

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

06 OCTOBER 2025
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. CHARLES BURKE, Vice Chairman
MR. DONALD KERN
MR. TONY BRUM
MR. TIM PALMER, Alternate

ALSO PRESENT:

ATTORNEY ANDREW TEITZ, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Officer

Susan E. Andrade
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SITTING AS BOARD OF REVIEW

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The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:00 p.m. by Chairman Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the September 2, 2025 minutes

MR. BURKE: I'll make a motion to approve the minutes, as written, Mr. Chairman.

MR. KERN: Second

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. PALMER: Aye.

MR. ASCIOLA: Aye.

X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

SITTING AS BOARD OF REVIEW:

2. 2025-27
KYLE NASSANEY

24 Lugent Ln. : R-10
Pl. 28, Lot 142

Dimensional Variance to construct a 15' x 15' family room addition to an existing single-family dwelling with less than the required rear yard.

Mr. Kyle Nassaney presented the Petition to the Board. He explained that he and his wife owned the property at 24 Lugent Lane and they are looking to add a 15' x 15' single-dwelling family room extension off the back of their existing dwelling. The reason for the addition is due to their growing family. They have twin boys who require a little bit more room than what they have. Also, his wife works from home and they are trying to give her an area where she can work from home and have an area to do her work. The extension would be off the back right corner of the home. They are looking for a variance for the back side. They are within the setbacks on the right and left.

In response to Mr. Burke's questioning, Mr. Nassaney confirmed that his wife uses the phone when she works and requires a level of privacy, somewhere to be able to close the door and conduct business.

No one spoke in favor or against the Petition.

Mr. Burke noted that the square footage of the existing structure is approximately 1,960; and it seems to be a valid reason for four people, plus work from home and it's not an intrusive setback reduction, seven feet out of thirty.

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MR. BRUM: Mr. Chairman, I move that the Board approve the dimensional variance requested in file number 2025-27, to construct a 15' x 15' single-story family room addition to the existing single-family dwelling, located at 24 Lugent

Lane in Bristol. I do believe that we need a finding of fact, that this was originally reported as an R-20 and its actually in an R-10. So, I would like to first address that the property is correctly zoned in an R-10, not in an R-20 zone, which would conclude that the property has lot setbacks that are customary for a lot of 10,000 square feet. The proposed addition would extend 15 towards the rear yard, resulting in a 23-foot setback and would require 7 feet of dimensional relief. The proposed addition will not obstruct any views or adversely affect the neighborhood, nor are there any direct abutters to the rear of the property. As stated by the applicant, his spouse works from home and in order to work from home she requires a level of privacy. And this family room addition would allow for additional space, so that she may perform her duties. I believe the variance is the least amount of relief necessary. And, in granting this variance, it will not change the characteristics of the neighborhood. For those reasons, I so move.

MR. KERN: I second the motion.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

3. 2025-28

ROBERT KREFT

**22 Wall St.: R-6
Pl. 33, Lot 17**

Dimensional Variance to construct two 22' x 24' accessory garage structures with greater than permitted lot coverage by structures.

Mr. Robert Kreft, owner and Mr. Joseph Mello, builder, presented the Petition to the Board. Mr. Kreft explained he would like to add two garages. Going back this was a separate lot and he added it to the existing lot at 22 Wall Street, with a separate buildable lot and he would like to building two garages. He has modified the plans as suggested by the Town. The buildings would be two 22' x 24' garages. He merged the lots to build an accessory garage originally, which was denied. So, the new plans have been modified from a 6-car garage to two 2-car garages. There is a retaining wall between the two lots, so it's almost completely separated, but it's now all one lot.

Mr. Burke stated that, dimensionally, the buildings are all compliant. He believes they were looking at a variance for lot coverage, because the parent lot is almost entirely covered.

Mr. Kreft confirmed that the two garages will be utilized to maintain equipment for his property.

Mr. Burke asked that in the past Mr. Kreft alluded to re-subdividing the lot and putting a single family on the lot and asking if that was now off the table. Mr. Kreft stated that it is off the table. He went and saw the Planning Board, numbers do not work.

Mr. Burke noted that an erosion plan is going to be required and wondered if they should be moving on until one is obtained. Mr. Tanner explained that it was mentioned with the previous plans; typically, that comes in at the time of the building permit, and it is required. It is in the Tanyard Brook area and will require an engineered plan when they come in for the building permit.

The Board reviewed the plans in detail. Mr. Asciola noted that the new plans have been scaled down since the original plans, and he understood the need. Mr. Burke also noted that Mr. Kreft acquired the property long after the 12-units and the density there were approved by the Board and the restrictions on it have expired.

In response to questioning by the Board Mr. Tanner explained that anytime there is a new development or addition of sufficient size in pavement, they have to submit a drainage plan prior to the building permit, which is in Chapter 29 of Town Code.

Mr. Michael Hoffman, owner of Reliable Pest Control directly across the street and he thinks that everything that Mr. Kreft has done, he's taken some eyesores in the neighborhood and really made them look nice. So, there is curb appeal now and he is in favor of this plan.

No one spoke against the Petition.

Mr. Burke noted that the only variance is lot coverage and to do anything with that lot, it's unavoidable, they're already over the Statutory requirements. So, any improvement he would require a variance.

X X X X X

MR. BURKE: Mr. Chairman, I'm going to make a motion that we approve application 2025-28, Robert M. Kreft at 22 Wall Street to construct two conforming 22' x 24' accessory garage structures on what is currently a merged property, a vacant section of a merged property. The applicant has certainly convinced me, and I think the rest of the Board, that this is the best solution and use of the property. He did provide testimony that he did explore returning it to residential use and has determined that from many perspectives that's no longer feasible. So, I'm going to move that we approve it, based on the

conditions that he has provided. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, and not to the general characteristics of the surrounding area, or not due to the economic disability of the applicant. The applicant is merged the lot in order to have the ability to add the two proposed accessory structures. The hardship is not the result of prior action of the applicant. He acquired the residential property as built. There were initially restrictions on it and those restrictions have expired. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. That residential area abuts a limited business area and is actually surrounded by similar properties with similar uses, both high usage, high density residential and limited business. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience. That section of the merged lot really will have no ability to add improvements, and he would have to find another place to store equipment that he requires to conduct his real estate business. I so move.

MR. KERN: I'll second.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

4. 2025-29

JOEPH M. PARDINI

**Slocum St.: R-10
Pl. 121, Lots 161 & 182**

Dimensional variance to construct a 32' x 44' single-family dwelling with less than the required right-side yard.

Mr. Joseph M. Pardini, 5 Slocum Street, presented the Petition to the Board. He explained that the engineer said he was required to stay 15 feet off the right side from the street, but he wants to make it ten feet off the neighbor's side to the right, because his neighbor's water view is going to get completely blocked when he puts a house in front of them. He was just hoping to give them five more feet. He knows the neighbors and it would be a terrible thing to take their water view, but at least this would give them five more feet. On the other side, it's only five feet; 15 or 10, he doesn't think really changes much on their side.

Mr. Burke asked if this will be the Petitioner's residence or an investment property. He stated it will be his permanent residence; his family is on the other side of him. Mr. Burke continued and stated that this was an interesting request. They did have a previous request to entertain a variance to protect a neighbor's view. That's what this applicant is requesting, to provide relief where a variance isn't required because of the dimensions of the lot; but it's to benefit an abutter.

Mr. Brum noted that they do have correspondence and asked who is the neighbor that Mr. Pardini was looking to provide a better water view for. Mr. Pardini pointed them out in the audience. And when asked stated that the neighbor that he would be building closer to is Josephine Capozzoli, who is aware of his plans. Mr. Pardini stated that he was not aware that the Capozzolis sent a letter of objection; he did not receive a copy of the letter prior to the meeting.

Mr. Brum read the letter of objection in the record. The letter was dated October 2, 2025, addressed to Mr. Ed Tanner in regard to dimensional variance request for 3 Slocum Street in objection of the proposal. Signed by Josephine Capozzoli's Power of Attorney.

Mr. Pardini again stated that the Capozzolis did know about it. He let them know, but he didn't wait for an answer. He also noted that the houses being built now are so tall and the existing are so small, five feet either way the water view is taken on the left side; this is for the other neighbors who would really lose everything.

Mr. Asciola noted that the only people affected by this are objecting to the proposal and the Board cannot take into account water views.

Mr. Pardini explained that the neighbors to the rear would be losing all their water view, whereas the neighbors to the left would only be losing a millimeter of water view.

Mr. Burke stated that Mr. Pardini was asking the Board to grant a variance to give somebody a benefit, when the people who are impacted are objecting. They would be granting relief but based on the size of the structure isn't needed. And as the Chairman pointed out, the Board doesn't have the ability to protect views.

Mr. Wayne Marshall, 2 Slocum Street spoke in favor of the Petition. He lives right across the street. It's a great neighborhood, they all get along, Mr. Pardini's whole family is there, and he's coming in and wants to be a good neighbor and wants to build this house and he respects that. What he's trying to do is provide not only his house, but houses going up the hill that will be affected. He doesn't think it will impact anyone's view if he moves it over five feet.

Mr. Burke noted that he would be much more comfortable if they didn't have the correspondence of the person who came in and supported the proposed variance. It's a hard position to be in, because he doesn't really know what the impact is for the area. He wasn't looking

at the impact on the neighbors on the south; he was looking at the impact to the people that just spoke. He doesn't have the ability without re-looking at the plans, if in fact there is an impact to the people that are objecting.

Mr. Brum stated that it appears that, by the photo provided, that 1 Slocum is on the same side as the river. So, then that would lead him to believe that one side of the house potentially has an unaltered water view. Mr. Pardini stated he was correct. Mr. Brum asked what the hardship was. Mr. Brum said he didn't understand the issue, as the person objecting is on the water and has a view. He understands moving it so the neighbors have a view. He just needs to know what the hardship is from the applicant.

Mr. Pardini stated that he's putting in a really tall house, and no one is going to love having a new house going next to them. But he doesn't think any of this would affect the objector's water view.

Mr. Tanner stated that his interpretation of the letter of object is that they weren't saying that they're worried about their views, it seems more about them being so close.

Mr. Burke stated that if you look at the Lotus map, the 1 Slocum looks like it's built really close to the property line. So, putting it five feet closer is; if it was himself, it would not be okay, it would be onerous. It's five feet closer and in that dimensional space it would matter, and he would probably object to it if it was him.

Mr. Pardini stated that he bought and paid for two lots recently and he's taxed on two lots. If he was to put two houses up legally, they would be 20-foot-wide house and ten feet to her and then he could have just sold them, and he wouldn't have to be before the Board. The legal line is 10 feet. The neighbor is less than 10 feet off the property line. But he's not here for that.

The public hearing was closed.

Mr. Burke stated that it's a 15-foot required setback. He asked if Mr. Tanner could explain why the applicant was just referring to 10 feet.

Mr. Tanner explained that he doesn't have paperwork in front of him, but he believes he did a Zoning Certificate for this property a while back. He believes the lots have merged, per Ordinance, many years ago. They're still two tax assessor lots, they've been held in common ownership for a long time. They're non-conforming lots; so, they automatically merged per the Zoning Ordinance. So, they may have been separate buildable lots back in the day, but they haven't been in probably ten years.

Mr. Burke stated that then the ten-foot side yard and the two dwelling units on the two separate lots is not applicable. Mr. Tanner stated he does not believe so.

Mr. Teitz stated that the Town believes that they've merged as previous with others sized lots many years ago.

Mr. Burke stated that then not to confuse the matter, it's 15 feet.

Mr. Teitz stated that the Rhode Island Supreme Court has said the Assessor's records are for the convenience of the Assessor.

Mr. Tanner again stated that he believes the two assessors' lots have merged. For Zoning and Planning purposes it's one parcel. It's an R-10 zone and has a 15-foot side setback.

Mr. Burke stated that he only brought it up because the applicant had mentioned his ability to build two dwelling units. He believes that scenario, and it was confirmed, is not accurate.

Mr. Asciola stated that the neighbor is right on the property line, this would be ten feet off and didn't really see a problem.

Mr. Burke stated that he was uncomfortable with it, there could be some flexibility.

Mr. Palmer stated that he would vote against it.

Mr. Burke stated that they were being asked to make a decision to benefit one person and the other person was not present, and they haven't had the opportunity to flush out what the real impact is; that's why he was uncomfortable. If the other person was present to give testimony, maybe they could find out what the real impact would be. And, again, at this point he was uncomfortable granting a variance that a direct abutter objects to.

Mr. Kern stated that when he read the letter, he thought it was an objection to the water view and then realized that it is the adjacent neighbor on the same side of the street. It looks like they are objecting to the closeness of the two buildings.

Mr. Brum stated that through deliberations and testimony he doesn't believe he has heard the hardship. They don't determine on the view and right now that's what they are determining on. If there was a hardship, something that was going on the applicant's side that would require them to move the house over five feet. But this is new construction, and, frankly, 1 Slocum looks to be extremely close to that side yard. He'd love to be able to assist, but he didn't see how the Board has any jurisdiction on the view.

Mr. Burke stated that they are trying to justify the variance. He also doesn't see a hardship, because the structure that is proposed can easily be built on the existing lot. He understands the desire to open up a view alley for the people to the west. However, in his mind it doesn't justify the Board granting relief that impacts another neighbor. Ten feet is not a lot. And, the fact of the matter is, it's ten feet from the dwelling unit. It's not ten feet from the property line, since the abutting property is on the property line. To him, the five feet would be onerous as an abutter. Again, he was having difficulty justifying a variance based on the characteristics of the lot and the proposed building, that can easily be compliant and conforming the way it's proposed.

Mr. Brum stated he was looking for a unique characteristic, but in this case, they didn't have any unique characteristics.

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MR. BURKE: Mr. Chairman, I'll make a motion that we deny application 2025-29, Joseph M. Pardini of 3 Slocum Street to construct a new single-family dwelling with less than the required right-side. The request is for a 10' side yard, when 15 is the requirement. We heard testimony that the request for the variance is based on the desire to provide a benefit to a neighbor to the west, but it negatively affects; and we have an objection from the neighbor directly to the south. And the Board has found that impact of going from 15' to 10' is significant, based on the location of the abutting property. The hardship from which the applicant seeks relief is not due to the unique characteristics of the subject land or structure. The structure can be built as proposed with the adequate side yard setbacks. In fact, the Board is required to attempt to reduce or eliminate non-conformances, not create them. The hardship is not the result of prior action of the applicant. The granting of dimensional relief will alter the general characteristics of the surrounding area. As it will directly impact an abutter. We have failed to determine that there is an actual hardship that is associated with the particular lot in question. And, in fact, it's a hardship that is related to other abutting property owners. I, therefore, make a motion that we deny this application.

MR. KERN: I'll second the motion.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

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MR. BURKE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Denied)

Mr. Palmer recused himself and stepped down from the Board.

5. 2025-31

**EDGARDO RODRIGUEZ &
SUZANNE CRUANES-RODRIGUEZ**

**110 Griswold Ave.: R-40
Pl. 160, Lot 16**

Dimensional Variances to construct a 24' x 44' accessory garage structure at a size and height greater than permitted in the R-40 zoning district.

Ms. Suzanne Cruanes-Rodriguez and Mr. Edgardo Rodriguez presented the Petition to the Board. Ms. Rodriguez explained that their house burned down two years ago. We had originally thought of connecting the garage to the house but during the site investigation for the new septic system it was determined that the house needed to be elevated by approximately 36 inches, due to the high-water table. This will require hauling in substantial amounts of fill, and as a result the house and garage will need to be graded at different elevations, making a breezeway connection not feasible. They are trying to preserve the mature trees, including a prominent Copper Beech tree that is at least 140 years old in the front yard and a Black Walnut tree in the backyard, that's close to that. Their root systems must remain undisturbed, which further limits placement and complicates design elevations. They are honoring the original house in its 1883 shingle style. The garage that they are proposing will actually look similar to the structure that is there right now. They have a structure on the property that was probably built in the 20's or 30's and it was a Sears hook and eye house, which was used as a guest house by the previous owners, and it became their shed. So, the proposed garage is actually going to be 40' long, versus 38' long that exists right now. And the height requirement is 23, so they are going to be fine in the R-40 zone. The garage

will have three bays because they are going to be limited to the size of the basement; there will only be a crawl space now because of the high elevation they need to create. So, they will have a 5'2" crawl space at maximum; so, they will need the additional space for storage and functionality. On the first floor they will have a full bathroom so that anyone working on the substantial property will be able to use that bathroom and will not have to go into the house.

Mr. Burke stated that he did observe the property and saw several stakes and asked if they had delineated the building envelope. Ms. Rodrigues stated it does and it's not too far from where everything is right now. They will be shifting it five feet over and twelve feet back, because of all the fill they have to bring in to bring it up to level. DEM said that because they have to replace the septic system. They have substantial side yards, they have at least 67 feet to the stone wall, and it is a 9.33-acre property. She explained that they hope to start construction soon, but they are awaiting final approval on the septic design.

Mr. Tim Palmer, abutter, spoke in favor of the Petition. He's seen the plans that the owners have put forward and thinks that it's going to be a fantastic improvement and fits in beautifully with the historic nature of the property.

Mr. Gregg Jarem, 10 Church Cove Rd, abutter stated his concern is that he doesn't see any hardship on why they need to have a 43' wide garage, when zoning is something substantially less than that. In addition, the point of replacing something existing is basically a ten-foot-high structure that's sitting there now, which has a much smaller footprint as well. He was just confused about some of the reasons that have been given, water table and so on, doesn't seem to impact the size. Putting up a garage is a garage and the exorbitant difference between what's zoned and what they're asking for, he just doesn't quite understand, except for personal request what's the hardship and why do they need something that large.

Dr. Jonathan Enwright, 8 Church Cove Rd., abutter, stated that again he had just a question for reasoning for the variance. In the letter it stated storage for personal use. He would like to add that on the property there is an existing large barn and other accessory out buildings that seem like there is plenty of accessory storage provided to him. He understands why they keep the height, make sense, can't go down with the water table. But 24' x 44' is larger than the proposed home that the man earlier in the evening was going to build. He was just curious as to the hardship for doubling the size of the area.

Ms. Rodriguez stated that she didn't know she had to bring people forward, because she did have people who are for this proposal; her direct neighbor and others along Church Cove that are in favor of it. A three-car garage doesn't seem outrageous of a request. They will not have a basement that's actually usable. They certainly cannot connect the house to the garage, which was their original intentions, because they will have two different levels of grading; so that is the hardship. Basically, the structure that is there now is 38 feet and they are asking for 44 feet. And R-40 does allow a 24' and 24' feet high; they are not going as high as what would be allowed. With the size of the lot, she doesn't think a two-car garage would look good.

Mr. Asciola stated that theoretically they can put four 22' x 24' garages and no one could stop it. Mr. Tanner stated it could be a little bit bigger than 22' x 24' in an R-40 zone you can build 26' x 28'. Mr. Asciola stated that then they could put up three of those. Mr. Tanner stated that there is nothing other than lot coverage that could prohibit that. Mr. Burke stated that they have constraints due to the outside water systems.

Mr. Burke stated that this was similar to a Poppasquash are request; they have 9 acres. Not all of it is buildable.

Ms. Rodrigues stated that they are also under the farm status program. Originally, they had 2 ½ acres for 18 years and then they bought the 6.35 acres in 2004 and they had trees taken down and had beautiful hay fields by October 1st and got into the farm program in 2005.

The public hearing was closed.

Mr. Asciola noted that its over 9 acres and he doesn't think a structure that big is going to look out of place.

Mr. Burke noted that the Board has consistently allowed larger structure when there's a land mass of 3 acres or more. So, those properties are multiple acres, there's tons of space, they make a case on why they need the structure. Accessory structure variances is one of the variances the Board approves most frequently. Certainly, where there's this size of land mass they almost consistently grant it. He didn't see an issue with it. He's convinced that they don't have storage and there is a hardship on how they have to reconstruct the building in order to meet environmental requirements.

Mr. Kern stated that the two buildings are located fairly close proximity and all they have to do is connect a breezeway between the two of them and it would become an allowable structure. He didn't see a negative impact as proposed.

Mr. Brum expressed that he would rather see one structure as opposed to two separate structures.

Mr. Burke stated that they have convinced him that they're doing things consistently with the history of the property and they had an involuntary event and they're restoring the property consistently with the history of the property.

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MR. BURKE: Mr. Chairman I'm going to make a motion to approve file 2025-31, Edgardo Rodriguez and Susanne Cruanes-Rodriguez at 110 Griswold Avenue to construct a 24'x 44' accessory garage structure at a size larger than is allowed in the R-40 zone, which is 26' x 28'. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. We've heard testimony and it is documented in the application that there are land requirements and wetlands that require them to do some relatively extraordinary things in order to rebuild the property that was lost due to a catastrophic fire. It's not due to an economic disability of the applicant. The hardship is not the result of prior action of the applicant. The land characteristics are what they are. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. Accessory structures are allowed, there is a significant land mass of over 9 acres, and this Board has found that there is no negative impact to the Comprehensive Plan by allowing a greater sized accessory structure on these large properties. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience. Meaning that in order to get the storage building that they require, they would have to build multiple structures on the property, which is not economically feasible. I so move.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

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MR. BURKE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Palmer sat back on the Board.

6. **2025-32**

JAMES DEPASQUALE

**40 Congregational St.: R-6
Pl. 18, Lot 28**

Dimensional Variances to construct a 24' x 30' third story living area addition, a 12' x 30' two-story front living area addition, and an 8' x 30' front porch addition to an existing single-family dwelling with less than the required left and right-side yards.

Mr. James DePasquale, 30 Dante Street, Barrington, applicant, presented the Petition to the Board. He explained that he would like to renovate 40 Congregational. It was a single-family, but when he went in it was two-family. So, he's putting it back into a single family. He wants to renovate the attic space and turn it into living space and add a two-story front addition and a porch. The side yards are already under, but he isn't enlarging the footprint on the sides. He would be extending the footprint on the front by 8 feet.

Mr. Burke asked if this would be an investment for resale. Mr. DePasquale stated that it is. Mr. Burke stated that there are homes on Congregational that have been recently rehabbed, and they look great and it's a great place to continue it.

Mr. Kern stated that the existing house on the east side is 2.9' from the property line, but the additions are 6.4'; so, he's not going any closer than what exists there. Mr. DePasquale stated he was correct.

Mr. Burke stated that anybody that would want to rehab this and make any changes, other than just rebuilding it the way it is, would have to come before the Board because of the existing conditions. He sees this as positive, because the property needs to be rehabilitated.

The Board reviewed the plans in detail.

No one spoke in favor or against the Petition.

The public hearing was closed.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file 2025-32 from applicant James DePasquale for the property located at 40 Congregational Street to construct a 25' x 30' third-story living area, a 12' x 30' two-story front living area addition and an 8' x 30' front porch addition to an existing single-family dwelling with less than the required right and left side yards. The finding of the Board is that the left and right-side yards are existing conditions and rehab of this house in almost any configuration would require relief from the Zoning Board. We've heard testimony from the applicant that it is his intent to rehab the house, which is needed and to resell as a single family, converting from what he believes is a non-conforming two family. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not to the general characteristics of the surrounding area and not to an economic disability. The applicant is rehabbing this home and expanding it, using the existing foundation and footprint. The hardship is not the result of any prior action of the applicant; he recently acquired the property with the intention of rehabilitating it. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. In fact, it brings it more in compliance as a single family on that specific lot. The hardship that would be suffered, if the

dimensional variance is not granted, will amount to more than a mere inconvenience. Theoretically the house would have to be demolished, and the foundation relocated, which may not make it a feasible building structure. For all of those reasons, I move that we grant the requested dimensional variance.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Burked recused himself and stepped down from the Board.

7. **2025-33**

Bradford Clair

**30 Union St.: R-6
Pl. 15, Lot 46**

Dimensional Variance to construct an approximate 12' x 20' second-story roof dormer addition to an existing accessory structure with less than the required left side yard.

Mr. Bradford Clair presented the Petition to the Board. He explained he is seeking relief for construction of a dormer on an existing garage structure. It's going to go on the left side; it will be roughly 12' x 20' and it will match in size and scope with the one that is currently on the right side. The lot that they have is approximately 1 to 1 ½ feet from the property line and, again, the garage is existing. They would like to build up on that, they aren't increasing the footprint, in terms of the structure itself, it's an existing structure and the purpose of it is to allow them to use the top floor of the garage as an Accessory Dwelling Unit for family. Right now, what exists there is less than 400 square feet, and it doesn't lend itself to a fully functional living area. They've tried to speak with the neighbors and let them know of their plans and is mindful that there are some concerns and will do everything they can to address them.

Mr. Asciola noted that they just want to put a dormer there on an existing structure. Mr. Clair said he was correct and there is a dormer on the right side on the second floor; it has windows and so forth and does accommodate some living area, but the living area there is not feasible for any activity. He has an aging mother-in-law, who at some point may need some place to come and he has a family member who comes to visit for several months each year and her two kids. And at some point, down the road, he and his wife may live up there and one of their children live in the main house. He feels that the closer family can be, the better off everyone is.

The Board reviewed the plans in detail with the applicant. Mr. Clair explained that they tried to minimize it; just small windows, one to address an egress that the Town requires for that living structure and a small bathroom window. Basically, it will allow them to put a full bathroom where this is not one now. A place for a bed and possibly a small kitchenette. The footprint is 21' x 24', and because of the roof that exists, the living area is limited to about 15 feet. He knows there are concerns but the characteristics of that section of Town are pretty close lot lines everywhere you go. It is what it is and he wishes it was different, but it's not and that's why he's looking for relief. They purchased the house approximately 8 years ago and that structure was there already.

Mr. Asciola asked if it is allowed to have people living in the backyard.

Mr. Teitz stated it depends on how you define it; no, you can't live in a garage. But State Law allows Accessory Dwelling Units in existing structures, if you comply with the requirements. The problem here is that the upper floor encroaches on the setback; so that's why they need relief. The Board apparently put a condition in in the past saying no living space in this property. And as Mr. Tanner mentioned, we can't control those particular conditions now that State Law has said Accessory Dwelling Units can exist. If they want to take their main house and build an ADU within it, they can do it as a right. They don't have a 20,000 square foot lot, so they can't build an accessory structure. If they have an accessory structure, they can convert it to an ADU, as long as they meet the requirements about the size and where the 900 for one bedroom, 1,200 for two bedrooms and no more than 60% of the principal dwelling unit. But they have to comply with the other dimensional requirements, which is why they need relief. The Board can't control whether they have someone living there or not, but they can control the size of it.

Mr. Asciola stated then what they are asking for is very minor then. Mr. Teitz stated that is up to the Board to decide. Bristol requires setbacks from side yards, and he thinks the idea is that people don't care if there is a garage on their yard line; it's a solid wall, there's usually not a window there; its unoccupied space. When you have people living there, there's a different aspect to the privacy if they're right on the property line; and that's what the Board is facing with this application. They need to look at this particular property, the neighboring property, the area and determine whether it is appropriate or not.

Mr. Clair stated they have also been before the HDC and they have said that they are keeping with the neighborhood.

Mr. Teitz stated that it was for historic appropriateness, which is totally separate from what is before the Board.

Mr. Asciola stated that the Board received quite a substantial letter from one of the neighbors in opposition to the Petition. Mr. Clair stated that he had not received a copy of the letter which he was provided with from Mr. Teitz.

A letter from William and Carol Wardwell, 38 Union Street and Christine Stilwell, 31 Noyes Avenue was acknowledged by the Board.

Mr. Mike Mello, 715 Hope Street stated that he stood before the Board a few years ago with a similar issue where he was extending his third floor. It didn't go any further to the lot line, which was approximately 7 feet apart. But the hardship was he couldn't move the wall to go up, it was just the way that the property was conforming. So, his thinking was the hardship is that someone else built that garage on that line and the only way to build that dormer is to go even with the line. He thought that there's been lots of discussions Statewide and Nationally about having more housing and having more units. And the idea that this matter because there would be people

living there is exactly why he's doing it. People need to live in these place, they need to be close to family, and he lives there. It's not as though there would be some sort of party or things that people would be upset about; he's looking to plan for his future, his family's future. He thinks it's exactly why the ADU Law was passed. He knows there's a separate rule here, because he's looking for a hardship on the line; but the concept is the same, converting a garage into living space that may he ages into, or a family member does. It just provides options for people, so he thinks it makes sense globally and he thinks it makes sense in this instance.

Mr. Shannon DeFusco, 109 Woodlawn Avenue, stated that she's known Brad for over 20 years and he's an excellent upstanding citizen of Bristol, first of all. Second of all, she's in support of the proposed dormer extension above the garage. She understands what the Board is saying about living conditions, but it's almost going to be, right now anyway, a guest quarter for his daughter that lives in London with two kids. It's too small up there when they come home to visit, they don't have adequate space. She is in favor of the proposal, the improvement is consistent with the characteristics of the neighborhood, and she believes it will enhance the appearance and functionality of the home without negatively impacting the surrounding residents. It's not changing the footprint of the property, and she feels that this project represents a reasonable upgrade that contributes positively to the community.

Mr. Jordan Forrest, 41 Sherwood Terrace, Portsmouth, RI stated that he just wants to say that he is for the motion to grant this because he's a commercial residential realtor in Bristol and one of things they struggle with is housing. And he has a couple of clients who are looking for housing for their elderly parents, or vice versa, and it's a struggle all the time. One of things he hates telling them is that we just don't have that housing here anywhere. So, any opportunity,

within reason, within legality, where we can provide an opportunity for family to be closer together is a phenomenal opportunity that can only benefit the community.

In response to Mr. Palmer asking if there is a plan for elderly families to live on the second floor, are they planning to put in an elevator. Mr. Forrest stated that what he's seen with these family connections is that you have the family connections right there to help and assist with those things. The entire family is there to care for them. So those same issues that might be brought up to as do we have the right unit for the elderly is the reason why it is the right unit, because the family is right there.

Ms. Christine Stillwell, 31 Noyes Avenue spoke against the Petition. She appreciates that the Clairs want to provide for aging family. A lot of us have faced similar situations. But the Clairs have other options besides this dormer. She doesn't believe that the ADU Law is intended to penalize one senior citizen to accommodate another. Zoning modification permit in its instructions talks about the neighboring property not being either substantially injured. She has a very shallow space in front of her house, her side yards are just walkways, and her backyard is only 30' x 27'; of which 12' x 14' are a deck. This is my only private space to secure quiet outdoor space, which would change drastically with this dormer and its use.

Ms. Stillwell presented two photos on one page of her space to the Board, which were marked EXHIBIT 1.

Ms. Stillwell continued and stated that should the Clairs request for variance be denied, they will be able to go back to their lovely home and could sit out on their deck with a private quiet view of his back yard. They would not gain, but they would not lose anything. Should their request be granted, she will return home and never again have the same lovely outdoor space in her yard. Also, her property would lose a valuable asset.

Ms. Wardwell, 38 Union Street, spoke against the Petition and stated that she is the abutter directly to the east of the Clairs.

Ms. Wardwell submitted pictures to the Board showing the view from her back yard and was marked as EXHIBIT 2.

Ms. Wardewell stated that both of the pictures were taken from her backyard looking up at the roof of the Clair's garage, which would be the side of the dormer. Just to show how intrusive it will be to the Stillwell property and her property. Having people living up there with windows is much, much different than looking at a one-story garage. They will now have something like a 20-foot-tall structure with windows. She has also been a realtor for the past 30 years in Bristol, she's very aware of housing for the elderly issues. This most certainly will have a negative effect on property values for her and Ms. Stillwell. In her experience buyers do not want to have a neighbor overlooking them and constantly being able to peer into their back yard. She thinks it's a definite negative for the properties. She thinks the Clairs have many other options. They have a dormer on the other side of the garage, which could be extended. They have a lot that's three-times bigger than hers. She feels there are good reasons why the Town of Bristol requires a 6-foot setback in their area. A variance from the setback is definitely not in keeping with the neighborhood.

Ms. Stillwell stated that she realizes that the bottom size of the structure will not change, but it is going to go up another ten feet or so, so it is going to really increase in height. Mr. Asciola explained it can't go over the top of the roof; the height will not change.

Mr. Clair stated that he has spoken with both Ms. Wardwell and Ms. Stillwell, and he would certainly to everything that they could do in terms of the windows, whether it be glazing or any type of tinting. He is cognizant of their concerns, but in terms of being intrusive by way of privacy

he's not sure he buys that. He has pictures of his driveway and surrounding properties, which he presented to the Board, which was marked as EXHIBIT A.

Mr. Clair continued and stated the pictures show the side of his house and he does think that the pictures show eight or nine other structures that have similar characteristics within 500 feet of his house. What he's asking for, he feels, is a minimum amount. In terms of their comments, he has trouble arguing with it, but he would say that when they purchased their house, they bought the house with everything there and it appreciated nicely over the last eight years, as pretty much every property that is in that area.

Mr. Clair discussed the need for housing and looking for families to stay together. He feels that his hardship is getting denied a fully functional living space for his family for the next generation.

The public hearing was closed.

Mr. Palmer stated that he was looking at the aerial views of the properties and the thing that struck him was the tremendous amount of space that is available on the 30 Union Street property compared to 38 Union Street and 31 Noyes Avenue. The impact of the dormer hanging over the other properties would be very significant. And the fact that it's a foot from the property line is really significant. He thinks there are probably, well certainly in his opinion, other options to accommodate additional living space within the total property. The dormer idea facing the neighbors' property just doesn't seem like a good one and he wouldn't be in favor of that.

Mr. Asciola stated he was looking at all the photos and knows it's a very tight neighborhood, everything in that area is tight. So, he didn't think the dormer would change anything. Everywhere you look, either of those houses you are looking at the other person's house;

there's no difference. He personally did not see a problem with the proposal. And just because his property is bigger, that can't be held against him.

Mr. Palmer stated he understood, but the other folks have rights too and it's already one foot instead of six feet. Mr. Asciola stated that their structures are right on the property also.

Mr. Brum stated that anyway they cut it in respect to the garage he understands that the dormer will intrude on the backyards, but there are ways to accommodate that intrusion privacy aspects of the dormer that could be required. But it is awfully close. In response to Mr. Palmer asking if he had considered the dormer blocking out the sun to the backyards, Mr. Brum responded that it was a good point and did not think of that. But they are going up and not extending the footprint.

Mr. Kern stated he was having a problem with the plan. Normally he doesn't like seeing any construction that is close to a property line that would intrude on the neighbor. But one of the abutters brought up the point that there is a dormer on the other side with an existing porch and to him he could have gone on to that existing dormer and added the extra ADU. Yes, it's a light structure but it could be reinforced to bear the weight and get the extra room he needs.

The Board had detailed discussions on the plans and possible alternatives available and the history of the property.

After detailed discussions, it was obvious that the Board would not come to a majority vote, it was suggested that Mr. Clair ask to withdraw his Petition without prejudice and that if he did, he could come back with revised plans. If denied he would have to wait one year before he could resubmit an application.

Mr. Clair respectfully requested to withdraw the Petition without prejudice.

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MR. BRUM: I'll make the motion to allow the application to withdraw the application without prejudice.

MR. KERN: I'll second that.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

MR. ASCIOLA: Nay.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS APPROVED 3-1)

(Petition Withdrawn Without Prejudice)

Mr. Burke sat back on the Board and Mr. Asciola recused and stepped down.

8. **2025-34**

SHANNON DEFUSCO

**1 Shannon Ct.: Unit 1 : M
Pl. 94, Lot 67**

Use Variance to operate a recreational golf simulation business use within the Manufacturing (M) zoning district.

Ms. Shannon DeFusco and Mr. Anthony Marabelllo presented the Petition to the Board. Mr. Marabelllo explained that the idea is to put up a golf simulator business in 1 Shannon Court, Unit 102. It will be a single operated, one single bay and with success there will be two bays there. The maximum number of people expected to be in a single bay is four; so total would be eight if there is success. The business would be by appointment only through an on-line booking system. The system will give you a code to let you in the door. There technically won't be any staffing, there will be cameras inside and he is only three minutes away from the property and get there anytime to help or assist. The hours will be from 6:00 a.m.; but it is by appointment only, so technically the business isn't open unless there is an appointment made. And business would close at 10:00 p.m., 11:00 p.m. on the weekends. Also, he is not a golf pro; he could give lessons, but he is not PGA affiliated. If the business goes well, he will hope to hire a PGA Pro in the future and have them give lessons there as well.

Mr. Burke stated that the Board is asked to approve a Use Variance it's a high Standard and asked if they could consider the TRC finding as evidence.

Mr. Teitz stated they could, in the end its the Zoning Board's findings, but they can consider other things like the TRC findings and the Staff Report.

Mr. Brum asked what the lighting would look like at 9:00 on a Saturday. Mr. Marabelllo stated he will be using a projector, and it is not facing towards the windows that are currently there, and the room should be dark for the projector to work; so the lighting will be low. Exterior lighting will be a sign on the front of the building that matches the other surrounding buildings and businesses, the overhead door signs.

Mr. Jordan Forrest spoke in favor of the Petition. He is a commercial and residential realtor and was very fortunate enough to help Shannon and Anthony with this project. Its very exciting to see anyone of Anthony's age start to get involved in business around Town. He works with a lot of business owners of various ages and anyone that can come in with a business plan as cut and dry as he sees, with the fortitude to make it happen, and also the patience to see it through. It is not an easy process; it can be very intimidating to go before the Zoning Board and everything else if you've never done it before. So, the fact that he has hung in there to do this and has got this far is a checkmark on his record.

Ms. DeFusco explained that she owns half of the building, which includes this unit. She confirmed that she has attempted to get other tenants. The hardship is the design of the building. The back is separated by a wall in the center, so there's four units in the back of the building, four units in the front of the building. The units in the back of the building all have large overhead doors, which are great for contractors and electricians or anyone that wants to bring their equipment in. The front of the building was built like a store front, with the large overhang and the six-foot glass double doors. There is a dance studio that's grandfathered in to the right of this unit. And she has tried; she's had a realtor and tried many times to rent it out and unfortunately the businesses that would be allowed in that district just don't want to rent that unit for that reason; they're looking for more of the commercial units with the garage door.

Mr. Burke stated that the configuration of that unit is incompatible with the businesses that are allowed there without use requirements.

Mr. Mike Mello spoke in favor of the Petition. He did take a look around the area and the businesses looking to go in there didn't conform with the Use. But he's comforted by the idea that it's a bit of a unicorn; there are no other buildings like that with an awning. It just happens that Shannon's was built that way. She can't reconstruct it to put up an overhead door to make it compliant; so that's what her hardship is. But he was excited that she was able to find a business that seemed very compatible with the neighborhood.

No one spoke against the application.

The public hearing was closed.

Mr. Burke stated that they have done this before in that they have to resolve that there is no other use; and he's convinced that based on the evidence before the Board that the owner has attempted to find a business that is allowed and has not been successful. As far as he's concerned, they've checked the boxes.

Mr. Teitz noted that there is a unique condition which can apply to the subject land or structure. So, this is a unique condition of the subject structure to have a store front style structure in a manufacturing zone.

X X X X X X

MR.BURKE: I'm going to make a motion to approve file 2025-34, Shannon DeFusco, located at 1 Shannon Court, Unit 102 to conduct a golf training business in a manufacturing zone. This Use is not allowed in a manufacturing zone, but due to the unique characteristics of the building it's not conducive to a manufacturing Use or the other businesses that are allowed by right to

occupy that area. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject structure and also to its location in the Industrial Park, and not to the general characteristics of the surrounding area and not due to an economic disability of the applicant. The hardship is not the result of prior action of the applicant. The building with storefronts was built that way for some reason within the Industrial Park. The granting of the requested Use Variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. The actual Use will not impair any of the existing businesses that abut it. We've determined by the evidence that being the Staff Report, testimony from the owner that she has attempted to rent the unit to a conforming Use and the findings of the Technical Review Committee that there is no feasible way to find a beneficial use that meets the Zoning requirement. So, for those reasons I am going to move that we grant a Use Variance for this application.

MR. KERN: I'll second.

MR. BURKE: All in favor?

MR. PALMER: Aye.

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Asciola stepped back on the Board.

9. 2024-03

JONATHAN & MIRANDA TRAHAN

**454 Poppasquash Rd.
P. 174, Lot 74**

Request for extension of variance approval.

Mr. Tanner explained that this is the second month in a row that the Board did not receive this request. He believes it was just an oversight in the office.

Mr. Burke read the letter of request to the Board. Due to circumstances the timing of the project has been delayed. It is their intention to proceed as soon as they can, but construction may be delayed until Spring of 2026.

Mr. Tanner stated the original will expire in January 24, 2026; so the extension would be one year from that date.

X X X X X X

MR. BRUM: I'll make a motion that we extend for one year to January of 2027.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. PALMER: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

10. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: Motion to adjourn.

MR. BURKE: All in favor:?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. PALMER: Aye.

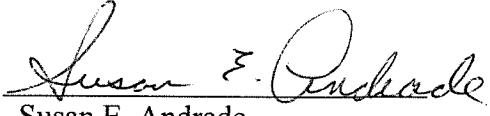
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:17 P.M.)

RESPECTFULLY SUBMITTED,

06 OCTOBER 2025


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 06 OCTOBER 2025

Date Accepted: 11/3/25
Chairman: 