what's happening now due to the way Conditions #2 and #3 were drafted is that Mr. Ramos has employees showing up in their personal vehicles or work trucks to start the day 15 or 20 minutes before 7a.m. and the police get called every time someone is on the site. Attorney Landry said that Mr. Ramos might be doing office/business work in his office trailer and people have called the cops because there's a vehicle on the property. Mr. Ramos has never once asked for or agreed to be prohibited from being on the property at all outside of those hours. He said it was really intended to restrict the noisiest activity within those normal hours of operation. Attorney Landry reminded the Board that there were no existing conditions of approval on the site, and he was allowed to operate in some manner under the Town noise ordinance. Mr. Ramos self-imposed those conditions as a balance for the operation to reduce the noise complaints, but now as a practical effect of it every time there's a car on the property someone calls the police. He stated that Mr. Ramos has received 3 benign notices of violation stemming from it alone and it's disruptive to the business and to the Town because they're stuck with conditions that they're trying to enforce.

Attorney Landry and Mr. Ramos were here in an effort to clarify Conditions #2 and #3 so it makes it clear that employees can show up to the property but could not load, unload, or sort materials outside of business hours. Attorney Landry stated that people should be allowed to go to the property and conduct benign site activities which historically included changing a tire. Mr. Ramos stated that he was changing a headlight at 9a.m. on a Sunday morning and the police were called. Attorney Landry said the activities were not noise intrusive but rather common maintenance issues and most of those activities previously happened inside the membrane

structure which Mr. Ramos was now prohibited from using and all of those activities would occur in the new building after it was built. Mr. Ramos is conducting activities that he had always historically done but was now being scrutinized for every single thing that was happening on the property. Attorney Landry stated they didn't have final plan approval yet and Mr. Ramos is going to move forward with that. However, if Mr. Ramos does not build the building, he should be allowed to continue the grandfathered uses on both lots, which included a lot of the activities, so they're trying to find a balance and clear up the ambiguities and clear the confusion without adding more restrictions. They just want to clarify that Mr. Ramos should be allowed to have employees on the property to show up for work; clearly prohibiting the loading and unloading and any heavy noise activity activities; and clearly not disrupt the regular maintenance activities and smaller things that occur on the site.

Attorney Landry said with respect to holidays, Mr. Ramos didn't recognize business wise every single holiday like VJ Day and MLK Day, so it was important to clarify which holidays are observed. Going forward it was important to clarify which holidays, i.e., Christmas, Thanksgiving, etc. Further, Attorney Landry stated that one of the notices of violation they were appealing dealt with snowplows during the blizzards that happened in February and March. He said there was one evening where trucks were cleaning out salt from their vehicles. Attorney Landry advised the Board that the trucks are contracted with the State to clear State roads and to salt and sand, and one of the violations came on a night when a nursing home needed someone to plow and salt their driveways, so Mr. Ramos incurred a violation because there's no loading or unloading of materials, but snow plowing activities is a big part of his operation. Those are limited circumstances when there is a snowstorm or snow event, Mr. Ramos should be allowed to leave the premises with those vehicles and service those contracts.

Mr. Ramos stated they didn't work on holidays, but if there's a snowstorm on New Year's Day, they have to work. He wanted to get that addressed and clarified so a similar incident didn't happen in the future. He stated some of the salt piles were on separate properties, so they weren't always on that property. Mr. Ramos said there had been 15 to 16 police reports since January. He stated that most of the reports were repetitive where the police came and saw no active business. He stated he didn't think the neighbors weren't wrong, just misinformed. Mr. Ramos wasn't looking to change the noise hours; he just wanted to iron out the issues. He and his employees have been doing their best to do the work between those hours. Mr. Ramos stated there are occasions where workers go back to the property at 5:45p.m. to drop off their trucks. He said they're not going to be loading the trucks for the next morning at that time or anything like that, but they will be backing in their trucks and disconnecting their trailers, getting in their personal vehicles and going home. It's something that his employees shouldn't have to deal with when he's not on the premises. Mr. Ramos has received complaints from his employees about the cops being called on them.

Attorney Landry stated all of those activities would be located inside the new building once it has been built. He said if Conditions #2 and #3 stay "as is" Mr. Ramos would be prohibited from even doing that in the building later once it was built. That was never the intent of those proposed conditions. It was always the set hours of operation for the noisiest part of the business. Mr. Ramos said it was also to specify the hours the guys were to work. They report to work at 7a.m. and usually go home any time between 3:30p.m. and 5p.m. He said there might be days when guys might come back a little late and there might be days when the guys are working out of town, so they need to leave at 6:30a.m. Mr. Ramos said they wouldn't be loading in the yard, it would be a matter of getting in the truck and leaving. He said they do their best to load the day before well before 5p.m. or after 7a.m., but a big thing he's seeing as a problem to the business is their waiting to start the trucks to leave at 7a.m. and he feels that's not really right when running a

commercial business on a commercial property on Metacom Avenue. Mr. Ramos said they should be able to come and go as people would in the Benny's parking lot.

Attorney Landry said he submitted a set of redlines which he didn't see in the agenda packet. He only saw what the staff and Ms. Williamson had proposed. Attorney Landry wanted the Board to be aware of what they had submitted with their application and that's what should be in front of the Board. (Mr. Ramos handed the Board members redline versions.) Diane Williamson stated it was attached to Mr. Landry's memorandum. Attorney Landry said the suggested changes to Condition #2 for additional restrictions that were never part of the original conditions of approval are not something they can agree to as it's not what was the spirit of the original intent of the condition. He said condition #3 carves out an exception for the snow related activities but still adheres to the no sorting of materials or unloading of materials or loading of trucks, they're still going to comply with that. Attorney Landry said they're not changing that condition, but adding additional restrictions to the hours of operation on something they had proposed tonight was not something Mr. Ramos was going to agree to.

Mr. Ramos felt the draft from Ms. Williamson was wrong. Member Clark asked Mr. Ramos what item he was referring to and Mr. Ramos indicated it was item #2. Member Clark indicated that Mr. Ramos was referring to the phrase, "the business hours of operation on both Lots 15 and 16". Mr. Ramos said it should read, "shall be limited as follow: general business hours Monday through Friday 7:00 a.m. to 5:00 p.m., Saturday 8:00 a.m. to 3:00 p.m., closed Sundays", then for clarification the following should be added, "The business hours of operation shall not prohibit or otherwise limit employees/workers from arriving on or departing the premises before or after stated hours including running of the Ramos landscaping vehicles or performing repair work, i.e., equipment repair or welding on the site."

Attorney Landry said condition #3 that no material processing outside of those hours of operation would remain in place. They were not suggesting that he would do that work before or after those hours of operation. He stated the original intent of proposing those conditions was to limit that activity outside of the hours of operation, but the more maintenance-related activities that currently occur would be allowed to continue as that didn't generate a lot of noise. Attorney Landry said the notices of violation stemmed from snowplows and the storm related events and he believed everyone was in agreement that there should be an exception to that with very limited circumstances.

Member Katz agreed with Attorney Landry and liked the change Attorney Landry suggested to condition #3; however, there was an ambiguity in it as it read, "shall not apply during periods of significant snowfall". He didn't know what "significant" meant. Attorney Landry agreed with Member Katz and said he struck it from his version and asked that it just read "snowfall" as an easier way to deal with it. Member Katz stated the Blizzard of 2026 was "significant" and hopefully not one that happened every year. Member Sousa said "significant" would be a snow requiring the operation of machinery something more than 3 inches. Mr. Ramos said his machines service the entirety of Hope Street, the 2 nursing homes in Town, and the gas station in Town, and they're expecting salting operations to occur with ½ inch of snow. He said the way they wrote their changes to the condition, it removed the word "significant" and read "periods of snowfall or storm related events that necessitates snow plowing and/or sand/salt operations to commence from the subject property". Mr. Ramos' goal was this evening was to clarify condition #2 as that's where everyone was getting stumped on the miscommunication. He said condition #3 was more because of the snow events this past winter and the cops were called to the site. The cops couldn't believe that people were calling them and found no issues. Mr. Ramos said if that's how it has to play out so they're not given full reign of loading during a snowstorm,

that's not make or break for him, but the employees on the property outside of 7a.m. and 5p.m., that's what's really been a nuisance for him.

Member Clark asked Mr. Ramos the status of the DEM permit as a lot of the noise issues would be rectified if the new building was built. Mr. Ramos said he went back to Principe Engineering with DEM's comments and additions that they wanted regarding details of the pipe that was being used for the drainage and things of that nature. Principe was working through it and to Mr. Ramos' knowledge Principe resubmitted it earlier in the week to DEM. Mr. Ramos has been working directly with Sam at DEM in order to keep things moving as Sam knows Mr. Ramos is trying to break ground. Mr. Ramos is ready to go financially the minute they obtain the building permit. His hope is to break ground before July 4th. Mr. Ramos said that DEM didn't give him the golden ticket yet but basically told them it was approved and they were just working through some of the details as DEM wanted to see more detail on the plan on Principe's behalf. He said DEM wanted some calculations on certain things.

Member Clark asked Mr. Ramos if he received anything from Tom to indicate when they would have something. Attorney Landry said it would be within 30 days and that Tom was actively pursuing it. He stated that Tom had been responding to their inquiries. Attorney Landry was going to confirm it but believed that Tom sent in his submission to DEM last week and would provide the Board with confirmation when he received it. Mr. Ramos was hoping to break ground around March/April, but he's waiting for the paperwork and permits to come through. He said the minute he had it hand, it would become a priority job.

Member Clark, after looking through the police reports and in general hearing from people, asked Mr. Ramos what was the minimum time the diesels needed to warm up before he could run them. Mr. Ramos said approximately 5 minutes at the most. He didn't think the problem was the diesels were really making noise because when the cops came by and did the noise/decibel meter readings they were getting no proof. Member Clark stated that some of the complaints were made at 6:30am. Mr. Ramos said even though there was a noise complaint, the cops didn't fine him for a noise reading violation or anything like that. He stated the cars on Metacom were making the readings go up higher than his trucks. Member Clark asked Mr. Ramos how long it took the diesels to warm up in the winter months. Mr. Ramos said approximately 15 minutes maximum. He stated he probably should let his trucks warm up longer, but usually he would start them up and go. Mr. Ramos said the majority of the time in snow storms the guys were bringing the trucks home with them. He stated that some of the trucks were being parked at Jack's Salvage. Mr. Ramos said Jack's Salvage was the same use and same zoning as his space, yet he had to rent it to keep the peace when in reality he had the space for his equipment.

Alternate Member Jarest stated that area was zoned manufacturing and felt it was a conflicting zoning interest. She understood that Mr. Ramos' business was grandfathered in, but his use really should be under a manufacturing zone. She said that general business was a zoning district that was intended for commercial areas that served town-wide and regional commercial needs for retail services and professional office establishments, which is not what Mr. Ramos was running. Alternate Member Jarest noted that Jack's Salvage was a manufacturing business as she looked into it. She appreciated the fact that Mr. Ramos had moved many of his trucks over to Jack's Salvage so they were out of the residential area, but a manufacturing zone which is what his business should be in, is a zone intended for general industrial uses that accommodate a variety of manufacturing, assemblage, and storage of durable goods, etc.

Attorney Landry stated Mr. Ramos has a zoning certificate that classified his business as a contractor service business and landscape storage and was zoned general business, not

manufacturing. He said it was a Town Council issue. Mr. Ramos addressed Alternate Member Jarest's comment about moving the trucks out of a residential zone and he wanted to clarify that his business was located in a general business zone. Alternate Member Jarest clarified that she didn't say he moved them out of the residential zone but rather away from the residential zone. Mr. Ramos stated the commercial property was there before the residential zone was developed in 2008.

Attorney Landry reiterated that the intent of the conditions was to help balance everyone's interest and they proposed a lot of the conditions to strike a balance. He stated that everything would be resolved once the building was built and everything was in place, but everything was in limbo and they weren't at final plan approval yet. Attorney Landry said they were imposing conditions on existing uses and it really seemed to stem from conditions #2 and #3 and what types of activities were to be allowed.

Alternate Member Sousa asked Mr. Ramos if he had disabled the backup alarms on the trucks. Mr. Ramos said he disabled them on the trucks that didn't need them and changed others to lower the decibel readings on the machines that did need them. He advised the Board that the screener on Lionel's lot was sold and removed from the property. He said they screen the rest of their materials on that lot and once those piles are gone, his plan was to not put anything else on that property except for the new building. Alternate Member Sousa said that was a big source of the neighbors' issues. Mr. Ramos said before he can obtain his Certificate of Occupancy, he needs to install sprinklers, buffer trees, and the wood fence on the other lot.

Alternate Member Sousa stated that changing truck tires can be loud and if a worker shows up on the site at 6:30a.m. and discovers a flat tire, what happens. Mr. Ramos said there are things they can't control, but 99% of their maintenance takes place at the end of the day or on a Saturday. He stated that first thing in the morning the trucks are ready to go. Mr. Ramos said the trucks that need to get worked on are left for later in the day as he has mechanics that come from other jobs after 3p.m. and go help Mr. Ramos on the side as they are a private individual contractor. He said that type of work usually took place in the afternoon. Mr. Ramos said any maintenance work done in the morning is smaller issues like a light bulb not working or a trailer plug that was disconnected. Alternate Member Sousa understood that Mr. Ramos shouldn't be prevented from going onto his property beyond those times as that wasn't the intent of anyone. The Board needs to look out for the neighbors' interest and them being disturbed beyond those times. Alternate Member Sousa said the Board was not going to be able to identify every single item of work that Mr. Ramos could or couldn't do on the premises outside of business hours, so there needed to be some compromise and that's what everyone was here to accomplish. Mr. Ramos said he placed those stipulations on himself as the Town Ordinance stated he could load and unload from 7a.m. to 9p.m. Monday through Sunday and he wasn't looking to do that. He wanted to stop running his equipment at 5p.m. He said if everything was going well then everyone would be done working at 5p.m., but if something was broken then it needed to be fixed which may have to be done after 5p.m.

Mr. Ramos felt like he was being held to a different standard, and not by the Board, with these stipulations in place just because he wanted to put up a new building. He said that if he didn't want to put up a new building and wanted to keep it as a junk yard and had mobile mechanics to come in and make repairs, there would be no control over any of it. Mr. Ramos was trying to get to a place where everything was controlled for him, the Town, and the neighbors. He stated he bought a commercial property on Metacom Avenue and the residential properties behind his property were valued less than a house 2 blocks down the road because they were abutting a commercial property on Metacom.

Alternate Member Jarest said Mr. Ramos bought a business in the general business zone, not the manufacturing zone. Attorney Landry said it was an allowed use. Alternate Member Sousa said the Town did go along and that's the reason Mr. Ramos received his approval as they thought that was the best compromise. The Board understood where Mr. Ramos was coming from. Mr. Ramos said he was willing to put up trees, sprinklers, and everything that wasn't being required by DEM or any other agency. He said they were trying to make it work so that the Town wasn't getting multiple complaints and he wasn't getting what felt like harassment, even though that wasn't the intent. He stated that the Bristol Police felt it was ridiculous that they were bothering Mr. Ramos about running his business.

Member Murgu asked Mr. Ramos about the timeline for the installation of the fence and arborvitae. Mr. Ramos said when his landscape plan for the whole plan takes place, the trees would go in. Specifically, he would plant Mrs. Lagardo's trees sooner rather than later if she wanted because it was 14 trees as it was in an area that wouldn't be getting touched by him as far as site work. Where the rest of the trees were being planted, he didn't want to jump the gun as Mr. Ramos needed to excavate soil and bring in new soil. Member Murgu asked Mr. Ramos about the installation of the fence. Mr. Ramos said it wouldn't start building it and putting money into it until he had received final approval and had a building permit. He stated it could be said that the fence would go up the minute he received the building permit or when poured his foundation, he was to install the fence. However, if he didn't build the building for whatever reason and couldn't get it approved, then he wasn't going to build a fence. Mr. Ramos wasn't going to put trees up and not have a building. Member Murgu understood that it would be subject to final approval.

Attorney Landry stated that a lot of the issues would still be reviewed at final plan and they still needed DEM permits. Their intent was to install the fence and plant trees. They're still waiting on the final plan approval and everything that went along with it.

Member Murgu asked the Board if anyone had any other questions. Member Katz suggested making a commitment within so many days upon following receipt of final approval that the fence and the trees were installed, something along that line. Mr. Ramos suggested adding the stipulation that he had 90 days after obtaining the building permit for the new building, the fence needed to be installed on Lot 15 and the arborvitae needed to be on Mrs. Lagardo's property pending her approval. Then the trees on his side of the property, i.e., the additional 2 rows of arborvitae were to be installed after he finished hydroseeding and other additional plantings including rain gardens. Member Katz suggested a construction plan to ease the concerns of the neighbors. The Board was trying to go down the middle as they understand Mr. Ramos had a business to run and the neighbors had many concerns. Mr. Ramos said if he receives the "go ahead" and gets the plans in hand, he could probably have the building shell up within 60 to 90 days and the same thing with the exterior landscape. He is aiming to have the final project done including the paved parking lot by the end of October to early November. Mr. Ramos wants to get into the building before the beginning of winter. However, if he doesn't receive the DEM permits until August, then everything will be delayed. Mr. Ramos said they would move quickly.

Member Katz said the neighbors would like to see a plan once Mr. Ramos received final approval along with a timeline. Mr. Ramos agreed as he was cash funding the building and had everything ready to roll. Once he had the DEM permits in place, he was ready to start the project. Member Clark said DEM was a mess all the way around and Mr. Ramos wasn't the only person waiting on getting permits issued.

Member Ruggiero voiced his frustrations about going around in circles. While he was not insensitive to anyone in the situation, Member Ruggiero noted that Mr. Ramos' land was zoned commercial and Mr. Ramos should have the right to use the land the way it's zoned. He understood that the Board and Mr. Ramos wanted to try to make it palatable for the neighbors, but how many restrictions should the Board place on Mr. Ramos with a property that's zoned commercial in order for Mr. Ramos to run his business. Member Ruggiero stated if someone was running a business and had employees showing up at 6:50a.m. and the owner received complaints about it, that shouldn't be a complaint by the neighbors. He said employees should be able to arrive and if a job started at 7a.m. then how could they arrive at 7a.m. and start the job at 7a.m. Member Ruggiero said the notice of the second violation stated on February 21, 2026, the Police Department was called to the property and the Investigating Sergeant's report said, "I was dispatched to the property. Upon arrival I activated my body worn camera. I did not observe any noise coming from the business site. I was unable to make contact with anybody from Ramos Landscaping as the site was unoccupied. The commercial vehicles that were on site were off and also unoccupied." Member Ruggiero said he wanted to know what neighbor called and made that complaint and then a police officer arrived to find no one on the property. He felt it was getting blown so far out of proportion and was getting worse every time the Board met with Mr. Ramos. He said a solution needed to be found to help the neighbors. Member Ruggiero said when he read the report, obviously someone called the police and when the police officer arrived on the property, no one was there and no noise. So, what made the person call the police in the first place. He was frustrated by the situation and there needed to be an agreement in place so Mr. Ramos could run his business, and the neighbors could be peaceful.

Attorney Goins advised the Board that the information on the violations was there only to the extent that the Board found it relevant as the violations were for the Zoning Board to deal with. The Board didn't have to worry about whether the violation was properly issued. She stated Mr. Ramos' use of the property was not permitted by right as it required a special use permit. She reminded the Board that a special use permit was permitted only if after a public hearing either by Planning or Zoning determined that the conditions for approval of a special use permit were satisfied and, if necessary, would impose conditions to mitigate the impact of the use on surrounding properties. Attorney Goins said that's what this Board attempted to do in December. She believes everyone was there because the violations were issued and Mr. Ramos was coming to the Board in an effort to make sure there weren't any more violations being issued and to clarify some of the conditions of approval. She said based on the fact Ms. Williamson had issued several notices of violation, the Town now had an interest in making sure the conditions of approval that were attached to use needed to be specifically clarified as to which ones were for the use itself and which ones were for the building. Attorney Goins said the Board could then consider what would happen if the building didn't get built for some reason. Again, she reminded the Board that this was not a use that was permitted by right as it would not have needed a special use permit if it was and it simply would have been the Board's review of the "by right" land development project for the building. Attorney Goins said the Board needed to continue their discussion, hear from the public as well, but should also hear from Ms. Williamson as well.

Member Ruggiero said the point he was trying to make was were all of the complaints made legitimate. He said if a police officer responds to a complaint and no one was on site, no noise, and no equipment running, the complaint wasn't legitimate, that's the point he was making. Member Ruggiero said if the police department was receiving those types of complaints and when there's really nothing happening, there's something more going on.

Alternate Member Jarest disagreed with Member Ruggiero. Member Ruggiero stated the complaint was made and then no one was on the property but yet someone called and made a

complaint. Alternate Member Jarest disagreed and said perhaps the person had left by the time the police arrived as there was the potential for that happening. Member Ruggiero suggested that the police responded slowly. One neighbor (underknown as to which neighbor said it) stated that it took between ½ hour to 40 minutes for the police to arrive sometimes. Member Ruggiero advised the neighbors they would get a chance to speak during the public hearing portion. Member Ruggiero disagreed and stated that if there was noise coming from a property and someone made a call and the police responded, he didn't think their response time was going to be 20-25 minutes. He felt they would respond immediately.

Member Clark said there was another violation. Member Ruggiero said there was more going on that anyone realized between the neighbors and Mr. Ramos was his point. Member Clark said that on March 4, 2026 at 6:02a.m. stated, "I was dispatched to 671 Metacom Avenue, Ramos Landscaping, for an ongoing issue regarding excessive noise. The calling party identified as the neighbor advised that heavy machinery had been running and many of Ramos Landscaping employees were on site which was not permitted until 8 o'clock in the morning. The neighbor was very emotional. Upon arrival I did not observe any equipment running nor did I observe Ramos Landscaping employees on the scene." Member Clark asked Mr. Ramos if any employees were on site that day. Mr. Ramos said the employees might have been starting their trucks and leaving to salt the roads as that was a weather related after the big blizzard. He said there were several calls to the property and there must have been a reason that violation was issued. Mr. Ramos said one of the violations he received, they weren't there but the neighbor's camera picked up a noise and Ms. Williamson assumed it was from his property.

Alternate Member Sousa said that one of conditions of approval included the installation of cameras on Mr. Ramos' property. Attorney Landry said there's a camera on site currently and Mr. Ramos was going to install a better camera later. Mr. Ramos said it was a regular blink camera on the property and there was wording in the condition that if the recording was lawfully requested, it would be provided to Ms. Williamson. Attorney Landry said it was to protect Mr. Ramos from frivolous complaints. Alternate Member Sousa said it would protect both the neighbors as far as backing up the neighbors' statements about noise, etc., and protect Mr. Ramos proving that he wasn't doing anything causing a lot of noise, they could look at the footage to see any activity that would cause the noise.

Attorney Landry said there was clearly an issue with the way the language was written. He felt that no one would find that the intent of the conditions was to prohibit any and all employees from being on the site outside of the business hours. Attorney Landry was not trying to say the complaints were frivolous, but he thought that the way the language was written the neighbors were interpreting it as Mr. Ramos and his employees were prohibited from being on the property outside of those hours. He understood the Town's side of the issue of trying to enforce the conditions and the effort this evening was to clear up any miscommunication, so if there is a complaint in the future, they could show those benign activities were okay. Mr. Ramos has to comply with the Town' Noise Ordinance. Attorney Landry said what the police reports have shown was the activity has been limited to 10 or 15 minutes; it has been a very small window of activity, not hours on end. He stated it's been a narrow window of time between the complaint and when the police show up on the property it was done. Attorney Landry reiterated that they were appearing before the Board this evening to clear up those conditions, so it didn't keep happening. They just wanted to have a baseline established so if Mr. Ramos crossed it then it would result in a notice of violation. Mr. Ramos said his main thing was to get clarity on the two stipulations. While not personal, the biggest thing he was feeling was trying to run his business yet having to bring a lawyer to the Planning Board to explain and rewrite and do all of these things and the Town is almost acting on the side of the neighbors. He stated the neighbors have a

lawyer and Ms. Williamson giving him the violations that the police don't feel they could give him because they would have taken out their noise meters and noted it in their reports. Instead, Ms. Williamson was interpreting their police reports and giving Mr. Ramos \$500.00 fines. Mr. Ramos stated he was looking at \$2,500.00 between all of the back and forth and having Attorney Landry appear. Mr. Ramos is spending the extra time and money in making sure he and his employees have the right to be there so it's not an ongoing issue.

Attorney Landry reiterated that the conditions were self-imposed. Alternate Member Sousa advised Mr. Ramos not to indicate that Ms. Williamson was issuing the notices of violation haphazardly. He said that Ms. Williamson was following what everyone agreed to. Attorney Landry agreed and said the Town was in a very difficult position. Mr. Ramos felt the Town wasn't doing it facetiously but the way it was coming off was every time they came to a meeting, it was Mr. Ramos, a paid lawyer, and 5 neighbors who were calling the Town and making complaints.

Alternate Member Sousa said to Member Murgo that he would like to hear from the neighbors.

A motion was made by (Clark/Murgo) to open the public hearing portion of the meeting
In favor: Clark, Murgo, Katz, Ruggiero, and Sousa
Refrained: None
Opposed: None

James Annis, 44 Lisa Lane, came forward to speak. Mr. Annis stated while he wasn't the one that has called the police on Mr. Ramos, the noise has been ridiculous, and it has been between 5a.m. to 6a.m. While he understood that Mr. Ramos was a businessman and hoped he does well with it, Mr. Annis said he wants to live his life and be able to hang out in his back yard with his family instead of listening to grinders, welders, and other tools, as well as the truck beds slamming, and vehicles on high idle. Mr. Annis stated the federal law stated the maximum was 5 minutes that Mr. Ramos could idle a vehicle. He said that he has had conversations with Mr. Ramos about it. Mr. Annis said the quality of life in the neighborhood had gone down. Mr. Annis built his house in 2009 and has had to power wash his home 3 times in one year since Mr. Ramos has taken over the property. He stated when Lionel was on the property, no one ever heard him or had problems and the only time anyone knew he was there was when the screener was running. Mr. Annis said the amount of dust in the area has been ridiculous as no one can keep their cars clean. He also advised Mr. Ramos that his employees have been urinating on the side of their trucks. Mr. Ramos said he would address that immediately.

Attorney Goins advised Mr. Ramos to hold his comments until all of the neighbors had a chance to speak and then he could address all of the comments at one time.

Mr. Annis said Saturdays and Sundays the activity goes on all day and he was working on other trucks, not just his vehicles. He stated that he wants Mr. Ramos to be successful with his business, but it was ridiculous with the noise. Mr. Annis understood Mr. Ramos' need to fix his trucks as he also ran a shop fixing motorcycles, but it's non-stop all weekend long. He stated as far as a neighbor calling the police on Mr. Ramos during a snowstorm, that was a little egregious. Mr. Annis asked Member Ruggiero to check on the time the call was made as opposed to when the police responded, and the body camera was turned on and he would see that it was 20 to 40 minutes. Member Ruggiero asked Mr. Annis if the main problem was the times of operation than anything else. Mr. Annis said Mr. Ramos stated earlier in the evening that he and his employees show up a little bit before 7a.m. and there was a time when they were running trucks and loading equipment at 5a.m. to 5:30a.m. and that has subsided, but it still happens at 6a.m. to 6:30a.m. Mr.

Annis said it was not so much the loading and unloading of vehicles, but the running of the engines. He said when a heavy equipment truck needs to run and goes into high idle, all someone has to do is hit the gas or shut the high idle off so it would go into regular idle. Mr. Annis was not trying to stop Mr. Ramos' business, but he advised the Board that the quality of life in the neighborhood now sucked due to the current issues. He would like to be able to go home and relax in his yard without any issues, and open windows in his home again without any issues, but right now that's not possible.

Alternate Member Sousa said some members of the Board were going to vote to deny the application, but it became apparent to the Board that it would be in the best interest of the neighbors to approve the application. He stated that once the building was built the activities would be moved inside the building and part of approval process was for Mr. Ramos to have dust control. Alternate Member Sousa stated that without the approval of the application, Mr. Ramos would be able to continue his work as is currently without any improvements. Member Murgio asked if the fence would help protect Mr. Annis' property. Mr. Annis wasn't sure because standing in his yard it can get windy. He wasn't sure where the fence was going to be located. Mr. Annis said the height difference between Mr. Ramos' property and his property, the fence wouldn't go above it unless Mr. Ramos was going to build a berm. Member Murgio said it was going to be an 8ft fence built on top of brick.

Mr. Ramos said Mr. Annis' home was located behind Mrs. Lagardo's house, which was located to the east. He stated that Mrs. Lagardo was going to have 14 arborvitaes planted on her property and Mr. Ramos was going to plant 32 arborvitaes on his property. Mr. Ramos said Lionel's old lot was then going to be paved for parking and there would be no dirt or aggregate on it. On the other lot, there would be gravel and he would install a sprinkler system and that was written in the stipulations as well. He said the sprinklers would run every 30 minutes in the dry seasons and keep that area of dust down. Mr. Ramos said the 8ft fence was going on top of the blocks on the materials section. Mr. Annis asked how tall the blocks were and Mr. Ramos said they were going to be about 16ft high. Mr. Annis said whoever decided to place the building on the property the way it's positioned with the doors facing the neighborhood have never been around the property. He said it's a steel and concrete building and Mr. Ramos corrected him and said it had to be a wood building. Mr. Annis said regardless of what materials the building is made out of, the doors were going to be facing the neighborhood.

Alternate Member Sousa said by standards Mr. Ramos had to put the building closer to Metacom Avenue and couldn't change it, which meant Mr. Ramos wouldn't have enough room to swing his trucks in and be able to put the doors facing Metacom. Alternate Member Sousa said the Metacom Overlay Zone required buildings to be built closer to Metacom. Mr. Ramos stated his original design was to build it towards the back with the doors facing away from the neighborhood and the big thing for the Town as they didn't want to drive by and see everything. The Town wanted the building to hide everything. Alternate Member Sousa said it was discussed at a previous public hearing that Mr. Ramos was going to have the doors closed with an exhaust system in the building to allow him to do so. He stated if there were noises coming from inside the building, then that was another issue. Mr. Annis said the cops would then have to stand in the cul-de-sac with a noise meter. Alternate Member Sousa state the police would stand in Mr. Annis' yard with the noise meter and if it was below the Town limits then there was no problem. Mr. Annis said that's now how it worked as it had to be within so many feet of the source.

Mr. Ramos said he wanted to make everyone happy and a big thing would be for him to get the building built. He said once that was done, most of the issues would go away. Unfortunately, that's not the case currently and things need to be done, and trucks need to be worked on.

Alternate Member Sousa believes when Mr. Ramos was done with his project, the neighbors would see a huge improvement. He said that's what the entire Board was focused on throughout the multiple meetings that were had. Further, Alternate Member Sousa attended the Technical Review Committee meetings which were all about the neighbors and coming up with a solution to what was there now. Otherwise, the neighbors would be stuck with what's there now.

Mr. Annis said the neighbors were advised they didn't have to attend TRC meetings. Ms. Williamson said at the pre-application conference, which was not a public hearing, the neighbors did not have to attend that meeting. She thought they were going to do so because there were a lot of conversations about it and they didn't have to come, so they didn't come. Ms. Williamson said the public hearings where the neighbors received a notice, the neighbors were in attendance. She said Mrs. Lagardo had a lawyer and Mr. Fernandes and his lawyers were there as well. She stated no one was told not to attend the public hearings when they had the opportunity to speak, they were told they didn't need to come to the pre-application meeting which was not a public hearing. They were invited to speak but no one showed up. Member Katz stated the neighbors attended the meetings and showed up to Mr. Ramos' property when the Board held a meeting at the site.

Member Clark said the Board understood that it was a permitted use and Mr. Ramos could do it if he wanted to, but they're not deaf regarding the neighbors' peaceful enjoyment as everyone likes to use their backyards. He said everyone was trying their best to make it work for everyone, which was tough when you have 2 different zones abutting one another. Member Clark stated as a result of doing so, no one was going to get 100% of what they wanted when trying to strike a balance. Mr. Annis said he understood the situation and that's why he has had conversations with Mr. Ramos about it. He said if he has a problem, he could talk to Mr. Ramos or Ms. Williamson about it with ease. Mr. Annis was there to represent the other neighbors and himself. The only complaint he had was about the timelines. He doesn't get much time off on the weekends, but when he does, he wants to be able to enjoy his yard with his family. Mr. Annis said the activity on Mr. Ramos' property happened all day on Saturdays and on Sundays as well.

Member Clark said it seemed like it would be a touch and go summer until everything was approved and built. He asked Mr. Annis if he understood that Mr. Ramos couldn't do certain things until he received the proper approvals and permits and Mr. Annis understood. Mr. Annis said the neighbors were just looking for some sort of a compromise. Mr. Ramos said Mr. Annis has been the easiest one to work with unlike other neighbors who have told Mr. Ramos they're going to make it impossible for him to work. He understood where the neighbors were coming from and wanted to come to an agreement. Mr. Ramos was hoping the dust issue would be resolved almost immediately once the paving was done and the sprinklers were in place. Member Clark suggested no needle guns in the morning and weekends. Mr. Ramos said Saturdays were tough as that was their maintenance day, but Sundays were just for smaller issues like changing lightbulbs. He stated it would be his father and himself and never an employee running equipment. Mr. Ramos dialed back what he was doing a year ago based on the conditions. He holds his employees to the conditions as well as he won't let them load any trucks after 5p.m. and tells them to wait until 7a.m. the next day to do so. Mr. Ramos said the only thing that would be tough to do was regarding salt and sand during snowstorm events. Mr. Annis agreed stating that people calling the police during snow emergencies was ridiculous. He stated it has improved but a year ago he would stand in his driveway and see lights on at Bristol Health and Fitness. Now, he can see the people on the treadmills at Bristol Health and Fitness. Mr. Annis said that it's so loud because many of the trees have been removed in the area where the equipment is located and previous tent structure was, so the buffer is gone.

Mr. Ramos said in 2022 he had Ed Tanner go out to flag the area. Mr. Annis said the chainsaws ran non-stop at that time. Mr. Ramos said Lionel had a big pile of dirt in the area, which was a great buffer, but Lionel removed it and made it into screened loam. When that happened, Mr. Ramos told Lionel it was a great buffer for the neighbors, but Lionel said he wanted to make it into screened loam as it was his retirement plan. Mr. Annis stated the difference was the lack of trees. Mr. Annis thanked the Board for their time.

Dave Ramos, 10 Roosevelt Drive, Bristol, RI, came forward and spoke in support of his son. He appreciated Mr. Annis' position on the matter. Mr. Ramos said he's on the site all of the time and a lot has changed due to the meetings and stipulations that have been put in place. They're not there on Sundays. The applicant may have been there at 5a.m. before he came before the Board and had those stipulations, but it's been better. Mr. Ramos stated that once the building gets built, all of the noise should be cut down. As everything stood at the moment, not being able to have the tent structure in place to work in, the noise has increased and things still have to get done. He stated that they're trying to stay within the time frames. Again, once the building is up, everything will take place inside and get done much quicker and hopefully there won't be a need to do that sort of work on the weekends. Mr. Ramos assured the Board that no work was being done on Sundays. He felt that some of the complaints that the police received have been embellished as far as what has been going on. If people are talking in the parking lot and neighbors are calling because they feel that the employees shouldn't be on the property after hours is ridiculous. Mr. Ramos said no one was loading trucks or starting equipment except for in the snow season. He stated that his son takes care of both nursing homes and the Shell station in the Town and if he didn't get out there, people were going to get hurt. Mr. Ramos said his son is doing what he needed to do to move forward. Once the building was up, a lot of the noise was going to be alleviated as a result. He stated there were some disgruntled neighbors, Mr. Annis wasn't one of them, who didn't want the business there at all and as soon as they see anyone or anything on the property outside of work hours, they call the cops. His hopes this evening is to reach a compromise for everyone so things can go forward smoothly and for everyone to be happy.

Member Murgo stated the Board needed some sort of a guaranty the site improvements and the building were going to be done in a timely manner once Mr. Ramos received all of his approvals. This would protect the interest of the Town and the neighbors. Member Katz agreed and was looking for some sort of construction plan, so the Town, neighbors, and Mr. Ramos know what he has to work towards. He suggested putting together a chart. Attorney Landry said Mr. Ramos was amenable to Member Katz' suggestion. He stated it also depended on when the permits were issued. With that being said, Attorney Landry suggested that perhaps they could stipulate to once final plan was submitted, they could submit a timeline for review by staff so there was something in writing that would show the steps and what's going to happen, etc. He said it would show the timeline Mr. Ramos was going to work towards. Mr. Ramos agreed with Attorney Landry. Mr. Ramos said from start to finish should be around a 6-month build. He felt that stipulating within 30 days of obtaining final approval and building permits he needed to break ground was something he could agree to. Mr. Ramos was more anxious than anyone to get the project started.

Member Murgo asked Attorney Goins and Ms. Williamson if that was something that sounded reasonable to them. Ms. Williamson's recommendation was going to be requiring some of the buffering and screening be in place now. She said it would help alleviate the complaints of dust as well as noise mitigation. She appreciated that there was movement forward to get the building built but that was still in the future. To add to an earlier point, Ms. Williamson reiterated that there was a blending of the building and the special use approvals, but to her some of the conditions should have been attached the use of the property not the building. She said some of

the complaints and some of the concerns might have been mitigated, while acknowledging the season wasn't right to plant trees, but the fencing and some things could happen now. Ms. Williamson advocated for any movement on buffering and if the irrigation system could go in as well, that would help with the dust mitigation. She suggested doing certain things now and then obviously the rest would be part of building permit. Member Katz thought that was an excellent recommendation.

Mr. Ramos said he was being asked to do something without permits. He suggested something saying that he had 30 days after receiving the permits to put buffers in place. Mr. Ramos said he wasn't going to put any buffers up if he wasn't going to get permits to build the building and leave the property as is. He has a 2022 zoning certificate that stated he could store landscaping materials and equipment on the property was a performing use. Ms. Williamson's understanding from Mr. Ramos was that there was going to be a requirement on her side to issue permits quickly but there's no application yet. She felt there was a need to be met in the middle, i.e., submit an application and then issue permits quickly. Member Clark said what if DEM denied it then he's going to spend money on buffering. Ms. Williamson said regardless of whether the building was built, the use and what was occurring now based on the special use permit that was granted is what was causing an impact to the neighbors. She stated the Board had heard testimony from the neighbors about the dust and noise. Ms. Williamson said that Attorney Landry said she was trying to tighten the conditions when all she was trying to do was modify Attorney Landry's modifications. She said a lot of the complaints that were being heard were about the running of the trucks and working on the equipment and to allow those things to continue outside of the hours you gave Mr. Ramos was part of the problem and that's what she's getting complaints about. That's why Ms. Williamson modified the proposed modifications. With regard to the permitting and next steps, it may or may not happen. She said the use the Board permitted to intensify what was pre-existing when the property was acquired, if Mr. Ramos had the fence and buffers, some of the mitigation conditions would be in place.

Attorney Goins wasn't understanding Mr. Ramos' concern over permitting delays as everyone was aware that final plan had a statutory deadline. She stated there was no delaying it and if Ms. Williamson didn't approve it on time, it was approved by default. Attorney Goins didn't see a concern there. Member Clark asked about the timelines for getting the COO as it took time. Ms. Williamson said that was on Mr. Ramos. Attorney Goins said that was driven by the building code and the Building Official couldn't sit on the application forever. Attorney Landry agreed with Attorney Goins and said there were statutory deadlines. They needed to submit a final plan and the Building Official has only so much time to look at it, etc. The best he could say was that they would work diligently to get the materials in. He stated they were waiting on DEM currently. Mr. Ramos said he couldn't legally put a fence up without a permit and couldn't legally plant on a landscape easement that belonged to the Town without a permit.

Alternate Member Sousa believed Mr. Ramos could do the first row of arborvitae along the one property and put the fence up, he didn't need a DEM permit. He stated that Mr. Ramos would need it for the other 2 rows of arborvitae. Alternate Member Sousa said planting a row of arborvitae along the first property and putting in the sound barrier wall would be a fair step. Member Katz stated it would be a move in good faith. Alternate Member Sousa said, strictly speaking for himself, the Planning Board might be willing to support Mr. Ramos with his Zoning Board issue in terms of the penalties and other troubling issues, if Mr. Ramos showed that he's willing to take the first steps and not waiting for DEM permits or his COO or any of it, and install the fence and the 1st row of buffering. He stated it would be a great gesture to his neighbors. Mr. Ramos suggested a compromise of planting the arborvitae on Mrs. Lagardo's property. He said the fence was going to cost a lot money and the reason he had a special use permit was because

he was applying to build a 3,500sqft building. Mr. Ramos said if he wasn't looking to do so and the tent structure wasn't removed, there wouldn't have been any intensification to the property, so he wouldn't need to do the buffer trees or a fence. He planned on doing the plantings on Mrs. Lagardo's property anyway. He would love to get them up. Mr. Ramos said by adding the fence on Lot 15 he was already doing a little bit extra by adding it to his plan. For him to put up a \$10,000.00 fence when he didn't have an approval for the building made him uncomfortable. Mr. Ramos suggested a stipulation to say that the fence was to be built within 30 days of getting the building permit and the trees could go up now.

Member Katz asked Ms. Williamson if the Board was conflating 2 very distinct issues: 1) the building, and 2) the special use permit. He was getting the feeling they were conflating the 2. Member Katz said the building would help with the noise, but there's a special use permit the Board approved with certain conditions regardless of the building. Attorney Goins said Member Katz was correct in that the special use permit and the building were technically 2 separate issues, but the Board did it as 1 process, 2 lots now owned by the same person. She said it was a coordinated site. She felt it was important for the Board to determine and clarify which of the conditions are only for when and if the building gets built and which of the conditions are for the use as it exists. Member Katz agreed.

Member Ruggiero asked Mr. Ramos regarding the summer season coming, was there something he could do to help with the dust situation and make it better for the families. Also, he asked Mr. Ramos if a lot of the problems would go away when the building was constructed. Mr. Ramos said the problems would go away when the trees were planted. He said it was mainly on Lot 16 which was an open lot without trees and Mrs. Lagardo and Mr. Annis were getting the worst of it. Mr. Ramos said even if he didn't get the special use permit and didn't build the building, he would put trees on Mrs. Lagardo's property. He agreed there should be a buffer there. However, as far as Lot 15 and the fence, Mr. Ramos said there was an existing 50ft buffer of the woods and blocks in place. He said the fence was going to hide the building and have sprinklers on it. He didn't want to do it in pieces and wanted to wait until he started construction on the building. He stated the tent structure needed to come down by July 1st. Mr. Ramos didn't think it was realistic for him to say he could get a fence up and then by July 1st there was no fence up. He said it was realistic to say he could plant arborvitaes on Mrs. Lagardo's property in 3 to 4 weeks as that's what he does every day. He didn't build fences. He would have to bring in a company to do so.

Member Clark didn't agree with Mr. Ramos being made to put up a fence before the building went up. He said the goal of the compromise was to get the building up which was going to alleviate a lot of the problems. Member Clark said Mr. Ramos agreed to build the berm and fence which were not required to get the building. Alternate Member Jarest asked which plan was the fence on. (Mr. Ramos approached and showed Alternate Member Jarest which plan it was on.) Member Ruggiero stated that Mr. Ramos could do something to help the neighbors. Mr. Ramos said the most realistic thing to say was that the piles of materials that were on the property would be gone by mid-July hopefully because that's how fast he moved through material. He said they weren't screening or sifting. He said all of that would take place on Lot 15 when the time came. Mr. Ramos said he received a notice of violation that there was dumping on Lot 16 and technically that was going to change and, in the future, it would occur only on Lot 15. Mr. Ramos was concerned about people calling and complaining when there's going to be construction going on. He stated conditions #2, #3, #8, #10, #11, #14, #15, #16, and #20 should all apply now and the remaining conditions should only be applied once the building is approved and the plans go forward.

Attorney Landry reiterated that this was a coordinated redevelopment of the whole site that would ultimately result in an expansion with the new building. He said all of the conditions were designed to address it. He stated it was going to be an active construction site for some time, and they needed to be able to work within the parameters of the hours, noise ordinance, and everything else. Attorney Landry said the landscaping and buffering was part of the land development approval and has to be done and would be done so Mr. Ramos could use the site as permitted, so there was no benefit in Mr. Ramos delaying the landscaping and buffering. He stated they still needed an easement agreement from Mrs. Lagardo. Attorney Landry said it came down to an enforcement issue regarding benign activities regarding employees entering the site outside of business hours in their personal vehicles just to get their trucks and drive off to job sites. He said there was no loading or unloading of materials outside of the hours of operation. Attorney Landry said their request was really narrow just to allow the employees to come to the site to get ready for work and then leave because that's the source of all of the complaints. He said they were just trying to avoid daily complaints. Attorney Landry said Mr. Ramos had every intent on following the conditions that they worked so hard to come up with. He stated everyone will be happy at the end of the day that the conditions were satisfied. He said that Mr. Ramos was going to work as diligently as possible to do a final plan, get building permits, and get the building up. Attorney Landry said it wasn't fair to Mr. Ramos for him to have to come back and explain himself every single time as he was just trying to run his business. They were here to simply the enforcement part of the process whereas most of the conditions should not apply until the building is up and running. Attorney Landry said the activities that were occurring now had occurred historically on the site Mr. Ramos wouldn't need any of these conditions. The only expansion of a non-conforming use that Mr. Ramos was cited for was the membrane structure and the 2 metal containers.

Member Clark said by definition the operations had been historically going on there, but Mr. Ramos' operation is 5 times the size of what was there. He stated there has been a change. Attorney Landry said the original zoning certificate recognized was a contract servicing business on that site and the storage of landscaping materials. He stated the 2 zoning violations Mr. Ramos received initially stemmed from the expansion being the membrane structure and the 2 metal containers. Attorney Landry said whatever's happening now would be resolved. He said for the neighbors' benefit there were historic uses on those sites that would have been allowed to continue with no conditions. He stated the whole point that everyone could agree on was that approving it with conditions that Mr. Ramos would have to adhere to once the building was up and the site was finished would address the neighbors' concerns. Mr. Ramos was doing everything he could, and they were looking for some clarity on the conditions. Attorney Landry noted that Ms. Williamson was in a tough position trying to enforce the conditions as she's getting inundated with phone calls. Attorney Landry stated the goal here was to clear up the language and make it clear, so everyone knows what is and is not a violation.

Member Katz asked Attorney Goins and Ms. Williamson what the next steps should be. Attorney Goins said they needed to get a consensus from the Board. She didn't know if what they had in front of them was close to what the consensus was, or they could address potential amendments to Ms. Williamson's draft motion now, or if they wanted to accept Attorney Landry's version. It was up to the Board to make a decision on how to proceed. Ms. Williamson drafted conditions which were attached to her memorandum and Attorney Landry's draft was attached to his memorandum. She said for condition #3 regarding providing exceptions for snow removal, salting, and sanding operations, she agreed that was a good clarification to have. She took the Board's original decision and did some editing. One thing that was discussed tonight was striking the words "significant snowstorm" and make it a "plowable snow event" or something like that. Member Clark said the problem would be that some neighbors were never going to be satisfied

and would hold it to the letter. He asked Mr. Ramos when did the nursing home want to be serviced, when there was sleet but not snow, etc. Alternate Member Sousa said if the word “significant” and it read “during periods of snowfall or storm related events that necessitate snow plowing and/or salt and sand operations” should be clear. He suggested leaving it that way. Alternative Member Sousa was okay with Ms. Williamson’s language for condition #2. He asked Ms. Williamson, Attorney Landry, and Mr. Ramos if they made any changes to condition #2. Ms. Williamson said that Attorney Landry had proposed eliminating holidays from the business hours. She stated the business hours would be Monday through Friday 7a.m. to 5p.m., Saturday 8a.m. to 3p.m., closed Sundays and holidays were not addressed. Attorney Goins said the noise ordinance had a reference to Sundays and holidays and that’s probably why holidays was listed without any additional specification like you would for a union contract.

Attorney Landry said under condition #2 because of employees coming and going from the property and Mr. Ramos didn’t observe every holiday, they would like it to be stricken from that condition but still have the noise ordinance language that would not be removed. Ms. Williamson noted that holidays was still a prohibition for the processing and loading and unloading of trucks. She asked Attorney Landry if he wanted to strike holidays from condition #3 as well and Attorney Landry said yes, just to be consistent. Mr. Ramos said Ms. Williamson’s draft and their draft for condition #2 were complete opposites. He said Ms. Williamson’s draft stated they couldn’t be on the property before 7a.m. and couldn’t be there after 5p.m. and their draft was saying the opposite to address their issue. He was okay with putting wording in there that if the police come at any time and do a noise reading and they’re found to be in violation of the decibel reading allowed in Town, then Mr. Ramos expects to be fined no matter what of day it was. Mr. Ramos said a lot of what they’re doing on the site, whether it was just before 7a.m. or just after 5p.m., they weren’t breaking the decibel reading so he feels they shouldn’t be getting fined for what they’re doing.

Member Katz said the only significant difference between what Ms. Williamson did and Attorney Landry provided was Ms. Williamson’s draft allowed Mr. Ramos’ team on the premises before and after hours, but they couldn’t run vehicles or do repair work on site prior to or after hours. Mr. Ramos said to respect the neighbors, he was trying his best to leave by 5p.m. He said once the building was up, he would work inside of the building until 6p.m. or 7p.m. at night with the doors closed and he wanted to make sure there was clarification. Attorney Landry said Mr. Ramos shouldn’t be prohibited from using the building. Mr. Ramos said certain things are annoying but moving a truck or fixing a tire at 5p.m. is impractical. Member Katz suggested going along with what Ms. Williamson wrote and add to it that once the building was up Mr. Ramos would be permitted to perform repair work after hours to the extent that the noise did not violate Town ordinance. Mr. Ramos stated that same issue was pertinent to him now as he couldn’t be there to change a tire outside at 5:30p.m. Member Katz state that’s why it would read “to the extent that the noise did not violate the Town ordinance” and Mr. Ramos agreed to adding that language. Mr. Ramos suggested including “This shall not include the running of Ramos landscaping vehicles or performing repair work.” Attorney Landry suggested his edit but add “subject to the Town noise ordinance”. He said it was implied as they still had to comply with the Town noise ordinance, but to make reference to it anyway to be clear. Mr. Ramos suggested that in this version wording “operation or tasks to still abide by Town’s decibel reading” or something like that.

Member Katz said the other thing that was brought up was if the Board went along with this and then said Mr. Ramos had to stop work at 5p.m., Mr. Ramos was going to eventually have a building to do the work inside that part of the condition would prohibit that. The Board doesn’t want to prohibit that. The Board just wants to make sure it doesn’t violate the Town’s noise

ordinance. Attorney Landry said his suggested changes to condition #2 included Ramos landscaping vehicles and performing repair work on the site would be allowed and add "subject to condition #11" which was the noise ordinance. He was just trying to be clear that those things were allowed outside of the business hours as long as it didn't violate the noise ordinance. Member Katz said the Board was not trying to tie anyone's hands. They just wanted to make it right. Attorney Landry stated the prohibition of the loading and unloading would still be in place.

Ms. Williamson's understanding was that the Board was going to take Attorney Landry's recommendation for condition #2 and add that it would be subject to condition #11 with regard to the noise ordinance. She said Mr. Ramos would be allowed to start earlier with running the trucks and making equipment repairs after 5p.m. Erica Annis asked if the condition would apply when the building was up or did it apply now. Member Katz stated it would apply to Mr. Ramos now. Mrs. Annis said if the condition wasn't for when the building was up, then what was the whole point of Mr. Ramos stating he was going to work from 7a.m. to 5p.m. but sometimes the guys were going to be there a little bit earlier or stay a little bit later. She said if the Board gives Mr. Ramos that now without the building being up Mr. Ramos was going to be there until 8p.m. at night. Mrs. Annis said the Board was going to affect the neighbors' quality of life that was already being affected. Member Clark said Mrs. Annis had a valid point. Mrs. Annis said it didn't make sense as Mr. Ramos wants things but didn't want to give anything.

Member Katz stated there was a Town noise ordinance which Mrs. Annis was aware of. He said if Mr. Ramos had the building up and was doing all of the things that he said he was going to do but had some work that needed to get done that took until 7:30p.m. at night, Mr. Ramos would be doing it in the building. Mrs. Annis said the Board was putting it into effect now doing it now and not putting it into effect when the building was up. Alternate Member Sousa understood her point. Mrs. Annis invited the Board to visit her property to see what it was like to live next door to Mr. Ramos' business and then they would understand the situation. She's asking for a compromise. Alternate Member Sousa understood her point and that's why he suggested building the wall now as it would be a great sound buffer, same with the arborvitaes. He said Mr. Ramos needed to give the neighbors something now. Alternate Member Sousa's concern was what happened if Mr. Ramos decided he wanted to put his money into something else and delayed the building. He said something has to give now and a great incentive to push things along. He didn't want to go back on commitments that the Board made to the neighborhood. He felt that if the Board approved everything the way it was laid out now, that's what the Board was going to be doing. That wasn't the right thing to do.

Member Katz said going forward it would be a massive move on Mr. Ramos' part to put up a fence and arborvitaes. The Board was working on the conditions so he could run his business in the meantime, but Mr. Ramos had to do something to soothe the neighbors. Mr. Ramos said the trees that would be going up were going to give Mrs. Lagardo and Mr. Annis the buffer they need. He stated the fence going on the other side where there was already an existing 50ft wooded area buffer and that property was a different property all together. He said the fence wouldn't be the buffer the trees would be. Mr. Ramos said his engineers would delineate the line where the wall would be going. He said the existing wall was a concrete block wall which was going to get rebuilt the way it was supposed to be built so it would last. Mr. Ramos said all he was asking for was to be able to physically be on the property past 5p.m. to make a repair. If the noise is over the decibel reading, then he should be fined. However, if it's after 6p.m. Mr. Ramos was approached by a police officer and the reading was under it, then he shouldn't be cited. Member Clark said the neighbors were worried about the activities going on during the summer months. For example, the Annis family are enjoying their backyard and Mr. Ramos was running an impact wrench because he needed to change a tire, those are loud. Those are the types of

things that the neighbors are worried about because the building isn't up yet. It's Member Clark's understanding that Mrs. Annis' concerns were that if the Board grants Mr. Ramos the right to be there outside of work hours, then it gave him the right to go through the whole summer before his building was built to operate tools outside until 8p.m. at night. He said the Board was trying to do it the best way they could and operate in good faith. It seemed like was a lot of lost trust between the neighbors and Mr. Ramos.

Mr. Annis said it's been a couple of years since Mr. Ramos has been on the property and it has gotten better, but the noise is annoying. He said if Mr. Ramos would move forward and do something to help the neighbors to help with the noise, it would look better and look like a good faith effort in trying to help out. He said the neighbors feel like they're being ignored by the Board and Mr. Ramos. Mr. Ramos understood Mr. Annis' point. Mr. Annis said if some stipulation isn't put in place, Mr. Ramos would be there until 9p.m. at night as in the beginning Mr. Ramos was there until 11p.m. at night. Member Katz was not in favor of Mr. Ramos operating like that. Mr. Annis stated he works with tools as well and knows that he could put the tool down and walk away so by the time the cops show up with the noise meter, there's no noise going on because it's not running. Alternate Member Sousa agreed as the sound of a sledgehammer is jarring and by the time the police arrive it has been put away. He said it didn't make sense. Member Katz completely understood Mr. Annis' point as he has a neighbor that runs a landscaping business out of his home and he's out there banging away on his tractor and it's a nightmare.

Mrs. Annis said they didn't want to see Mr. Ramos not put his building up. They just want to find a compromise as they can't enjoy their yard. Member Katz said a little would go a long way. Mr. Ramos said he would get the arborvitae in now assuming that everything will be continuing in the right direction. He's not looking to change the hours of operation. Mr. Ramos wants to be reassured that he could physically be on the property. Mr. Annis said Mr. Ramos was on the property at 5:45p.m. and the truck was up in the air being worked on.

Alternate Member Sousa said looking at condition #3 and Attorney Landry's recommendation, the word "significant" should be stricken. For condition #2, the last sentence, until Mr. Ramos has his building built and occupied, Alternate Member Sousa recommended striking part of the last sentence where it said, "departing the property in vehicles". Further, he said the wording "or performing minor work (equipment repair, welding on the site subject to paragraph B below" be subject to when Mr. Ramos has the COO for his building and then that work would take place in the building. Member Katz was in agreement with Alternate Member Sousa's recommendations. Alternate Member Sousa said before that Mr. Ramos could access the site and his employees could be on the site, but they were not performing the minor work until after the COO, after or before hours. Member Katz said that work would be done inside the new building anyway.

Mr. Ramos said he got the special use permit to build the 3,500sqft building and the Town ordinance times were 7a.m. to 9p.m. He was not looking to do that, but he wanted a little bit of flexibility. Mr. Ramos didn't want to be there after work at 5:45p.m. fixing a truck but there might be a time when it happens. He said if the Board puts in the stipulation to say, "after the COO", he will try his best to comply. He may have to deal with a \$500 fine because something was broken and he wouldn't be able to do a job the next day and he had to change a tire or fix something at 5:30p.m. It happened over the winter as 2 or 3 of the violations were during the snowstorms.

Member Murgio said everyone was heading in the right direction with a lot of good ideas and thoughts. Unfortunately, the neighbors were going to have to suffer through one more summer

and by this time next year, the building would be up and running. Mr. Annis said that was a horrible statement. Member Murgio said not much could be done that quickly. Alternate Member Jarest said that Mr. Ramos could provide some concessions to the neighbors as nothing has happened yet. Mr. Annis said nothing has happened in 2 years. Member Katz agreed with Alternate Member Jarest that Mr. Ramos needed to put the arborvitae now and ideally put the fence up. Mr. Ramos would like to have his DEM permit to do that as it was right along the watershed. He said as long as he could get Mrs. Lagardo's approval, he would plant the arborvitae as soon as possible on her property. Member Katz said once Mr. Ramos obtained his permit to do construction, it was going to be noisier than ever, and the trees would be a great buffer. Mr. Ramos said the trees would make a big difference.

Member Clark said Mr. and Mrs. Annis were present and they were the least obstructionist neighbors and have been very fair towards Mr. Ramos. He didn't think he would agree to make Mr. Ramos build the fence on the other lot, but it would be in everyone's best interest to get the DEM permit as quick as possible and get the trees in the ground on Mrs. Lagardo's property. Mr. Ramos wants to get it done for Mrs. Lagardo. Alternate Member Jarest said looking at the plan if Mr. Ramos planted them on Mrs. Lagardo's property, it would help Mr. Ramos as well. She stated Mr. Ramos has to do something for the neighbors which had not happened yet at all since he started the project. She said a little bit of proactivity on his part would help everyone feel a little bit more comfortable with the project. Mr. Ramos was going to speak with Mrs. Lagardo and as long as she's okay with it, he will plant the arborvitae on her property.

Mr. Ramos didn't come before the Board tonight to speed up the special conditions that were part of the development. He wanted to clarify conditions #2 and #3. He's amenable to amendments to the conditions. Attorney Landry stated they needed a landscape easement from Mrs. Lagardo yet, but he recommended adding something to condition #18. Alternate Member Sousa said there was a landscape easement in place. Mr. Ramos said it was on Mrs. Lagardo's property, and it was a Town landscape easement. Attorney Landry said there were additional plantings that were going to go on her property, but they can't do that without a written agreement. Alternate Member Sousa said they could work within the Town's easement. Mr. Ramos said the ones on her property were technically in the Town easement. Member Katz said Mr. Ramos needed to make it happen.

Ms. Williamson said in terms of fence behind Mr. Fernandez' house there was a stipulation that Mr. Ramos was going to reach out to him to see if Mr. Fernandez wanted arborvitae as well. She asked if Mr. Ramos had reached out to Mr. Fernandez. Mr. Ramos had some conversations with Mr. Fernandez, and he didn't seem interested in doing so. Attorney Landry said to his recollection, Mr. Fernandez didn't want anything on his property, but they would reach out to Mr. Fernandez to make sure. Ms. Williamson said to clarify it in writing. She said if the fence wasn't going to happen now, maybe Mr. Fernandez would be agreeable to landscaping and Mr. Ramos could do arborvitae on his property too. Mr. Ramos said that couldn't get done until the final landscaping got done on that side. He said he had Lionel sell the screener instead of keeping it and the material bins would be located on the other lot away from the neighbors. Mr. Ramos stated that would end the dust issue on that side. He said as far as the noise, the arborvitae would help and the building would be a big help as well. He stated that at 5:30 he shouldn't have to drive his truck to the Benny's parking lot to work on it. Mr. Ramos said when he first bought the property he thought he could do what he wanted at all hours. Then he found out there were rules and he's trying to follow them.

Ms. Williamson wanted to clarify that the Board was accepting Attorney Landry's proposed condition #3 and also strike the word "holiday". She said if they struck "holiday" from #3 then it

would read that the loading and unloading of trucks and the processing of materials was going to be allowed on holidays. Member Katz said to remove the word “holidays” from #3A under the snow events and keep it under #3. Attorney Landry said the noise ordinance would come into play with it anyways. Ms. Williamson said that condition #3 would stay as written and #3A except “holidays” from it.

Mr. Ramos said regarding condition #2 and the business hours, he would be okay with putting at the end of it, “the repair, welding, and equipment onsite repairs are to not occur after 7p.m. until the new building is built”. He said the regular hours of operation would be 7a.m. to 5p.m. but give him a little time to be on the property after normal business hours if a repair needed to be made. He wasn’t looking to be there until 9p.m. or 10p.m. at night fixing things. He just wanted a little leniency until the building was up. Member Clark suggested 6pm until the COO is issued. Mr. Ramos said to also put some wording in there that when the building was up and they’re inside making repairs the doors would be closed, but he wasn’t sure if there would be a way anyone could enforce it. Member Clark said it will read, “any repairs will cease at 6p.m. until the COO is issued”.

Member Murgo asked if Mr. Ramos could cut his Saturday hours from 8a.m. to 12p.m. Mr. Ramos said they’re usually done by 12p.m. or 1p.m., but in the last few weeks it’s been up to 3p.m. He said he could try to bring in more help, but that might mean more noise. Mr. Ramos said on Saturday mornings they wait until 8a.m. to get going on things. Unless they’re behind, his guys shouldn’t be working on a Saturday as far as the landscapers. He said it was mostly his father and himself doing repairs and possibly a helper. Mr. Ramos said being closed on Sundays was already taken care of in the next statement. However, he has been there changing a lightbulb and the cops showed up because someone called them at 9a.m. that he wasn’t supposed to be on the property based on condition #2 and Mr. Ramos had to clarify what the condition said. Mr. Ramos said the paving of the lot would be the biggest thing to reduce the dust.

Member Katz asked Mr. Ramos when he would plant the arborvitaes. Mr. Ramos said if Mrs. Lagardo gave him permission it would be within 2 to 3 weeks to plant them. Member Clark said it would be nice to see them in place by Memorial Day. Mr. Ramos said if Mrs. Lagardo allowed it. Alternate Member Sousa said Mr. Ramos needed to talk to Mrs. Lagard first. Mr. Ramos said he would do his best to get it done by Memorial Day, but definitely by the 1st or 2nd week of June.

A motion was made by (Katz/Sousa) to open the public hearing portion of the meeting
In favor: Clark, Murgo, Katz, Ruggiero, Sousa, and Jarest
Refrained: None
Opposed: None

Alternate Member Sousa said the recommendation to change condition #2 as follows: the business hours of operation on both Lots 15 and 16 shall be limited as follows: general business hours Monday through Friday 7am to 5pm; Saturday 8am to 3pm; closed Sundays. The business hours of operation shall not prohibit or otherwise limit employees and workers from occupying the premises before or after stated hours including but not limited to arriving and departing the property in vehicles. The performance of minor work (equipment repair and welding) subject to condition #11 on the site will be subject to paragraph 3 below and will be allowed up to 6pm Monday through Friday until the COO is issued for the new building. Condition #3 as follows: no material processing or loading or unloading of trucks (shipping and/or receiving hours) before 7am or after 5pm Monday through Friday; before 8am or after 3pm on Saturday; and never on Sundays/holidays. A. The Planning Board acknowledges that the applicant is engaged in snow plowing and/or salt/sanding operations during the winter months and provides said services to the

State of Rhode Island and several members of the community. Condition #3 shall not apply during periods of snowfall or storm related events that necessitate snow plowing and/or salt/sand operations to commence from the subject property. This shall include the loading and unloading of materials in trucks to facilitate these services on a limited basis. The last condition will be that the applicant will work with the neighbor to install the arborvitaes as agreed to on a previously approved preliminary plan. Ms. Williamson stated that was condition #15 in the original and #17 on the revised. She said it should say within a certain amount of time. Mr. Ramos said by July 1st. Alternate Member Sousa stated that condition #17 would be installed by July 1, 2026 subject to the agreement of the property owner. Mr. Ramos stated that condition #19 should be tied to it as well as it's the warranty for the plants.

Attorney Landry asked how tied the landscaping buffering plan was to the final plan approval since they were blending special use and the land development approvals. He didn't want to run into any issues down the line. Attorney Goins stated that was her suggestion to the Board. She said if the Board wanted to specify that any of the conditions were tied to the special use versus the building that was up to the Board. Attorney Goins felt it was a good idea to clarify it. Alternate Member Sousa stated he felt that all of the conditions that had just been mentioned were tied to the use except for Mr. Ramos being able to spend more time doing his minor repair work once the building was up and running. Ms. Williamson felt it needed to be specified until the COO was issued when that work would be impacted.

Attorney Landry said his question was just technical in nature because there was a land development approval that Mr. Ramos' landscaping and buffering plans were a part of. He said procedurally he wasn't sure if Mr. Ramos could perform the work until he received final plan approval. Attorney Goins felt that anything the Board would impose as a condition of approval at this stage was understood that it could be done. Attorney Landry said it was fine with him and Mr. Ramos. Mr. Ramos asked if they should add a 21st line that said something like, "the foregoing conditions of approval shall be applicable as of the date". Ms. Williamson asked if the Board wanted to go over which conditions were going to be applicable now versus when the building was built. She recommended all of them except 1.

Member Clark asked if the language in what would now be condition #6 was standard. Ms. Williamson said that was standard language and that #6 was the only condition that she saw that would definitely be tied to building because it was part of the construction. Member Clark asked if the new condition #14 asked if that would carry over if Mr. Ramos were to sell the property in the future. Attorney Goins said that everything in this approval was not for Mr. Ramos or Ramos Landscaping, it was tied to property. Mr. Ramos said if he was to sell the property, he would be selling it along with the conditions attached. Member Clark just wanted to be clear on it.

Ms. Williamson said the 4th violation Mr. Ramos received was regarding earth and landscaping materials storing, dumping, and processing on Lot 16, which was a prohibition on the Board's condition, which is why the violation was issued. However, she said it didn't stipulate whether that's a now condition or whether that's a once the building is built condition. Ms. Williamson said it was morphing between present day and future. Member Clark said it was a sticky wicket situation as peaceful enjoyment was important for everyone involved.

Member Clark then mentioned condition #16 regarding "expansion of operations in the area". He asked for clarification. Ms. Williamson stated that was one of the original conditions and it was regarding Lot 15. She said it was regarding the blocks and rocks that edged the property and anything beyond that was not permitted.

Member Clark asked if there was any reference about building the fence. Ms. Williamson said it was in condition #1 and it was tied to the COO, but she was hoping to get it done sooner. Alternate Member Sousa said looking at the plan where the fence is to be placed, there was quite a buffer because of the way the operation was located on the property. He didn't feel that the fence was necessary at the current time. Ms. Williamson said it would remain as a condition of the COO and the Board agreed.

Alternate Member Sousa went back to condition #2 and said the language at end of last sentence, "until the COO is issued for the new building", he was thinking of adding, "after which said minor work may be performed within the new building up to 9pm provided repairs are conducted with overhead doors closed". Member Katz thought the additional language was a great idea.

Ms. Williamson asked the Board if they were going to stipulate which conditions were subject now and which were subject to when the building was up. Alternate Member Sousa said within the condition, Mr. Sousa and his employees could work up until 6pm. Ms. Williamson was referring to all of the conditions. Alternate Member Sousa thought the Board had recommended that condition #17 would be implemented by July 1st. Ms. Williamson said nothing else would be required of Mr. Ramos currently. Alternate Member Sousa stated only the restriction contained in condition #16. Ms. Williamson stated that Mr. Ramos could do landscaping work on Lot 16. Alternate Member Sousa stated there was nothing else on Mr. Ramos' plans that the Board was asking him to do at the current time.

Ms. Williamson rephased her question and said she was referring to things like cameras, irrigation/sprinkler system, landscaping materials not being located on Lot 16, all of the landscaping materials being put in the existing concrete bins for storage. She stated that's where the Board morphed into there's an expectation that would happen as part of building and she was expecting that it should happen now. That's why Ms. Williamson and Attorney Goins were trying to get the Board to clarify things. Alternate Member Sousa said condition #10 should be done now. Ms. Williamson said Mr. Ramos had already complied with condition #10, as well as #13 as the screener was gone.

Mr. Ramos said one of the big things that they were having problems with was the dumping on Lot 15 and 16, which was condition #7 and #8. He said #7 was a stipulation that they put forth for when the new building goes up, the lot was paved, and the COO was obtained. They weren't going to dump on that side anymore as it was going to be a clean paved area. However, for the time being it almost hinders him from doing the site work that needs to take place there as he needs to dig out the material. Mr. Ramos said anything he brings onto the site would be going on Lot 15, but currently Lot 16 had the piles of material he's getting rid of as he sells it. He said condition #7 will throw things off when it comes time to build as he's going to be dumping materials on that property during construction. Mr. Ramos said conditions #7 and #8 should go into effect with the COO of the new building. Member Katz said that at the end of conditions #7 and #8 it should say, "after COO". Mr. Ramos said yes just to protect him as he received a fine that was based on the dumping on Lot 16 already. He said the undeveloped side will be a gravel lot which will have the fence with sprinklers and other landscaping, and the other side will be paved which will be strictly for parking.

Ms. Williamson stated that condition #9 would be after the COO as well. Mr. Ramos said condition #9 should be in order to obtain the COO. He wasn't looking to get a COO without the fence or sprinklers installed. He wasn't looking to get them installed ASAP. Member Clark said there was no water service to the site anyway. Mr. Ramos said that was correct. He stated that he obtained the approval to do so, but water and sewer would come in once he had the permit to

build the building. He just wanted to clarify when conditions #7, #8, and #9 were to be addressed in case Ms. Williamson receives a complaint. Member Katz said that conditions #7 and #8 were after COO and condition #9 is a condition to obtain COO.

Alternate Member Sousa suggested a change to condition #12. He asked if a sound sensor could be mounted to the camera which could measure the noise levels. Attorney Goins compared it to being stopped for speeding and the officer said what speed he stopped you at and your speedometer read something different. She stated what mattered was what the officer recorded. Although she understood Alternate Member Sousa's point as he wanted to make it easier for Mr. Ramos, but the only reading that would matter is the one maintained by the Department. Mr. Ramos was hopeful that when the building was built, condition #12 was there as a precaution and there really wouldn't be a need for it. Alternate Member Sousa said, as Mr. Annis brought up earlier, the concern regarding the overhead doors will be facing the neighborhood and, in the summertime, it gets opened up to get airflow in the building and then you're working until 9pm. Member Katz said it would be worse because the enclosed structure would make the sound echo out. Attorney Goins said it may be prudent for Mr. Ramos to purchase a decibel meter to periodically check the levels. She understood the intent that Mr. Ramos should monitor his own operations to avoid a violation. She didn't think it made sense to impose it as a condition of approval. Mr. Ramos suggested putting in a stipulation that once the building is built after 5pm any work in the building needs to be done with the doors closed. Alternate Member Sousa stated that he already put that in.

Alternate Member Sousa went back to talk about doing the do arborvitaes now. He said conditions #7 and #8 would be after the COO, and condition #9 was a condition to obtain the COO. He stated condition #10 was to be done now even though Mr. Ramos had already complied with it. Ms. Williamson stated that condition #10 was part of the special use permit. Alternate Member Sousa stated that condition #10 was going to be implemented by July 1st.

Ms. Williamson suggested that conditions #4 and #5 where parking of trucks occurred. Alternate Member Sousa said those should be after the COO. Mr. Ramos stated they made a list of proposed conditions to be applied now: those being #2, #3, #8, #10, #11, #14, #15, #16, #17, #19, and #20. He asked that the July 1st deadline on condition #20 be changed to August 1st to give him some more reasonable time to take it down. Member Katz advised Mr. Ramos that he should take the structure down as soon as he could. Member Clark asked Ms. Williamson asked where that matter stood with the Building Inspector if Mr. Ramos didn't take the structure down. Ms. Williamson said Mr. Ramos would incur a violation from her enforcing condition #20. She stated the date certain was put into the original condition because the Town needed to have a date by which it was coming down. Ms. Williamson's understanding from the Building Official was that the it be taken down upon COO, but her recommendation was to give a date certain. She reiterated Mr. Ramos' point earlier that plans could change and the COO may never happen, so July 1st was added as part of approval.

Ms. Williamson spoke to the Building Official, and it was her understanding that a foundation permit was given and there was foundation work to be done to make the building safe, but it wasn't done or at least no inspection was requested. She said there were plans to be submitted to document that the structure was safe; however, according to the Building Official, those documents haven't been submitted yet either. Ms. Williamson recommended sticking to the July 1st date. Mr. Ramos said it was his plan. He was looking for a little leniency since it was coming down. Mr. Ramos stated that Principe Engineering did give him a structural plan which was uploaded to the portal and he had plans to put footings under that structure to make it safe but after calculating the cost and the time to get it done, it didn't make sense to do it. Member Katz

told Mr. Ramos he had 40 days to get it down and that he should start tomorrow. Mr. Ramos said he would do his best and that it should be down by July 1st. His concern was that while the structure may be removed, the metal containers may still be on the property by July 1st. Mr. Ramos said they were just storage containers and if he had to incur a fine in the meantime then he would. Ms. Williamson stated the containers could be subject to the COO. Alternate Member Sousa said Mr. Ramos should need a COO for the storage containers. Ms. Williamson said there was a temporary allowance in the Building Code for storage containers for so many days and then if it went beyond the allowed number of days a special use permit should be requested. Member Katz said there should be a stipulation that within so many days after the COO. Mr. Ramos suggested 10 days or even if the Board says he has to take the stuff out of the containers and put it in his enclosed registered trailers for the 3-day grace period to get those containers out in order to obtain the COO he was okay with it. He said for the 6 months that it might take to get the building built, he would hope the containers would be able to remain on the property. Member Katz understood Mr. Ramos' point but said he may have to do a special use permit. Mr. Ramos said he could take a risk with the fines and the Board told him not to do that.

Alternate Member Sousa said to Mr. Ramos that he expected to have the building up by the end of October. Mr. Ramos said he was hoping to break ground within 30 to 45 days. Alternate Member Jarest stated that Mr. Ramos said it could take up to a year to get the building up. Alternate Member Sousa said the condition would be the end of October for the removal of the containers, and if something happened the Board could consider an extension. He recommended a condition that the containers could remain in place until October 30th. Attorney Goins said that was fine as they were addressing through the conditions of approval, so the storage containers will go away within so many days of issuance of COO or October 30th at the latest. Member Clark said whichever comes first.

Mr. Ramos said if there is a special use permit for Lot 15 and I need to apply again, if when that building is up and he decided that he could use a second one for storage, could he come back on September 1st for special use permit to have the 2 storage containers on Lot 15. Attorney Landry stated that it would have to be a separate new application. Alternate Member Sousa said that no one was going to tell him he couldn't submit an application. Ms. Williamson said that containers in a special use permit couldn't stay forever. She said an applicant could get maybe 1 or 2 years out of it. Alternate Member Sousa said it wasn't a matter that should be up for discussion tonight. He advised Mr. Ramos to do his homework and meet with Ms. Williamson to see what was in the regulations. Ms. Williamson asked without how many days of obtaining the COO did the containers need to be gone. Member Clark said 5 days. Alternate Member Sousa said within 5 business days or no later than October 30th whichever comes first.

Mr. Ramos said everyone came to a good understanding. Alternate Member Sousa thanked the neighbors for coming.

Attorney Goins said it was important for everyone to note that Mr. Ramos could come back and request a change. She stated some changes could be minor and eligible for administrative approval that might not even require the Board's approval. Attorney Goins said that Ms. Williamson would send everything to the Board, that would be a black and white change that's clearly contradictory to the intent of the approval. She said Ms. Williamson put in the memorandum what was considered a minor change and what's a major change. Attorney Goins said if conditions change with the business, surrounding property, etc., they could come back. She also said that zoning allows a property owner to request a special use permit to maintain a storage container on property for a maximum of 2 years.

A motion was made by (Sousa/Katz) to approve changes as discussed
In favor: Murgo, Clark, Ruggiero, Katz, and Sousa
Refrained: None
Opposed: None

Member Murgo asked if there were any further discussions. Attorney Goins wanted to reiterate the fact that the Zoning Board was going to deal with Mr. Ramos' violations. She said the Zoning Board was going to be interested to know of the Board's decision tonight and Attorney Landry would inform the Zoning Board. She said violations were generally not in the purview of this Board when they're appealed.

C2. Review and make recommendations to the Town Council on proposed zoning ordinance amendment to regulate Short Term Rentals.

Ms. Williamson stated it was the #1 concern for everyone during the workshop. She wanted to wait because other towns jumped too early and adopted ordinances and they all got sued, so she waited for the dust to settle to see what happened. She wanted to create an ordinance that was more bullet proof.

Nick Toth presented the initial draft of the ordinance. The main points specify that any new short-term rentals would have to be allowed under the standards that are laid out for a Zoning Board special use permit and the registration that's required by the State of Rhode Island. He said it's still allowed in residential zones, but the idea is to prevent people from buying up housing stock with the sole purpose of renting them out short-term. That has been a major concern for many residents. Nick said anything that exists now was grandfathered in so long as they were currently registered with the State of Rhode Island. He stated the Town wasn't going to be too crazy with it as the special use permit would be good for 3 years before it's up so long as the owner maintain their registration with the State of RI which he believed was yearly. Nick said they were going to just keep an eye on things. Once it was in effect, they were going to keep an eye on the State database and postings to make sure housing stock is being maintained for the residents.

Nick said there also needed to be someone on site during rental periods at all times. Member Clark asked how there could be someone on site if someone was renting the house. Alternate Member Jarest was confused by the language as well. Ms. Williamson said that language was from the Solicitor's office. Nick said that was a fuzzy one from the Solicitor's office. He said the idea was if the owner went out of town for a couple of weeks and they wanted to make money on the side they could rent it out. Attorney Goins said the language was trying to get a what was true owner occupancy. Member Clark asked where it was referenced. Attorney Goins said it was part of the definition, so they tried to bake it into the definition of a short-term rental. Ms. Williamson said the Solicitor mentioned a court case where a long-term renter could sublet a property as an Airbnb as it would be discrimination. Member Clark said it would affect most leases as most residential single families wouldn't have a sublet clause. For example, if Member Clark was renting from Ms. Williamson for 20+ years and he went to her and said he was going to sublet to make money, she could say no and then do it herself. Attorney Goins said a landlord tenant issue wasn't the Town's issue whether the Tenant could do it subject to the terms of their lease. She said that language was intended to capture owner occupancy in a true sense of who's an owner occupant.

Alternate Member Sousa asked for more clarification on that point. Member Katz asked if it was referring to him possibly wanting to rent a bedroom in his house. Nick said yes, he would be allowed to do that. Attorney Goins said it would also allow Member Katz to rent the entire house to someone on a long-term basis and then if his lease to the tenant allowed it, the tenant could further sublet it.

Member Murgo asked if the owner would have to move back in every 2 weeks before renting it out again. Ms. Williamson said no. Nick said it was anything above 7 days and they weren't going to worry about the occasional weekend. He said it was covered under the Board's special use permit for up to 3 years. So long as the owner stays up and current with registration with the State of Rhode Island, they would not have to reapply every time. Member Katz said there was a home near him that was always occupied by students. Ms. Williamson said that was different because that wasn't a short-term rental situation under the Town's definitions. Alternate Member Sousa said it was for rentals that were less than 30 days. Member Katz said it was for things like Airbnb and Nick said yes. Attorney Goins said there were things that the Town could do to get a college student occupancy, but that was a different conversation to be had.

Alternate Member Sousa went on to the 3rd paragraph. He was confused about the language regarding the rental being occupied by the owner at all times. Attorney Goins said one of her colleagues helped write it and she didn't disagree with the substance. She stated the draft was developed trying to give the Town maximum regulatory authority under the litigation landscape as it stands in Rhode Island. She felt she could do a better job at presenting it as she didn't like everything baked into the definition. Attorney Goins asked if they could come back to the Board with it a little more reformatted and clarified.

Nick stated the original intent of paragraph 3 was they wanted to make it so it wasn't someone who was just buying a house just to do an Airbnb. The idea was if someone wanted to go to Florida for the winter and rent their house out, that's okay. In the alternative, if someone owns a large home and wanted to rent out rooms. Alternate Member Sousa said what if someone owned a condo that they rent out all the time anyway and then they decided to start renting it out on a short-term. Nick said that's what they were trying to avoid. Attorney Goins said if the ordinance gets adopted at some point, pre-existing legal uses would be protected. Alternate Member Sousa said that paragraph would be challenged.

Attorney Goins stated she has been hearing about short-term rental concerns from Bristol residents since 2019. She drafted a memo to the Town a while back and there have been a lot of changes and challenges since then. Even though it is legal, she understands it could be challenged by anyone.

Member Clark asked what the reason was for trying to do something like this was. Nick said everyone was seeing housing that would otherwise be occupied by long-term tenants who are residents of the Town of Bristol be used as short-term rentals. Alternate Member Jarest said it also changes the dynamic of a neighborhood as it's happening downtown. She was not against anyone from being able to do short-term rentals, but there are less eyes on the street because houses are sitting empty.

Nick said part of the problem is without any regulations one of the complaints they hear is that residents have lived next to the same people for years but then those people were no longer there and those properties got sold. So, now, there were different people every week, bachelor parties, people on vacation, etc. Member Clark stated that it falls into enforcement. Ms. Williamson said there wasn't a regulation to enforce it with, so they wanted to create an ordinance in order to do

so. Member Clark stated the only thing people could do was contact the police as a noise complaint. Ms. Williamson agreed and said she had complaints about people urinating in the bushes, etc. She said it would be a way to get it regulated with special use permits and the neighbors would become aware. It would be on the books as a permitted use. Ms. Williamson said one of the provisions stated there needs to be contact information for someone if there is a complaint. Member Katz said that Bristol needs a hotel.

Nick said previously if someone called Ray to complain there was nothing they could do. Now, this would give the Town an idea of who's there and who they could contact to resolve it. He's watched Ray try to handle those types of problems and this helps. Alternate Member Sousa said it was a great idea.

Member Clark asked if he wanted to go somewhere warmer for a few months and decided to rent out his home, would a special use permit be unreasonably withheld or was there going to be a moratorium. Ms. Williamson stated there was no limit on special use permits as that was the Zoning Board's function. She said it might be somewhat self-limiting of people who were reluctant to go in and get a permit because they don't think their neighbors would be happy about it or the neighbors object to it. She said that could certainly happen.

Member Clark said the proposed ordinance stated that no more than 5 bedrooms shall be rented in total. Alternate Member Jarest asked if that meant she could make a bedroom in her basement. Nick stated that it would have to be a legal bedroom. Member Clark asked what would happen if a wedding party of 15 was renting a big house in the Highlands or elsewhere, that meant they could only have 10 people in it. Ms. Williamson said there were 160 Airbnbs currently in Bristol.

Member Clark said the ordinance, in essence, would increase the value of the short-term rental properties and limit the value of his. Ms. Williamson said yes. Attorney Goins suggested putting together what other municipalities have for regulations on things like this and giving it to the Planning Board for their review. She said in South Kingstown they used to have a special use permit for occupancy of a household by more than 3 unrelated persons. She stated landlords would come that wanted to rent to college students would come in for a special use permit, so they adopted the regulation and they were all granted. The point was to put them through the process and just to establish the regulations. Attorney Goins said they had a similar regulation that they would have to go back to renew in 2 or 3 years. It was to establish regulations and have people go through a process and possibly discourage it.

Nick said the idea of this was not to necessarily to discourage it, but to have someone local that Ray could contact if there was a problem. Attorney Goins said it was a restriction that would affect the property value. Member Clark stated being able to have the neighbors come in and say they didn't like or want it. Ms. Williamson said that was the process of any application. Nick said it was a double-edged sword. The Town would want it so people could rent their properties. Nick didn't think that they would see as much pushback if it was known that there was someone local to contact if any problems arose versus no one being available.

Nick said the Millards were a prime example of who this ordinance was great for as they had an apartment. He stated it went along with standard #2. Alternate Member Sousa stated that it read, "no more than one whole housing unit per lot". He said that if there were 15 units on one lot, one owner could rent their unit but everyone else would be screwed. Nick said he brought up a good point and that would need to be rewritten.

Alternate Member Jarest said she had a two-family home and was considering building an ADU on top of her garage. She asked if she could rent it as an Airbnb if she had a full-time tenant in her main dwelling. Ms. Williamson said State law said no Airbnbs in an ADU. Nick's thought was if someone owned a three-family home and they lived on the first floor, had a tenant on the second floor, and rented out the third floor as an Airbnb. The Town wants to avoid people buying up multi-family homes and old factory housing and turning them into Airbnbs.

Member Ruggiero asked why short-term rentals were being allowed in the Town to begin with. He has an in-law apartment that he is unable to use unless it's for a relative. Attorney Goins stated the law had changed regarding in-law apartments. Member Ruggiero said now someone was going to be allowed to buy a house and then allow them to rent it to people for 2 or 3 weeks at a time. He said it would ruin a neighborhood. Nick said that's exactly why they wanted to draft the ordinance. Member Ruggiero asked why the Town would want to do an ordinance to allow it in the first place. Nick said without putting the ordinance into effect, people could do whatever they want. If Member Ruggiero wanted to rent out his in-law short-term, he could do so; however, the Town is trying to avoid someone coming in and buying up multiple properties just to rent them out on the short-term basis. Nick stated the Town doesn't want multiple short-term rentals in the Town; they want long-term residents.

Member Clark said taxpayers pay the Town so how would the Town defend the ordinance legally. Ms. Williamson stated the Town wasn't prohibiting short-term rentals, just regulating them. Attorney Goins said there were a few ways a zoning ordinance could be amended: by petition, the Town Council could direct the Board, or it could be suggested by Town staff. She said the proposed ordinance could get sent to the Town Council with a negative recommendation but that wouldn't be the goal. The goal would be to come up with an ordinance that the Planning Board would recommend to the Council and if it didn't pass this Board, it wouldn't go anywhere. Attorney Goins said if this Board didn't like the idea of a short-term rental regulation as a concept it probably won't get off the starting block. She felt there were ways to make it better and to help justify it.

Member Clark agreed that Ray should be able to contact someone local if there's a problem at the rental. Attorney Goins said in the Rhode Island communities that have adopted short-term regulations, they've done so because the Airbnbs have affected the community negatively. She stated if that hasn't happened yet in Bristol, then in the Board's judgment there isn't a need to regulate them. However, if it has happened with it affecting the housing stock and/or affecting the community, then a regulation would make sense so the Town could say it would be allowed with guardrails in place.

Alternate Member Sousa went back to the 3rd paragraph on page 2. He said it sounded like what the language was trying to convey was that the owner to be in the vicinity, not living in Florida 100% of the time. The Town wants the owner nearby so Ray or the police could contact them and have them show up when needed. Nick said the idea was it had to be owned by someone who was qualified for the owner-occupied tax exemption which they found couldn't be done. Then the idea was if the owner was out of town, to designate a local agent so the Town had someone local in case there was a problem. Alternate Member Sousa stated in essence a property manager and said the paragraph should just reflect that. Nick said it originally did but there was some recent litigation that made them reconsider the language. Alternate Member Sousa understood that it had to be defined. Nick said it was defined within 30 miles.

Ms. Williamson stated the point of the ordinance was to prevent having a bunch of corporate owned buildings being turned into short-term rentals. That's why Nick drafted it original with the

language about qualifying for the homeowner tax credit. It would be a way to qualify someone as a legitimate Bristol homeowner.

Member Katz said he would like to see what other towns and cities were doing. Attorney Goins said they would provide that to the Board. Nick looked at other municipalities when drafting the ordinance. Alternate Member Sousa said paragraph number 2 should be modified to include condominiums. Nick said it was a work in progress. They're just trying to avoid quality of life problems in the Town. The general consensus was that the Board was in support of the ordinance.

D. Adjournment

Meeting adjourned at 10:19pm by Clark

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: _____ Planning Board: _____

language about qualifying for the homeowner tax credit. It would be a way to qualify someone as a legitimate Bristol homeowner.

Member Katz said he would like to see what other towns and cities were doing. Attorney Goins said they would provide that to the Board. Nick looked at other municipalities when drafting the ordinance. Alternate Member Sousa said paragraph number 2 should be modified to include condominiums. Nick said it was a work in progress. They're just trying to avoid quality of life problems in the Town. The general consensus was that the Board was in support of the ordinance.

D. Adjournment

Meeting adjourned at 10:19pm by Clark

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 11 June 2026 Planning Board: 