



BRISTOL PLANNING BOARD
JANUARY 8, 2026 MINUTES

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

- Held:** January 8, 2026 in person
- Location:** Bristol Town Hall, 10 Court Street, Bristol, RI
- Present:** Steve Katz, Secretary, Member Richard Ruggiero, Member Brian W. Clark, First Alternate Member Michael Sousa, and Second Alternate Member Jessalyn Jarest
- Also Present:** Diane Williamson, Director of Community Development, and Amy Goins, Esq., Assistant Town Solicitor
- Not Present:** Charles Millard, Chairman, and Anthony D. Murgo, Vice Chairman

A. Pledge of Allegiance

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

B. Approval of Minutes – December 11, 2025

A motion was made by (Clark/Sousa) to approve the minutes of the December 11, 2025 meeting
In favor: Katz, Clark, Ruggiero, Sousa, and Jarest
Refrained: None
Opposed: None

Before the hearing began:

Member Katz explained that the Board would not be making a decision on the application at the meeting as there would be a lot of information to review. He said there would be a follow-up meeting in February at a larger venue, perhaps Colt School. He stated that if anyone in the audience did not wish to stay, they were welcome to attend the February meeting.

Member Katz provided some history on the project stating that on the 13th of March of 2025, there was a pre-application meeting, and no decision was made at that time. Then, on the 26th of August 2025, there was a Technical Review Committee meeting with the applicant. They provided the applicant with a number of comments and recommendations and did not get a response from the applicant until the last week of December. The applicant then notified them that they intended to address their TRC comments and recommendations in their preliminary plan. Member Katz said some key points that everyone should adhere to: 1) the location where the applicant intended to build the hotel was in fact zoned for general business and the applicant could, by right, build a hotel or any other general business in that location; and 2) the applicant has received a wetlands permit from the State and DEM to build a hotel in that location and as such, the Planning Board cannot legally challenge their DEM wetlands permit. Pursuant to Rhode Island General Law §45-23-39, there are 3 stages under a major land development

which is exactly what this project was. He explained that stage 1 was master plan which is what the meeting tonight was and that it was to discuss a general project plan only which included information on the natural and built features of the surrounding neighborhood, existing natural and manmade conditions of the development site including topographic features, freshwater wetlands and coastal zone boundaries, the flood plains, as well as the proposed design concept. It also included proposed public improvements and dedications, tentative construction phasing and potential neighborhood impacts. Member Katz stated that at the conclusion of the master plan review, the Board would provide the applicant with a decision which would include any conditions necessary for their next stage which was a preliminary plan. Under Rhode Island General Law §45-23-39, the master plan requires public hearing which is why everyone was there tonight. He made the public aware if the master plan along with any conditions is approved, the Planning Board will again take public comments at the next stage for the applicant's preliminary plan which was also a public meeting as opposed to a public hearing. Member Katz explained that a preliminary plan was detailed and very specific project plan that included various engineering plans, reviews and approvals by various Town offices, copies of all legal documents, including all required permits, stage 3 includes the construction schedule, financial guaranties, final construction plans, and the like.

Member Katz discussed rules for the meeting and subsequent meetings: Applicant, counsel, and experts would have until 8:30p.m. to present. After 8:30p.m or earlier, each member of the public that wished to speak would have an opportunity to do so but the Board asked that they limit their comments to no more than 3 minutes per person that is in order to allow each member of the public to speak. He asked if a member of the public has already shared their thoughts this evening and wished to share additional thoughts, to wait until everyone else had an opportunity to speak and then return to the podium. Member Katz reminded the public that no decision was going to be made tonight. Lastly, the Board will not permit back and forth cross-examination nor debate between the applicant and the public. Following the conclusion of the comments from the public, the applicant will have an opportunity if they wish to address the public's comments. The meeting will conclude at 10p.m. and will be continued in February so a decision can be reached on the applicant's master plan application.

C. Agenda Item

C1. Public Hearing and Consider Action on Master Plan phase for Major Land Development of the Comfort Inn and Suites – continued from December 11th, 2025 - proposal to build an 80-room hotel. Property on south side of Gooding Avenue, approximately 50 feet east of the intersection of **Gooding Avenue and Broadcommon Road, near utility pole #218**. Owner: D & M Boca Development, LLC Zoned: GB. Assessor's Plat 111 Lot 1

Attorney Michael Reznik on behalf of the applicant said Member Katz explained the situation correctly. The applicant received a certificate of completeness for the master plan on August 13, 2025. He stated it was 9.78acre lot on Gooding Avenue. There were no waivers, no zoning relief required for the master plan and it was in a GB zone. He said the proposed project was compliant with zoning, density, and the Comprehensive Plan. Attorney Reznik stated that the future land use map showing the hotel was an appropriate use for the parcel. It was their position that subject to major land development review, which was master, preliminary, and final, that this was a by right project with appropriate and reasonable conditions that would be set by The Board. Their project team included: Ed Pimental, land use expert, who submitted a land use report to the Board; Chris Duhamel, project engineer from DiPrete Engineering; and Jared Heike, traffic engineer from Soleil Engineering. They will be providing expert testimony during the meeting. Attorney Reznik said in addition to the experts, there is a fiscal impact expert who submitted a report, Joseph Lombardo, who was not in attendance, but would be at the next meeting in February. He stated there were some discussions that the fiscal impact report would be Peer Reviewed at preliminary which they welcomed and believe at preliminary it would be appropriate for Mr. Lombardo to revise the report, address the report, and address the Peer Review. Attorney Reznik said they had an architect that had provided architectural materials and noted that to date there had been

two Peer Reviews that had been conducted by Town. One was conducted relative to the architectural items by the Brewster Thornton Group and there was a Peer Review of the engineering materials from Fuss & O'Neill.

Attorney Reznik said he reviewed the Staff Report which was prepared by the Town Planner and they had very little comment on it. They believe that the report appropriately spoke of the procedural history of the project, identified the submission made as part of the record, and essentially as it relates to most of the findings they were in agreement. They reviewed the 14 conditions in the decision, the majority of which they had no issue with, but wanted to speak about several of the conditions. He felt very confident that they would be able to obviate any issues that they had with any of the conditions. He saw it as a positive Staff Report and the conditions reasonable subject to comment on a couple and stated he would be happy to discuss them at the appropriate time although there wouldn't be a vote at the meeting tonight. Attorney Reznik stated he felt very confident that between this hearing and the next hearing they would be able to come to a consensus on those conditions as the majority of them they find to be acceptable. However, he said in the Staff Report regarding materials received he didn't see his letter to the Planning Board dated December 30, 2025, which delineated the difference between master plan and preliminary plan. Attorney Reznik didn't go over the letter but mentioned it for the community. He wanted them to understand that this was just conceptual meaning if the applicant obtained master plan approval with appropriate conditions, it was not a guaranty that this project would be built, but a guaranty that they had an opportunity to file a preliminary plan and prove to the Board and to the community that the master plan and the project could be built safely from an engineering perspective.

Ed Pimental, the land use consultant, came up to speak. Mr. Pimental came in at the initial stage of review making determinations from a regulatory perspective as to the permissibility of the use which gave them the opportunity to show that they were entitled and can build the project safely in accordance with the public health, safety, and welfare. His usual methodology is to delve into the Comprehensive Plan first, but he was the land use consultant several years ago for the initial project and there were concerns then and the project did not go forward. Mr. Pimental said there was the greatest quantity of changes to legislation regarding zoning, comprehensive plan, and subdivision regulations that the State has ever seen since the early 1900s, so the first thing he did was to visit the zoning regulations because every city and town had to amend their regulations. He stated that municipalities concluded that hotels should be a by right land use in GB district as the Board indicated. The GB district as defined by the Town's regulations is an area intended for commercial areas that serve town wide and regional commercial needs. He said that's an important distinction because hotels themselves are not only going to serve the local economy but a greater regional economy which ties into the Town's Comprehensive Plan which talks about the reliance on tourism. Mr. Pimental stated that at the pre-application meeting, there was a question raised about the need for hotels which ties in that need for a tourism foundation for all zoning regulations which makes a clear distinction that hotels are permitted in a GB which flows again back to the Comprehensive Plan. He revisited the Town's Comprehensive Plan and just as it was noted in the 2009 Comprehensive Plan, the amendments in the 2017 Comprehensive Plan showed that the Town wanted to attract destination businesses to help tourism, one being hotels which were outlined in the Comprehensive Plan. Mr. Pimental said it was a unique anomaly because Comprehensive Plans don't typically specify land uses, it's usually generalized and in then the zoning regulations would give the specifics. In the Town's Comprehensive Plan, the need for destination use was noted and noted the need for hotels specifically and the Town also noted they were appropriate in the GB districts. He stated the area was appropriate, which needs to be in order to be consistent with the Comprehensive Plan and the area was appropriately classified for commercial use which it needed to be in order to be consistent with the zoning of the property. So, the Comprehensive Plan was revisited, the zoning regulations were revisited, as well as the subdivision regulations. He said the Town could have had an opportunity to revisit whether hotels were needed or not or they could have at least revisited it and reconsider how hotels were handled and impose a special use, address the intensity, massing and scale by specific and objective criteria, but everything remains status quo, and that's why they designed the project not only to be a by right use but also to ensure they didn't need dimensional relief. Mr. Pimental

noted that in the Town's Comprehensive Plan it stated that the Town must focus on growing destination businesses, which are the basic core building blocks for the future and the growth engines which goes back to the hotel usage. He said there are limited land resources in the Town are zoned in a commercial manner as the majority is residential and the Comprehensive Plan speaks to a stable tax base so there's an unsustainable reliance and burden on the residents. He concluded that the project was consistent with the Town's Comprehensive Plan but meets the specific goals and objectives of both the Comprehensive Plan and Zoning Board.

Attorney Reznik noted that there were many concerns about storm water management and the wetlands issue. He said there was no need to address the DEM permit at the present time as they will spend a lot of time at preliminary on it. He requested that Mr. Duhamel not get into it this evening out of respect for the proceedings, jurisdiction of the Board, and keeping the record clean because State law states that federal and state permits including permits from DEM were not required for preliminary plan. He said there was a recent amendment, it used to be that they had to have the approvals in had before they started preliminary, but they will certainly need the approvals before any preliminary approval would be made. It is his- expectation that when they return at preliminary, they will be ready to discuss that permit they have obtained. Mr. Duhamel will be happy to answer questions.

Chris Duhamel, engineer and land surveyor with DiPrete Engineering, and was there to present the master plan of the hotel. (A slide presentation was displayed on screen.) It is a 9.78acre site with 506sq.ft. of frontage on Gooding Avenue and it's zoned GB. DiPrete Engineering conducted a +1 property boundary survey and within the property there's a 20ft sewer easement that goes from Gooding Avenue and drains southwesterly to the corner of the site. He said wetlands on the property have been delineated by Natural Resource Services and rechecked by DiPrete Engineering. There's a wooded swamp wetlands of 6.7acres and a finger of wetlands that would be within the development area. He said the development area is estimated to be 1.7 acres out of the 9.78acres so 80% of the site would be preserved and undisturbed. The amount of 470sq.ft. of freshwater wetlands within the 1.7acres of development would be utilized. Mr. Duhamel said the area had been evaluated by Natural Resource Services then by DiPrete Engineering. He said the area was to the west of the sewer easement and the area of development would be insignificant with invasive species of plants that had no value for flood mitigation within that area. He stated the areas to the east of the sewer easement adjacent to the Silver Creek Brook are considered much more valuable wetlands and are being preserved. Mr. Duhamel acknowledged there was a flood plain on the site which was mapped by BETA Engineering in a flood plain study of elevation 66. He said FEMA had a different mapping of the flood plain of elevation 62. In either case, Mr. Duhamel stated that the higher elevation of 66 was being utilized and they were not altering any of the flood plain compensation area. He said there would be no filling, grading or disturbance of the flood plain area.

Mr. Duhamel stated that the proposed development was for an 80-room hotel housed in a 205ft x 60ft structure designed by Silvestri & Associates Architects. The site is set up where it has 1 entrance access off of Gooding Avenue on the east side of the hotel, a residential area on the west side would be isolated from any drop-off area by the design, the parking area is located on the south side away from Gooding to preserve the streetscape, and the loading area as required by Zoning and dumpster enclosure as required by the subdivision land development regulations. He stated of the 9.78acre parcel, 1.7acres would be the 80-room hotel which is outside of the 25ft front yard setback, and outside of the 10ft side yard setback, but given the zone is residential to the west that the side yard setback is increased to 26ft so the building minimum is set at 26ft off of that side yard. Mr. Duhamel said that parking was also 25ft from the residential area. It conformed with all of the zoning requirements.

Mr. Duhamel spoke about stormwater. He said it was controlled on the development area of the site with underground detention areas and underground infiltration areas. There were 3 practices employed on the site: 1 for infiltration and 2 for stormwater volume control. He stated there was water quality control in each area with a system that was designed to be in conformance with RIDEM requirements.

There would be a reduction of stormwater volume discharging to Silver Creek flood plain and watershed and a reduction in runoff rate discharge to the east branch of Silver Creek as well. There is existing water and sewer access to the site, and they have will serve letters from both the Bristol Water Commission and Bristol Wastewater Department. Mr. Duhamel stated they have been working with Bristol County Water, who made improvements for the area so there was more than adequate pressure greater than 70ft in size. There's fire flow of 14,000 gallons per minute with 65 residual pressure. He said the building would have sprinklers and the design would be at the building permit stage, but at the conceptual master plan stage they had adequate presser. Mr. Duhamel advised the Board that there was a gravity sewer on site and the Sewer Authority asked that they have an offset to discharge into the sewer system once storms were occurring, so they designed a pump station and holding tank to discharge the store on off peak hours. The control panel and operation of the store were all in conformance with the Bristol County Water Pollution Control Department and they had approval. Mr. Duhamel said that access to site, Soliel Engineering had evaluated intersection and would speak to that during the meeting and there was a DOT public right of way that they were accessing. He said it was a requirement to have a DOT physical alteration permit which they had submitted and received approval from DOT.

Mr. Duhamel then displayed slides regarding the watershed located at the east branch of Silver Creek and where the flood plains existed from the studies of FEMA and Beta Engineering. He said with the zone displacement of any of the flood waters would have no impact to the flood plain and there would be a reduction of discharge to the watershed through the DEM practices required. He said there would be a reduction in volume, discharge, and flow rate.

Mr. Duhamel next showed slides detailing the landscape architecture plan submitted. He said that lighting had been asked for by TRC. Initially lighting was going to be on the building and TRC asked for lighting in the parking area which has been added to the design. The lighting is dark sky fixtures that will not impact the surrounding wetlands or residential areas. He stated there was an analysis that showed it. There was a buffer along the west boundary to the residential area with thick arborvitae, trees, and a fence to isolate the impact to the residential area. TRC also asked for rails along retaining walls that were being proposed. They had worked with the landscaping architect to identify a lot of the requirements of the TRC and were able to incorporate them at the master plan level. Mr. Duhamel said that many of the other TRC requirements would be incorporated at the preliminary plan level. They had been asked to have a reduction of stormwater discharge which could be achieved through more analysis for an expansion of the proposed underground drainage systems. TRC asked for the wastewater systems to pump off peak which has been accomplished. He said they have been working closely with the requirements of the TRC on engineering matters. He showed the slides regarding the lighting on the site and how it would be contained within the property development area and outside of the wetland and residential areas. It showed the parking area lit without spillover to the wetlands and residential areas.

The final slides Mr. Duhamel showed were of the building itself. The building is a 3-story structure. The height was in conformance with all zoning requirements with an average grade across the 205ft long building was 35ft max. He said there would be no kitchenettes in any room. He stated that TRC asked for a different type of look for Bristol. He said that it would be reviewed at the next level with TRC. They were here to look at the master plan with the Board and public.

Alternate Member Jarest asked if the Board was provided with copies of the landscape plan or photometrics of where they just presented during the meeting. Attorney Reznik stated the materials were part of the record and they received a certificate of completeness and it was delineated in the Staff Report as materials. Mr. Duhamel stated that the landscape plan had been provided without the lighting on it, but he could provide that information. Attorney Amy Goins said that landscaping and lighting were issues the Board could take a second and deeper look at the next stage of review.

Attorney Reznik advised the Board there were conditions they reviewed and agreed to, but as it related to condition #13 in the Staff Report, it indicated that Peer Review of the Fiscal Impact Statement, which were the expert materials from Mr. Lombardi, the traffic assessment, the landscape architect plan, and the stormwater management report, Mr. Reznik reiterated that they were agreeing that it would be subject to Peer Review. He stated the costs would be paid by the applicant and would be at preliminary. Mr. Reznik said that Mr. Duhamel discussed that some of the TRC comments have been incorporated, but those more relevant to preliminary plan issues they were currently reviewing and would be part of their submission. He advised the Board that there was a Peer Review by Fuss & O'Neill and were working on them and if successful in obtaining the master plan approval they would be working on those Peer Review comments in their revised materials. He said those were conditions that were in the staff report and were conditions they had agreed to as well. Attorney Reznik confirmed that there would be more on traffic and a Peer Review of traffic at preliminary if they got there. He then turned the conversation over to the traffic engineer expert.

Jared Heike of Soleil Engineering came up to speak. He advised the Board that they were in charge of creating the traffic impact study and made sure that it adhered to Town and DOT standards. They collected existing data which consisted of traffic volumes at the intersections and crash analysis from the police department to analyze if there were any patterns of crashes at the intersections that were studied. Mr. Heike said they used the ITE trip generation manual to get proposed to the hotel and applied those trips to the roadway network. They studied the design year of the development and found out the intersection was operating at an acceptable level of service and would retain those operations after the hotel was built. Mr. Heike stated that the hotel would not create any adverse traffic or safety impacts to the rotary network and all of the intersections within the site driveways were at acceptable levels of service. He stated they also did the intersection site distance for the site driveways to ensure vehicles could enter and exist the property safely. Member Katz asked if they were planning to have a traffic light at the site and Mr. Heike said the site driveway would be controlled by stop signs. Member Katz said that people traveling west or east on Gooding Avenue would have to make a left turn onto the property and then would have to make a left or a right turn leaving the property. Mr. Heike said that was correct. Member Clark said the report had a daily traffic count of 94/76 for Gooding Avenue and asked what days those counts were taken on. Mr. Heike stated that the counts were taken in April during the weekday 7am to 9am peak and 4pm to 6pm peak.

Attorney Reznik noted that was the full expert team for the evening meeting. He said the other experts for the architecture and fiscal impact which were subject to Peer Review and preliminary but wanted guidance from the Board as to whether at the February meeting they wanted the witnesses to present. Member Katz' opinion was it was a good idea to have them present at the February meeting and they will clearly be needed at the preliminary phase. Attorney Reznik took it as a request that they be at the February meeting. Attorney Reznik concluded the presentation but reserved the right to respond to the Board and to the public and reserved the right to keep the meeting open for the experts to respond.

Member Katz asked for a motion to open the public meeting.

A motion was made by (Clark/Sousa) to open the public hearing portion of the Board meeting.

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

Refrained: None

Opposed: None

Ted Spinard, 35 Dartmouth Street, came forward to speak about the flooding issue for 2 reasons. First, at the master plan stage, that it be consistent with the Comprehensive Plan as it specifically mentioned mitigating the flood hazard that existed in his neighborhood and in the Town. Second, the applicant mentioned they were going to mitigate the volume that was going into Silver Creek through infiltration. He wanted to speak on the infiltration that was different than what the applicant was using. Mr. Spinard was not going to speak about the stormwater management plan and wasn't going to speak about the

wetlands. He was going to strictly limit his remarks to the impact of downstream flooding which was one of the requirements the Board was looking at in terms of the impact to the neighborhood. Mr. Spinard asked if the Board would allow him to speak for more than 3 minutes since he was a registered professional engineer in RI and 5 other states with 40 years of experience in planning and engineering. The information he was presenting was technical and would probably take around 10 minutes to present. He needed time to go through it efficiently. Mr. Spinard stated it was very important as it had to do with flooding as there was a major problem in his neighborhood and the Town. He stated there was a petition in which over 100 people signed regarding concerns about flooding along with 35 letters which were submitted to RIDEM in opposition to the permit. Mr. Spinard said the 35 letters were not only from residents, but included the Town Council, Save the Bay, and the Conservation Commission.

Mr. Spinard discussed the infiltration system. He said the applicant stated they were going to reduce the flooding by infiltration and there were only 2 ways to reduce the volume going into Silver Creek. It was either by going into the ground through infiltration or by running off into Silver Creek. He stated DEM agreed with the applicant that they could reduce volume going into Silver Creek thereby reducing the threat of downstream flooding. Infiltration is dependent upon the soil and with gravity soil, there would be a greater rate of water going into the soil and if there is silt or clay, it would be less. Mr. Spinard had a slide presentation on screen to show to the Board regarding that information.

Member Katz told Mr. Spinard that he had already spoken past 6 minutes and asked if he could finish. Mr. Spinard asked if he could finish his presentation and get his point across. Members of the public stated they were willing to give up their turns to speak to allow Mr. Spinard to finish. Member Katz asked him to go for no more than 10 minutes.

Mr. Spinard said that the soil on site the Natural Resource Conservation Service classified the soil as Pittstown silt loam, and the applicant said that it was Pittstown sandy loam. As he stated earlier, if there was sand then the infiltration rate would have been greater, and the applicant's position was they were going to reduce the volume going into Silver Creek. Mr. Spinard stated Pittstown soil was very prevalent in the area, so he took a soil sample and had it analyzed. He wanted to prove that it was silty loam which had a low infiltration rate. The next slide showed a table analysis that the report showed silty loam and 60% of soil is silt or clay which has a very low infiltration rate. Mr. Spinard took it one step further and sent the sample to a certified lab which returned the same results. He said it's important because the infiltration rate that the applicant has depended on to reduce volume of runoff into Silver Creek to reduce or mitigate the downstream flooding was wrong as it's almost twice as much as what it should be. Mr. Spinard said that the samples that the applicant used were from test pits that were done by another engineering firm in 2015 and when DEM looked at those, DEM told the applicant they couldn't use underground infiltration because the infiltration rate was too low. He said the standard is 0.5 and it's 0.27. By DEM's own table, silt loam is 0.37 as in inches per hour infiltration rate. Mr. Spinard said when the high school went to DEM for their wetlands permit, they used 0.27 and DEM accepted it. He said the soil samples were silt loam, the high school's samples were silt loam, so why are the applicant's samples 0.5, twice as much as it should be. Mr. Spinard had slides showing the model the applicant used, but he used the appropriate infiltration rate of 0.27 and the model failed. It said that system would not reduce the runoff rate or volume because if you put in right infiltration rate, the model fails.

Member Katz asked Mr. Spinard if he knew what the DEM permit said the infiltration rate was. Mr. Spinard stated the DEM permit was based on the stormwater report the applicant submitted in which the applicant stated the soil was sandy loam. He said since the applicant stated the soil was sandy loam, they used the DEM table which said the sandy loam could be as high as 1 inch per hour and the applicant used 0.52 inches per hour. Member Katz said DEM relied upon the applicant's information and made their decision. Mr. Spinard said that was correct. He said they wrote letters to DEM indicating that rate was wrong and they ignored it. Mr. Spinard said that a downstream analysis was required when there's a known flooding problem downstream from a development. It has to be

completed to show there would be no increase in flooding that would make the flooding problem even worse. He said the proper methodology for a downstream analysis is a HEC RAS (River Analysis System) because that particular model would give all of the parameters that are very different in natural streams, i.e., the shape, velocity, etc. He said DEM asked the applicant to do it 3 times and 3 times the applicant said they didn't have the Beta HEC RAS model and didn't have access to it to do it which was false. He said it's a methodology used for used for pipes where there's a section that's uniform, material that's uniform, velocities that are uniform, everything that doesn't happen in a natural channel. He showed a slide showing a uniform channel in a HEC RAS model Mr. Spinard did. He said the storm chambers applicant was using were being discontinued. It's important because the new ones are higher and the Peer Review engineer pointed out that there was not enough cover over the existing system and it needed to be modified. Mr. Spinard concluded that what the applicant had presented did not justify their contention that there would be no flooding impacts downstream. The infiltration rate was wrong. They did not do the proper analysis. He said the reason it was important was because the Comprehensive Plan said that the development must be consistent with the Comprehensive Plan which included no impact on the wetlands, no increase in flooding which the applicant did not prove.

Alternate Member Sousa said there was a consulting engineer who was doing a review of the stormwater on the project. Diane Williamsaid that was correct as well. Alternate Member Sousa asked if Fuss & O'Neill was provided with Mr. Spinard's documentation and analysis. Ms. Williamson said she didn't think that the presentation Mr. Spinard gave tonight was submitted to Fuss & O'Neill. Alternate Member Sousa asked Mr. Spinard to provide the Board with all of his documentation in his presentation. He said that Mr. Spinard made a good point about the chambers and that if they were being discontinued, they shouldn't be used on the project.

Mr. Spinard said that master plan should not be approved because it was not consistent with the Town's Comprehensive Plan and the impact to neighborhood. He said the peer engineer would agree with his information, but don't wait on that review and in the meantime give the applicant master plan approval. Alternate Member Sousa said that at master plan the Board doesn't get into that level of engineering as that's at the preliminary plan phase. He said they wanted to see their consulting engineer evaluate every piece of documentation that Mr. Spinard could give them, but it's a preliminary plan element because even though the stormwater analysis was provided to the Board, technically the applicant didn't have to do so at the master plan phase. Mr. Spinard understood that, but the issue of inconsistency with the Comprehensive Plan and impact on the neighborhood is what the neighbors are afraid of.

Attorney Reznik said that if Mr. Spinard's materials were going to be provided to the Board and peer reviewer, he requested copies of everything as well. He also requested that any other materials that were to be provided to the peer reviewer were to be provided to his engineer as well. He indicated as a condition to preliminary they would be subjecting all of it to Peer Review by Fuss & O'Neill, but it was only appropriate that his engineer have any and all documents that the Board was going to look at. Member Katz agreed with Attorney Reznik.

Barbara Robinson, 51 Seabreeze Lane, came up to speak. She asked if the high school project would change things as far as the water flow and drainage. Alternate Member Sousa said the high school project came before the Board and the engineer did something that was requested of this applicant, which was to significantly reduce the amount of flow and volume coming off the site. The high school applicant agreed with it. The Board addressed all of the technical elements in the engineering design about that and in Alternate Member Sousa's opinion as a professional engineer, they would not be getting increased flooding from the high school project. Ms. Robinson's concern was that unlike Alternate Member Sousa, she couldn't anticipate what would happen after the high school project was built and the impact wouldn't be known fully until after it's built. She stated it seemed dangerous to go ahead with something like the hotel project as it's not necessary whereas a high school is. It seemed to make sense that the Board would want to see what the impact would be of the hotel before moving forward.

Judith Byrnes, 62 Seabreeze Lane, came forward and said an argument could be made that Bristol needed a hotel but noted that a hotel was one of the most intensive uses of undeveloped land. However, the location was not appropriate for many reasons. First is safety as it was only 50ft from Broadcommon Road but no mention of the intersection in either of the traffic studies and the word "safety" was never mentioned in the latest study. She said both of the studies said "no adverse effect from the hotel" but Broadcommon and Gooding was a very busy intersection used by many in the Town including those in Bristol Woods and heavily used by many industries located in the area. Ms. Byrnes said it was totally ignored in the traffic study as the intersection was never mentioned. She stated the sidewalks and narrow roads received more attention. She mentioned that the site lines at the intersection were limited and the proximity to the crest of Gooding Avenue made it more dangerous. With hotel traffic being 24/7 and very intensive at times would make the area worse. Ms. Byrnes said all of the traffic studies were done in the off season from January to April 5th so their relevance in support of a tourist-related facility was compromised. She advised the Board that they needed to question the futility of designating the area as wetlands if a developer is allowed to fill them in. Ms. Byrnes stated the Comprehensive Plan made numerous references to the Silver Creek watershed under the topics of, but not limited to, land use, open space, conservation and recreation, natural, historic, and cultural issues, snapshot of Bristol services and facilities, and natural hazard mitigation plan. She said that one comment in the Comprehensive Plan referred to minimizing the amount of new impervious paving and noted that the TRC meeting in August when asked about making the parking lot permeable, the developer's representative said, "that would cost money". Ms. Byrnes stated the Comprehensive Plan promotes the common good for Bristol but approving the hotel project only defeats the purpose of those efforts.

Patrick Barosh, 103 Aaron Avenue, came forward, having vast experience in surveying, stated that the project would have an impact on the flooding in the Silver Creek watershed. Regarding the soil, geologically it's impervious. He said when the digging begins, they're going to bulldoze and mix up the material of the soil, clay, silt, water, and ice, then compress it. Mr. Barosh stated that most of the hills in Bristol were rock with impervious soil on top of it. In his yard when he dug holes used a 5ft steel rod then drilled through it into the soil then chipped away just to plant a rose bush. He said water was not going to flow through easily. The people living in the area need to be heard. Mr. Barosh said when Bristol was left alone it had no flooding problem until people started mucking it up. He said almost all of the flooding problems were manmade.

Patricia Chalmers, Bristol Woods Drive, was next to speak. Ms. Chalmers reviewed the 2024 Bristol hazard mitigation and flood plan management plan in which it said floods were among the most frequent and costly natural disasters in terms of human hardship and economic loss. She pointed out that the low-lying coastal zones, Tanyard Brook, and Silver Creek, were most prone to flooding. Ms. Chalmers stated that the hazard mitigation plan noted that the wetlands and saltmarshes, creeks and brooks, flood plains, soils, habitats and endangered species, wooded areas, and beaches were critical resources. It also said flood frequency and severity significantly increased over the past 80 years and climate change would result in more heavy rains. She said the hazard mitigation plan said it was reasonable to conclude that the critical natural resources would be more severely impacted and when that happens, there would be losses of habitats, threats to ecosystems, etc. She knows first-hand about the damage flooding has caused due to overbuilding on wetlands along Tanyard Brook as she lived at the bottom of Mt. Hope Ave from 2012 to 2024. Ms. Chalmers said during severe rains, a river would form crossing Mt. Hope Ave, and a lake would form in the back yards of the neighborhood. She said the neighborhood feared a sewage backup in their basements for days. Ms. Chalmers told the Board that DEM had approved a permit for a 3-home development at Wood and Hope Street even though the neighbors objected and raised concerns about flooding. Two houses were built and in 2006 taxpayer money was used to buy one of the lots from the developer in order to mitigate flooding. She said the Tanyard Brook remediation project started in 2012 and was completed in 2023 costing \$11.8Million and taxpayers were on the hook for \$3.5Million. Ms. Chalmers stated that DEM approvals of wetland

developments have been questionable all over Rhode Island. The concern she has when she sees a state agency involved in development is whose hand is in their pocket. Ms. Chalmers said the Town needed to get out of the cycle of DEM approving controversial wetland developments, residents expressing their concerns about flooding, shoddy project being approved by the Town, and then taxpayers being on the hook for flood remediation. The Town needs to think about the financial burden and wellbeing of residents that the hotel project will have on Town taxpayers when 50,000sqft of Silver Creek wetlands are eliminated.

Jennifer Alexander, a wetland researcher and Bristol resident, strongly opposed building on the wetlands. She studies wetland systems and stated how essential wetlands are to the health and resilience to the Town. Wetlands function as natural stormwater infrastructures absorbing and slowly releasing water while filtering out pollutants which reduces street flooding, runoff pollution in the streets, rivers, and the bay. Ms. Alexander said the wetlands protect the roads and the neighborhoods while decreasing the long-term burden on the drainage systems. She stated removing even a small section of a wetland, the Town loses that protective capacity especially during severe storms. Wetlands also support a diversity of species of animals serving as breeding grounds, migration stopovers, and buffers for numerous plants that rely on connected habitats to survive. If one area is disrupted, it triggers a cascading impact which changes waterflow, vegetation communities shift, and entire food webs can be destabilized. She said the changes don't stay isolated and can spread outward and degrade larger ecosystems across the Town. By developing on a portion of the wetland, the Town risks long term damage to ecological connectivity, increased flooding, and a slow unraveling of the natural systems that protect Bristol. Once lost, it's extraordinarily difficult and often impossible to replace it and all the ecosystem services it once provided. She urged the Board to prioritize the health and safety of the community over short-term development interest as protecting the wetlands was not just an environmental choice, it's a decision that would help safeguard the Town's infrastructure and future.

Megan Ferreira, 37 Andrews Court, was next to speak. Ms. Ferreira expressed her personal concerns regarding the safety of her 2 young children. She doesn't have a worry now when they're playing outside, but what will happen when the hotel is built. She is concerned about her family and the neighborhood children as to who would be staying at the hotel. Ms. Ferreira is concerned about who will be able to see inside of her home when the curtains are open, especially with a hotel that will be 3 stories high. Right now, there's limited noise at night and limited interruption. With the hotel, she and her husband will not feel safe with their children playing outside. They will not feel comfortable opening the curtains to let in the light. They won't have any insight as to who will be staying at the hotel. There is potential for crime and loitering with hotels which leads to decreased property values. One of her children suffers from migraines and is a light sleeper and with the potential of the increased noise that child would run the risk of increased migraine episodes brought on by a lack of sleep. It would lead to complications in school and extracurricular activities. She stated with the new high school being built and the proposed hotel, there are concerns that flooding would be more of a problem than it already is. She and her husband hopes that the Planning Board and the Town and anyone else that needs to approve this project takes the neighbors' concerns into consideration and provides answers to their concerns before approving the project.

Emily Spinard, 35 Dartmouth Street, provided the Board with her opinions on the project. Mrs. Spinard stated that the hotel was not consistent with the Town's Comprehensive Plan. It does not comply with the Town of Bristol Subdivision and Development Review Regulations as Article 8.6 stated the development must be consistent with the Comprehensive Plan. She submitted to the Board her review of the Town's plan highlighting inconsistencies regarding the hotel which included assessments of the Open Space Plan of 2008, Natural Hazard Mitigation 2016, Storm Water Management 2008, and the Natural Hazard Mitigation Plan 2024. Mrs. Spinard reminded the Board that the first three plans were incorporated in the Comprehensive Plan. She said all of the reports stressed the importance of preserving and protecting wetlands and controlling flooding. She stated that the 2024 Hazard Mitigation Plan said flooding was a high-risk concern for the Town. The Comprehensive Plan defined

goals, objectives, and policies to protect wetlands and control flooding and outlined policies to protect the Town's neighborhoods and historical character. Mrs. Spinard said DEM described the land as 9.78-acre parcel of land that is 90% wetlands and they're part of the eastern branch of the Silver Creek watershed which flows down to Silver Creek and Bristol Harbor. She stated the site also borders the 100-flood zone. The proposed development would alter 50,000sqft. of wetlands which would add stress and strain to the nearby wetland. Mrs. Spinard said the applicant's consistency analysis primarily focused on them having a right because of zoning which they do as it is zoned GB. However, there are 4 other maps in the Comprehensive Plan indicating why this land is not suitable for development. She said map 3 was a land use map which states to continue the basic land use patterns to protect Silver Creek and the residential character of the neighborhood. Map 10 identifies the proposed site and adjacent land as wetlands and flood zone. Map 11 labels the soil as hydric and severe constraints for development because it is wetlands. Finally, map 12 identifies the site as private, undeveloped, and suitable for conservation. She said the Comprehensive Plan stated that in the instance of uncertainty to interpretation of maps, the following was a summary of text sections of the plan that showed why the development was not consistent with the Comprehensive Plan: 1) protect ecologically sensitive areas; 2) increase, acquire, and protect areas of the Silver Creek watershed; 3) acknowledge the importance of wetlands, they prevent flooding; 4) maintain Bristol's character and make sure new development does not adversely impact the integrity of the Town; 5) increase forest cover by 25%; 6) preserve wetlands; 7) protect the character of the existing neighborhood; 8) don't overtax the sewer system; 9) residents desire to retain Bristol's small town character; 10) promote tourism and businesses that complement the Town's environmental, scenic, and historical resources; and 11) maintain basic land use patterns. Mrs. Spinard read text from Chapter 10 of the Comprehensive Plan. She stated the applicant's consistency analysis was based on zoning as a matter of right and disregarded the Comprehensive Plan, protecting wetlands, managing flood risks, and protecting neighborhoods and the Town's integrity. The applicant's consistency analysis stated that due to limited land in Town zoned for hotels building in wetlands should be considered but it didn't consider that there were other vacant and underutilized commercial properties that were not in wetlands. Mrs. Spinard said it referred to the Comprehensive Plan figure 2.1 "Existing Land Use in Bristol" and opined that because 75% of Bristol's land use was residential that this was a drastic disparity making it necessary that commercial land be developed to its fullest extent. She said on page 8 it mentioned a steering committee interviewing businesses highlighting support in destination business which is the hotel yet as noted in the Comprehensive Plan on page 98, that was not a scientific or valid study. Further, according to page 7 of the applicant's analysis, approximately 80% of the land for the proposed hotel would stay undeveloped. If their justification relies on zoning rights, there's nothing stopping them from expanding development in the future. Their analysis then mentioned economic benefits like viable hotel development and a new economic stream, but those claims are not substantiated nor supported by the applicant's fiscal impact study. Mrs. Spinard said the analysis stated that the development had neighborhood compatibility. However, a 3-story 80-room building was not compatible with a residential neighborhood or any other commercial property on Gooding Avenue. She said the project should be denied.

Denise Duarte, Valley Drive, was next to speak. She said while the hotel use has been approved under general business zoning and it has received DEM approval, the Board's responsibility is to determine whether the plan meets local standards for safety, circulation, infrastructure capacity, and neighborhood impact. Ms. Duarte stated the proposal still raised significant concerns and it should be denied.

Samatha Faria, Franklin Street, came up to voice her concerns. She spoke about the impact that the removal of the wetlands would have on the bugs, plants, and animals. Just because the applicant has the legal right to do it didn't make it the right thing to do. She said that tourism is part of the Comprehensive Plan, but it shouldn't come at the expense of the people who live in the Town year-round. Tourism is only 4 months a year. Ms. Faria asked what would happen to the hotel for the rest of the year and reminded the Board of what happened with the King Philip Inn, and Harriet Bradford. She said many citizens have Airbnbs which does bring in tourism. Ms. Faria said the landowner needed to do the right thing and preserve the land, not build on it. She said what was the Town going to do if the

applicant screwed up and didn't do what they said they were going to do like the CVS project on Metacom or the historical house on Hope Street that was accidentally hit by a wrecking ball.

Karyn Harper, 1131 Hope Street, said that the traffic in Bristol has increased over the years. She stated the traffic data was completely wrong. The traffic gets backed up in front of her house daily and cannot go anywhere causing accidents and it's not okay. She said the Town needs to do what's right and not make it all about money.

Maria Ferreira, 7 Christine Court, was next to speak. She expressed her concerns regarding the people that would be frequenting the hotel. Ms. Ferreira was concerned about sex trafficking, homeless people, drug dealers, etc. She said it was not something that needed to be built, especially near the high school. Ms. Ferreira said that's who would live there in the off season. She stated that's not what the Town wanted or needed.

Mike Andreozzi, 77 Wood Street, came up to speak. He lives adjacent to Tanyard Brook and the 3-lot subdivision which was approved has 2 homes on it and DEM didn't know the second house existed. Mr. Andreozzi contacted DEM regarding flooding he was experiencing. DEM went out and looked at the first property and that's how they found out the second property was being built. DEM said the permit was not transferable from the primary owner to the secondary owner. The sewer treatment plant is near Mr. Andreozzi's home as well and if there is a flooding problem, raw sewage runoff is a major problem. He said the Planning Board has a legal obligation to go to DEM and challenge the fact that DEM approved it. Alternate Member Sousa said they had an obligation to Town to make sure that every that's being presented by the applicant was truthful and accurate. Mr. Andreozzi said they needed a second opinion. Alternate Member Sousa stated that everything was going to be analyzed. Mr. Andreozzi said to keep in mind if there's an increase in flooding in the Silver Creek area, there's a nursing home nearby and part of it is below sea level.

Patricia Chalmers came back up and added that St. Mary's Cemetery gets flooded as well. She just wanted the Board to take that into consideration.

Mario Teixeira came forward and said that everyone knows it's the wrong thing to do in Bristol. He stated there was going to be issues with flooding and it's going to get worse. He said everyone was against it.

Robert DePonte came up and stated that all of the flood water ends up in his yard. In his yard, the sewer line runs through his property, and he has an easement on his in my property. His neighbors have had to get injection pumps installed by the Town because of sewer problems. Mr. DePonte said that line was going to go into the pumping station on Chestnut Street. Member Clark said he didn't have the answer to that question. Mr. DePonte asked if anyone has ever walked that area of the woods. He stated that two manholes were under water. Mr. DePonte said there were no drawings or illustrations of what it was going to look like when traveling west on Gooding Avenue. He said people don't realize that the neighbors are going to be looking at a 25ft wall and then a 3-story building on top of it. Mr. DePonte said the real problem was the water which goes from his neighborhood down to a pond behind his home which wasn't there before but is now getting bigger. He said the project is no right for Town and neighborhood. No one has gone in and investigated the woods to see what the flooding does to the area.

Samuel Prescott, 39 Ansonia Avenue, recently moved to Bristol. He and his wife moved to the area 2 years ago and in the short time have seen a lot of changes. He feels that putting the hotel in the area is a step in the wrong direction. He didn't know that flooding was such an issue until this meeting, and he learned a lot at the meeting. He said it will pull away from what the community is all about.

Mr. DePonte came back up and asked the Board if there was going to be backup a generator for the fire system, the sump pump, etc. Member Katz said some of it was addressed at the TRC meeting in August 2025 and those things will be considered at the preliminary plan meeting.

Emily Spinard came back up. She said that the fiscal impact study. She stated it was important to discuss because the Board should consider the Town's benefits including a new economic stream in hotel space located on page 19. Mrs. Spinard said read from her 6pg submission to the Board. She stated that the FIS did not accurately address revenue the forecast and occupancy, the target market, the conference center, and feasibility. The applicant projected a 70% occupancy rate 365 days a year on page 4 of the FIS which is very optimistic. She stated the information came from Feria Consultants for DMM Development, LLC 2022 which was not included in the FIS submittal, and it merely reflects back to the FIS. Mrs. Spinard said to get a measure for realistic occupancy, she used as a proxy for occupancy Bristol's reported occupancy tax for each month for the years 2023 and 2024. She then did graphs showing the correlation between the 2 variables. Mrs. Spinard said the Town's revenue data for those years indicate that hotel occupancy in Bristol is distinctly seasonal peaking for 6 months and declining for 6 months. The revenue projections based on occupancy are directly tied to those fluctuations. She pointed out that the marketing strategy for many hotels involves selecting locations that are near facilities that attract guests such as airports, arenas, amusement vendors, and even universities. Here the applicant states that Roger Williams University would welcome the hotel and provide a major source of occupancy but there's no documentation from the University in support of the project. Evidence needs to be provided. Mrs. Spinard said that the FIS projections account for income arising from a conference center called a "flex room" as described on page 3. She said it raises concerns regarding parking and traffic as the current site plan provided the minimum requirement of 80 parking spaces for an 80-room hotel. Also, the traffic study submitted only addressed hotel guest usage and did not consider the impact of conference center activity. Mrs. Spinard said the Town has been down this road before and it's not feasible, i.e., the King Philip Inn which was once used by Roger Williams for student housing and has since been converted to apartments. Further, the Inn in Portsmouth was not feasible and became a dormitory for the University. Those examples showed that when large hotels were not feasible or viable there's loss of projected occupancy revenue and a possible loss of property tax revenue given that University property is exempt from the property tax. She said the FIS submittal provided no validated support for a new economic revenue stream and did not substantiate the need for an additional hotel. She said that the hotel was not consistent with the Town's Comprehensive Plan. Member Clark noted that some of Mrs. Spinard's information was based on a hotel that was in Portsmouth and not Bristol.

Margaret Godwin, Terrace Drive, came up to speak. She reiterated that the flooding issue went all the way through Bristol. She had water in her house. This build will exacerbate the issue.

Ted Spinard came back up to reinforce that the approval of master plan requires the consistency with the Town's Comprehensive Plan. He shows slides and talked about the existing flooding problems. The slide images showed flooding in 2012, 2021, and 2025. Mr. Spinard stated the other impact would be noise as far as AC units, vehicles, landscape maintenance, etc. He said there will be lighting issues. Mr. Spinard showed the rendering of the hotel and said it was wrong. He said there will be a 6ft wall and the 3-story building will be overlooking private property. It will affect the neighborhood and will lead to a decrease in property values. Mr. Spinard said the applicant had not done a Phase 1 hazardous assessment. In his experience, he has seen illegal dumping in wooded areas. It's something that should have been done. He said there's going to be construction noise. He said the conclusion is the approval of a master plan is consistent upon the consistency with the Comprehensive Plan and taking into consideration neighborhood impact. He fears that if it's approved the Board is saying it's okay to build on wetlands, to increase flooding, etc., even though the Comprehensive Plan says it's not. The Board needs to deny it.

Mary Lou Benevides came up and said that Board needs to protect the Town. The hotel would leave a carbon footprint that would be irreversible. Do the right thing and do your homework.

Anthony Barrow, 1090 Hope Street, a mechanical engineer, was next up to speak. Mr. Barrow, as an open-minded observer, said he felt he was leaving the meeting with the notion that the commercial zoning designated area in this location is in conflict with actual residential zoning area in proximately to the commercial zoning area. He was conflicted by the fact that the DEM decision seemed to be based on information that was wrong. Mr. Barrow said there may be DEM approval that was not in compliance and should be redone correctly. He stated that DEM shouldn't make a decision with incorrect information. He also challenged the commercial zoning designation especially on water compromised land.

Member Katz asked for a motion to close the public hearing. Attorney Goins advised the Board they could close the public hearing for the evening, but it would be reopened at the next meeting.

A motion was made by (Ruggiero/Clark) to close the public hearing portion of the Board meeting.

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

Refrained: None

Opposed: None

Attorney Reznik directed a question to Attorney Goins. He had expert testimony that he may wish to present, and it was his position that the public hearing should remain open. Attorney Goins said to keep the public hearing open, but to consider the public comment portion of the meeting tonight be suspended. Member Katz agreed with it and that in February there may be additional comments. Attorney Reznik said they didn't have any objection to the public's comments.

Member Katz asked for the motion to be withdrawn. Member Ruggiero said it made no sense as to why they couldn't close a public hearing and then reopen it. He withdrew his motion. Member Katz said the Board needed to have a conversation to discuss it. He suggested deferring it until February. Member Clark said the role of the Planning Board is to make decisions based on the Comprehensive Plan, zoning, etc. The Board heard a lot, but there's contrary data from the Spinards which needed to be reviewed. The Board needs data to make a better decision and it all needs to go to the consulting engineer for a deeper look. Member Clark wasn't prepare to deny or support it. The Board definitely needs more information. He understands the neighbors' concerns but doesn't think safety will be an issue. Member Clark said as far as the size and scope, it fits within the character of Gooding Avenue. He is concerned about the wetlands and the rain and flooding issues. He has walked down Dartmouth Street many times and met with Mr. Spinard and Bob and walked their properties. The drainage calculation that was brought up really needs to be reviewed. Member Clark supported a continuance of the meeting.

Alternate Member Sousa said Mrs. Spinard, although she referenced a hotel in Portsmouth, did bring up a lot of good points regarding the FIS. The Board has a consultant that will review it and they want to pass on her information as well. He stated that the Spinards came well prepared. Member Clark said there's a lot of commercial expansion in the Town and there is a need for a hotel. He stated whether it's in that location or not, is the question.

Member Ruggiero said, while not an attorney or an not engineer, but with years of political experience, is upset, angry, and frustrated, and understood the neighbors' frustrations and concerns. He asked when does the Town stand up and protect people that they're supposed to protect. Member Ruggiero asked why he was there if the decision he made at the meeting meant nothing. As a Planning Board member representing the citizens of Bristol, but if he denied the project they still can go through and build it. This was an effort is just to dot all of the "I's" and cross all the "T's". He was told at the beginning of

the meeting that it didn't matter if the Board denied it, they could still build it and that's wrong. He asked Attorney Goins if he made a motion tonight to deny the petition and it passes, could he do it? Attorney Goins said he could, but since the applicant stated they were going to bring in an additional expert or two next month, she thought it was only fair for the Board to wait until the applicant completes their presentation and until the Board hears additional public comment on whatever those other people on their team have to say. Further, Planning Board members have concerns based on some of the public's comments and staff may be able to get the consulting engineer to provide some feedback or answers to those concerns. In her opinion it was premature for the Planning Board to make a decision but if Member Ruggiero made a motion and it passes then that's the motion that stands.

Member Katz said he was not going to call for a motion to make a decision. Member Ruggiero said he didn't have to as he could make a motion, but it didn't have to be seconded. Attorney Reznik tried to interrupt but wasn't allowed to do so.

Member Ruggiero asked if the Town could appeal the decision of the RIDEM or was it too late. Attorney Goins said that the wetlands application went out for public notice and comment. She said the Town Council weighed in while the application was under review. Member Ruggiero read from a letter signed by Martin D. Wensing, Environmental Scientist, approving the hotel. He said 35 letters expressing concern about the project's impact, but he determined those comments did not constitute an objection of a substantial nature to hold a public hearing. Member Ruggiero read from a 2016 letter from Mr. Wensing denying the application as the property contained freshwater wetlands that would be destroyed in the development. He doesn't believe it can be built on the wetlands. Member Ruggiero said the proposal should be pulled and the applicant should find another place in Bristol to build the hotel.

Attorney Reznik address the concept a continuance and then Member Ruggiero discussed making a motion to deny. He said if there was going to be a motion made, they weren't done presenting. Attorney Reznik stated he had a due process right to rebut any of the materials that were presented. His engineer wanted to respond to the materials. He said that the difference between this evening and the materials that were presented was that the Board and the staff and the community had all of the applicant's materials prior to the meeting. The materials presented by the Spinards this evening were never seen by the applicant and Attorney Reznik and they need to see them. They want to know if it's a demonstrative, an exhibit, or a document that's going to become part of the applicant's record. Attorney Reznik suggested that the Board continue the meeting, so they have a chance to respond in an extremely professional form as to every comment that was provided. This was not a request, but rather a constitutional requirement. Attorney Reznik stated there was not going to be a motion to deny at the meeting until he had an opportunity to call his witness to rebut what has been presented, and it's not just Mr. Duhamel, it's going to be Mr. Pimentel because a lot of it was about the Comprehensive Plan. He said if that was going to happen, everyone was going to be there a while because they had hours to rebut.

After a brief exchange between Member Ruggiero and Attorney Reznik, Attorney Reznik stated he was not trying to intimidate anyone. He simply suggested that it would benefit everyone in the room to get the transcript. Consider what was heard. Provide the applicant with an opportunity to come back and address it. Provide the public with additional time to comment. He said it wasn't a threat but rather a promise and he didn't want it taken the wrong way. If the applicant was denied the ability to rebut the information and there was a motion to deny, there's not just going to be an appeal, there would be a constitutional claim for a due process violation. He said the same would be filed the following day. Member Ruggiero stated he didn't make a motion but rather asked the attorney a question.

Member Katz advised Attorney Reznik that: 1) he was not, nor was anyone else, going to be making a motion to deny; and 2) he wanted a continuance because he had a number of questions in his mind, along with findings of fact, and legal questions and he needed to confer with counsel on it. Member

Katz thanked the public for their comments. What he said at the outset was based on law, not based on his opinion.

Member Katz stated he would make a motion to close the meeting tonight. Attorney Goins advised Member Katz to continue the public hearing to a date certain, most likely February 12th which was the next regularly scheduled Planning Board meeting. Attorney Reznik stated he was not going to be available on that date but was available on other dates and could have a special meeting. He was unavailable from February 4th to the 14th. Attorney Goins said the Board would have to readvertise if there wasn't a date certain. She suggested waiting until they could make sure everyone they needed, including all of the applicant's experts, and the whole Board. Attorney Goins said it would be continued indefinitely, and the date would be pinned down within the next week, and a larger venue would be considered, and it would be readvertised and the neighbors would get notice of the date certain, and it would be in the paper again. She said a motion to continue was in order.

Diane Williamson reminded the Board that they had a deadline for action which was February 27, 2026. She said a meeting needed to be scheduled prior to that date and if there's enough time, they could have a second meeting before the deadline.

Member Katz asked how they could get around that. Attorney Reznik said the normal meeting was on February 12th, but there was no reason to renotice it. He said the meeting should be continued to that date certain and he would have someone from his office appear on his behalf to continue it to whatever date the Board decides in the interim is an appropriate date in February and the appropriate venue. That way it wouldn't have to be renoticed, just continued to February 12th. Attorney Reznik said they would then continue it to whatever date is set at that meeting and that would allow everyone some flexibility to figure out the venue. Member Katz said the second continuance would be before February 27th. Attorney Reznik said he was not playing any games regarding the deadline. He already said to Attorney Goins and to the Town Planner that whatever that date was, he would agree to an extension of 30 days to make the decision. He said they certainly could discuss at that second meeting whether or not there needed to be another extension, but there would be 30 days from that date is and the Board would have another regularly scheduled meeting in March before that deadline. Member Clark said the deadline would be extended past the 27th. Ms. Williamson said that was her understanding as well. She asked Attorney Reznik if he was extending the deadline to March 27 and he said yes. Member Katz said he just wanted to clarify it on the record. Attorney Reznik said it was the best way for this to be handled.

Attorney Goins advised the Board to continue it to February 12th with the understanding that a different date after that will be announced. Hopefully sooner than the 12th so it can be advertised. If you do it that way, it won't have to be renoticed.

Member Katz once again thanked the public for their comments and said to review the paper for the next advertised date.

A motion was made by (KatzRuggiero) to continue the public hearing to the February Board meeting.

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

Refrained: None

Opposed: None

D. Correspondence

D1. Request for Change to Planning Board regulations regarding deadline for continuance requests.

Pat Chalmers, Bristol Woods Drive, came forward to speak. She wrote a letter to the Planning Board requesting that a deadline for continuances be added to Town regulations. She feels that added a

deadline would make sense and it would prevent developers from jerking around and playing games with Town Officials and concerned residents. She said that items stated on the posted agendas should be on the agendas. It is counterproductive not to have a deadline. After she sent her letter to the Board, Ms. Chalmers asked Diane Williamson how many times the hotel applicant asked for a continuation, and she said it was four times. She stated every time they were trying to get ready for the meeting, it got continued. The last one being the day before the meeting. She feels that the Friday before the Thursday meeting should be the deadline, so everyone knows about it and get things moving. Ms. Chalmers feels it's very irresponsible.

Attorney Goins advised the Board to not talk about this item with respect to any one project because Ms. Chalmer's request wasn't specific to any one project. It was just about a change in the regulations which would only be prospective anyway. She wanted to caution the Board that they were not going to talk about the hotel project because it was just continued for the evening. They only talk about the hotel project when they're on that specific agenda item. She said the Board could certainly discuss it in general terms only.

Member Clark said most times when there is a request for a continuance, they know a bit in advance it's going to happen. He said it does happen that people will continue and continue, but he wondered if there was a deadline placed on it, what if there's an emergency and can't make it. Does that affect the timeline going forward? He said it's not typical that there have been repeated requests for continuances. Diane Williamson said it definitely wasn't normal and the other thing that got continued a lot was the high school project because they were waiting for permits. She understood the frustration and recommended Ms. Chalmers make this request. Ms. Williamson said she didn't know what to do with Ms. Chalmers' concerns other than see if it was something that could be put in the regulations. Member Clark said it for all applicants, not just for large developments. Ms. Williamson said it was a rare occurrence. Member Katz said it's a valid concern. Everyone shares Ms. Chalmers' concerns, but didn't know what other towns or cities did, if anything. Attorney Goins said the worst possible outcome for a Planning Board decision in court, in her opinion, isn't a decision being reversed, it's a decision being sent back to the Board or being reversed because of procedural error. She stated when the Board makes a decision they need to be confident that the decision is going to stand up when it gets reviewed by a judge. It doesn't benefit a developer to sit on a property that's undeveloped. Typically, when a request for a continuance happens it's because there's an issue that needs to be addressed or life happens and something came up. Attorney Goins said that it's up to the Board to decide what to put in their regulations. She said there are areas of state law where it's uniform and it has to be a certain way, but this is an area where the Planning Board has some wiggle room and she's seen some Planning or Zoning regulations state they weren't going to grant more than three continuances. She said it sent up a red flag to her because when she sees something like that someone could raise a due process issue. It's very easy for a judge to say due process violation and send it back. She said it's harder for a judge to overrule on a substantive ground. She said the best way to deal with continuance requests would be on a case-by-case basis rather than putting something in the regulations. Attorney Goins said if the Board did choose to put something in the regulations she suggested allowing for extenuating circumstances.

Member Katz asked if any other Board Members had thoughts or opinions on the matter. Alternate Member Jarest said the Board didn't like continuances either because they spend a significant amount of time preparing for the meetings. She said they have to make accommodations in their schedules to prepare and then have to go back and reprepare. Alternate Member Jarest said they also have to be understanding, like Attorney Goins said, that life happens and the Board needs to be human about it as they would want the same respect. Ms. Chalmers said it wasn't unheard of that developers do this type of thing to try to suck the life out of the people who were opposing it. Alternate Member Sousa agreed with Attorney Goins that developers want to move fast and not play games as time is money. Why the developer ended up postponing the Board doesn't know. Attorney Goins said that it applied to any hypothetical development. Alternate Member Sousa agreed that it should be on a case-by-case basis. Member Katz agreed with Attorney Goins and said that one of the continuances was due to a medical

issue with an expert. He said in general having worked in the construction business they don't like delays and continuances because of costs. They want the revenue. He understood Ms. Chalmers' concerns. Member Clark said that many people prepared for the meeting. Ms. Chalmers said she was taking time to prepare as well. Member Clark said limiting that wouldn't be helpful. Member Katz didn't believe the continuance requests were intentional.

Ms. Chalmers said she wrote her letter on December 14th and asked to present it at the December 18th meeting and was told she had to wait until January 8th. Alternate Member Sousa said that meeting was not a standard Planning Board meeting and that's why she couldn't present that night. Member Katz stated that they generally have two meetings a month one for the Comp Plan and one regular meeting and the Comp Plan meeting is not for the public. Alternate Member Sousa asked if a motion needed to be made on it and Attorney Goins said they didn't have act on it, but they could if they wanted to. No motion was made on Ms. Chalmers' request.

E. Adjournment

Meeting adjourned at 10:11pm by Katz

Respectfully submitted by Kathleen M. Maynard, Recording Secretary

Date Approved: 12 February 2026 Planning Board: 