

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

04 MAY 2026  
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. GEORGE DUARTE  
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY DAVID MARKS, Town Solicitor's Office  
MR EDWARD TANNER, Zoning Enforcement Officer

Susan E. Andrade  
91 Sherry Ave.  
Bristol, RI 02809  
401-578-3918

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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 March 2, 2026 minutes

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

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

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**SITTING AS BOARD OF REVIEW:**

**CONTINUED:**

**Board Member Mr. Kern recused himself and stepped down; Alternate Board Member Ms. Teves sat on the Board.**

**2. ZBR-26-10  
THE FRANKLIN, LLC**

**195 Franklin St.: GB  
Pl. 23, Lot 31**

Dimensional Variance to add an additional 24 outdoor dining seats to an existing restaurant use with less than the required number of off-street parking spaces.

Attorney Richard Didario represented the applicant. Mr. Todd Renner, Director of Operations, presented his qualifications to the Board, which included a list of restaurants he oversees. He explained they are requesting a parking variance under section 28-409 c standards for relief that is necessary to add an additional 24 outdoor dining seats. They were requesting relief from the number of required off-street parking spaces and to add the proposed seating in what is currently the planter bed on the premises. This would change or alter the current 7 parking spaces existing there now. During renovations of the restaurant, they also added an additional parking space, taking them from 6 to 7. When considering the variance, they hope that the Board will consider the total number of parking spaces available on Franklin Street, as there is ample spaces. They have also spoken with Joe Brito and local valet companies and will be adding valet services on busier nights in peak season to accommodate any additional parking needs. They are making this request due to requests by local Bristolians to add outdoor dining during peak season, May to December. This proposal is due to hardship of not being able to

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provide outdoor dining to local clientele. Though they are adding seats, they are not necessarily looking to add customers, but rather to offer an outdoor space to accommodate guest requests. This is not a result of any prior action of the applicant; and not granting the variance would not provide guests with reasonable enjoyment of the permitted use, to which the property is proposed to be devoted. They believe that because of the ample street parking and addition of valet services, there will be no effect to parking in the area.

Mr. Tanner noted in his staff report that the property currently accommodates off street parking for up to 7 vehicles. Based upon the size of the building and the number of existing seats, he determined that Section 28-252 of the zoning ordinance requires a minimum of 10 off-street parking spaces for the current restaurant use. Thus, the property is currently considered legal nonconforming by parking. As this property is already nonconforming by parking, additional off-street parking spaces are only required for the proposed addition seating per Section 28-222(1) of the zoning ordinance. The additional outdoor seats require one off-street parking space per four seats per Section 28-252(c)(4) of the zoning ordinance. Thus for 24 new proposed seats, relief is required for 6 off-street parking spaces.

Mr. Renner continued and stated that he believes that the outdoor dining option is important to the success of The Franklin, because that between the winter months, as well as balancing it out during the year and having Friday and Saturday outdoor, it gives a little bit of an opportunity to potentially increase a bit, would certainly be helpful.

Mr. Burke asked if there are other reviews that this business would have to go through besides Zoning and the issue of parking; nobody has to check the square footage of where the tables are going, nobody has to be concerned about cars pulling off of Franklin Street with no barrier between them and seated patrons. Mr. Tanner stated that he believed the

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applicants would be in front of the Town Council for the liquor license expansion. When someone does outdoor seating that would now be an area where presumably they would be able to serve alcohol; so, they will have a hearing in front of the Town Council. As far as parking and safety for the patrons; it would probably be something for the Building Official. But it's on private property, it's not like they are doing outdoor dining out on the sidewalk; where they would need a sidewalk users license. Mr. Burke expressed his concern that people would be pulling in off of Franklin Street and there are 24 people sitting there and based on the footprint presented there is no room. If somebody fails to put their brake on, there would be some crushed patrons. Mr. Burke asked if the Zoning Board should make sure that doesn't happen or is that another Board; because that's one of his concerns.

Mr. Renner stated that they do expect to institute some very heavy planters between the car park and the seating area. There's not a lot of room there, but when discussing it with the Architect he was told it would be made nice with some big planters. They do not want to put fence, instead they would put in big boxes that will pretty much block. Mr. Burke stated that his experience is that under that condition, you put a bollard at the end of the parking spot, and he was wondering how that could be incorporated.

Mr. Duarte asked if there had been any traffic pattern studies done. Mr. Renner stated they had not. Mr. Duarte asked how often Mr. Renner has traveled up or down Franklin Street on any day of the week or any time of day. Mr. Renner stated that he ventures on Franklin anywhere from 5:00 a.m. to 11:00 p.m. any given day of the week. Mr. Didario stated that he didn't have any real experience with Franklin Street, but last year his mother-in-law moved into Franklin Court, so he does go up and down that street a lot and it's a strange street, because it narrows down considerably, so you have to go fairly slow and there's quite a few stop signs

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coming down from Metacom Avenue. Mr. Duarte stated he travels up and down Franklin Street three or four times a day, almost every day, and he could say that it is sometimes difficult, even though it's two lanes for one car to pass at 2:00 in the afternoon. Meaning that there are significant issues in and around parking up and down Franklin Street, up and down Chilton Street, up and down Wilson Street, Reed Street, you name the streets in that neighborhood and it's going to create issues with parking.

Mr. Burke noted that typically for fine dining the area is like 20 feet a person and they don't have that there for 24 people; it's more like 15 feet. If it were inside, the aisles would be a minimum of 36" and on the diagram provided he didn't see 36" on each side.

Mr. Renner stated that he wouldn't say that it would be, but they could ensure that there is 36" between each table; they will be able to cut the tables to size for everything. Mr. Burke stated that it just looks very tight and his concern is that the cars would be pulling in and out of there at the same time. He'd at least like to have the opportunity for people sitting there to jump up from the table and get out of the way.

Mr. Renner stated that there was a letter in the file from the next-door neighbor, the Casual Inn, and he didn't think that the Board should give it any consideration. They have 80 seats with two parking spaces; and there hasn't been an issue with them. The Board stated they did not see that letter and Mr. Tanner provided the Board with the e-mail that was sent to the website.

Ms. Teves asked regarding the seating and asked if they were expecting 66 or would have 66 outside. Mr. Renner stated not outside, only 24 outside, 66 total for the restaurant. So if people come two at a time, that would be 12 cars. Mr. Renner stated it would each table would be seating for four, so maybe 6 cars. She asked how they are planning, and if

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on a Friday night, having Valet or working with Unity Park; how would it work. Mr. Renner stated they are still working out the details. The valet company can ensure that they have a lot off site that has been secured. Those patrons will be parking at the Franklin, and the Company would be driving the cars over and back. The outside parking at Unity Park would be exclusively for employees, who would be walking over on their own. Ms. Teves asked if that would open up the employee parking spaces for guests. Mr. Renner explained they don't presently have spots, they just park around the building; so, they would no longer be parking around the building as they open up those additional spaces.

Mr. Didario stated that the six tables and if the restaurant was completely filled inside and those six tables were utilized at the same time, there would be six extra cars.

Mr. Asciola spoke about the safety issue and acknowledged its not within the Board's jurisdiction.

Attorney Marks noted that just as a general rule, any relief that the Board grants is subject to all fire code and building permit requirements. The Board could add conditions, as far as making sure that safety is checked off, that's not really the province of the Board.

Further detailed discussion was held by Board members on the parking situation and traffic patterns on Franklin Street; as there is definitely a parking problem on Franklin Street and it's every day, all day long. The area is predominantly multi-family residences with very few having off-street parking. Discussion was also about having a plan in place and not just that they are looking into different solutions. Mr. Tanner noted that there is a provision in the Ordinance for off-site parking and would look it up for the Board. If the applicant can show in writing a signed agreement for additional parking, they may meet the requirements.

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Mr. Timothy Gardner, owner of property at 213 Franklin Street spoke against the Petition. He heard the description of what's going to go on there and heard a lot of hypotheticals about their may not be more patrons, valet parking. You can get all the valet parking you want, but everyone knows that Franklin Street is a tough street. There will be people doing valet parking in the middle of Franklin Street? Leaving their dinner table, getting their ticket, standing and holding up traffic at night. He doesn't think that's a solution. They said the residents aren't complaining, but that's because there is no outside seating at this time. He has one parking space for his tenants in the driveway and he has a three-family. They park on Franklin Street, and they lost spaces because of Brito's commercial space that they built in the back and opened up a gate to Franklin Street, that he didn't catch, but they lost several spaces there. He's thinking on a Friday night, his tenants go out and come back home and have no place to park and that's impeding their rights. Having planters in the parking lot; you're not going to box off that parking lot with planters, because its illegal for them to block the view of motorists on corners. He knows this because he was a zoning office in the Town of Portsmouth. They have to be will off the street. As far as noise for residents; of course there's going to be noise. You have a three-family house, little children trying to sleep, people eating outside and having a great time. This is Franklin Street; it's not High Street or Wood Street. He doesn't think Franklin Street is a good place for it. And impact on Casual Inn, that business has been in business for decades and they've done okay for themselves with the limited parking and think it will have an adverse effect on their business as well. He thinks they should have a traffic study; look at safety, it's not safe. He goes to visit his three-family house to do something and he parks off-street, when he gets to Franklin Street he takes his life into his own hands. His tenants' loose mirrors on Franklin Street frequently. It is what it is, it's Franklin Street. He doesn't believe there is a

hardship. He hasn't been to a zoning board meeting in 40 years, and he knows people need to build apartments, ADU and make a place for grandma, build a shed too close to the property line; not a big deal. But this, in his opinion, will get hurt here. He doesn't think it's a good fit for the neighborhood for outdoor seating. Just because they want it, doesn't mean they should get it. They're already nonconforming and now they want to get six more spaces. Valet isn't even a guarantee, and he believes it will just create more congestion on Friday and Saturday night. He hoped the Board would deny the request.

The public hearing was closed and the Board entered discussions. Mr. Tanner stated that after looking into the Code, it talks about required spaces shall be on the premises, except as provided by a couple of other sections. One is shared parking, they talk about business next door, like a church, you can use their parking lot, but on Sundays, no. If you had other businesses that had odd times, you could share spaces. The Planning Board, as part of a development plan process, can allow you to have an off-site parking plan with a deed restriction, or some type of a deed agreement that the Planning Board reviews. So, he doesn't think that's really pertinent at this time. The Board continued to have detailed discussions on the traffic and parking issues on Franklin Street and also the safety issues and noise issues for the surrounding area.

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MR. BURKE: Mr. Chairman, I'm going to make a motion that we deny file number 2026-10, The Franklin, LLC. To add an additional 24 outdoor dining seats. And the reason we're denying is because it creates an additional nonconformity of the lack of six additional spaces that would be required

by our Ordinances in order to create the 24 spaces. The hardship from which the applicant seeks relief is not due to the unique characteristics of the subject, land or structure. But is due to the general characteristics of the surrounding area. The surrounding area does have other eating and dining establishments. There is a severe parking issue, and it's mixed in with many residential units. The hardship is the result of prior action of the applicant. They acquired the business and have successfully started and run the business without outdoor dining. So they were aware that they would require dimensional relief in order to expand outside of the footprint of the existing building. The granting of the requested dimensional variance will alter the general characteristics of the surrounding area. It will exacerbate a parking issue that we've all recognized. There is very limited parking there and the ability to mitigate that is probably going to be a challenge that the Board is not going to be able to overcome. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, does not amount to more than a mere inconvenience. They have established business use. That business use is ongoing, and denial does not impact that. That is my motion.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

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MS. TEVES: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Denied)

**NEW PETITIONS:**

**Alternate Board Member Ms. Teves stepped down and Board Member Kern sat on the Board.**

- 3. ZBR-26-12  
COLLEEN CAVANAUGH and KING TO 26 Brookwood Rd.: R-10  
Pl. 79, Lot 500**

Dimensional Variance to construct an approximate 30' x 30' garden fence enclosure at a height of 6 feet, portions of which exceed the maximum height for a fence within the front yard on a corner lot.

Ms. Colleen Cavanaugh presented her Petition to the Board. She read a letter which stated they were requesting a variance in order to keep the existing garden enclosure. For the past few summers, the deer have wandered into their yard and destroyed their garden. In November of 2025 she applied to the zoning committee and was granted a permit to construct a six-foot garden enclosure to deter the deer. Her initial application had included dimensions of the fence and a map of her property. After the permit was granted, she hired a contractor and spent close to \$10,000 to build an open frame enclosure. This enclosure is not privacy fencing, not a solid wall and not opaque. One neighbor objected and said that the enclosure partially obscured his view. He petitioned the Board and his appeal was granted, the committee ruled to reduce the enclosure height to four feet in keeping with the zoning laws. Unfortunately, although the permit had been granted, it was not in keeping with the zoning laws. This may have been that the structure was viewed as a garden enclosure and not a fence. The enclosure is in the same footprint as a previous three-foot high fence. The new enclosure is custom built, open frame, decorative and protective gardening enclosure that is aesthetically pleasing with straight lines and a see-through black welded wire. It is constructed with open wire panels to maintain visibility and neighborhood character. The enclosure was designed and built solely for plant

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protection and architectural continuity. The garden enclosure is six feet high in order to keep out deer. There are wooden beams every 5 ½ to 7 feet. Most of the structure is a black welded wire, which can easily be seen through. There is six inches of wire beneath the enclosure to keep out rabbits. It will weather into a pleasing grey color that will blend into the neighborhood. She has been a Master Gardener since 2020, and she arrange raised beds and vegetables in the main enclosure and have already transferred vulnerable pollinator plans. She plans a large pollinator garden on the property in 2020 by enriching soil and planting native plants. There is a thriving bee and butterfly population there now. Most neighbors would agree that the yard visually enhances the neighborhood. She is planning to donate extra produce to a food bank that her son volunteers at. She stated that in the application she attached a drawing to the scale of the property and several photos.

Mr. Burke stated that there are some inaccuracies and wanted to point them out. He noted that there was an indication in her application that the Zoning Board ruled to reduce the heigh of the enclosure. He believes the hearing she was referring to, was when the permit was appealed and the Board only ruled on whether or not she needed to go for a variance. The Board did not indicate that she needed to do anything; just that the fence permit was issued in error.

Mr. Burke also noted that the last time she was before the Board she said she would be amenable to modifying the structure and asked if that was still the case.

Ms. Cavanaugh stated that no she it was not.

Mr. Tanner explained that it is a fence, and he believed the Board established that at the appeal. There is a definition in Section 28-1 of the Zoning Ordinance; a fence is a defined term. So he believes that at the appeal the Board found that it met the definition of a fence and that the fence permit was issued in error. Now the applicant is asking for relief from the four-

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foot height, to have a six-foot fence and a portion of the garden is in the front yard setback; so, the variance is a two-foot variance request. By Code, the portion in the front yard setback can't be higher than four feet without a variance.

Mr. Paul Jones, 15 Curtis Road spoke in favor of the Petition. He drives by this property every day, he's lived in the neighborhood for 55 years; he was there when Bill and Carol Sequino had their little summer home on the property. So, it went from a summer shack to the property that King and Colleen developed when they purchased the property. They have an outside garden that's not enclosed and he knows that for whatever reason the permit was granted for this garden enclosure; the Town did issue a permit and based on that permit Ms. Cavanaugh built this enclosure. The height variance that they are seeking is reasonable because of what they're trying to prevent, which is deer from getting into this particular portion of the garden, which is intended to be both a vegetable garden and to attract pollinators. Anybody who is familiar with that neighborhood knows that on any given night if you're up at 2:00 in the morning there will be deer wandering in, and a four-foot fence is just a little jump. He thinks that given all the circumstances surrounding this particular request; the fact that a permit was initially granted, the fact that the enclosure was erected actually fits and conforms to the general community and the general nature of the property itself and the surrounding properties. He thinks that what they intended to do when they built it was to make it attractive, to make it as pleasant to the eyes as it was useful for the function it was built for. He was wholeheartedly in support and would encourage the Board to seriously consider the request.

Attorney Marks noted that this was a little unique, because there was an appeal of the building permit for the fence, and now there is a dimensional variance request, even though the fence already exists. He recommended that the Board looks at the variance by itself, almost just

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imagining that the fence doesn't exist. He doesn't believe it is relevant to the variance criteria what happened with the permit and the appeal. He instructed the Board to keep that in mind when deciding as far as hardships or where. What happened before is not relative to the actual dimensional variance and the Board's decision making.

Ms. Ann Alix, 1 Curtis Road spoke in favor. She strongly and respectfully urged the committee to approve the variance. Ms. Cavanaugh built it according to the permit that was granted to her. It is a beautiful area. At the last meeting there was talk about not wanting a fence to look like a fortress around a home, which is the purpose of the ordinance; but it's a beautifully open garden enclosure. As neighbors, when they walk by they enjoy it and she's spoken to a number of neighbors about this and I've not heard anyone opposing it, except for the one neighbor. Also, it was constructed with so much care to make it so that it's not blocking any views; it's a wire mesh fence. It's just been a wonderful enhancement to the neighborhood, and it would be a shame to have to change it.

Mr. Allan Sten stated he just moved to Brookwood a week ago. He feels like no harm, no foul. He feels it's attractive. It's higher than one would expect, but it's totally open. As you go by you see the planters. He remembers five years ago, and they were first building everything, he thought it was pretty neat. He is a few homes away and is not bothered by, it's actually attractive and somewhat unique and special.

Attorney Michael Mineau, for Byron and Robin Connell, who live at 11 Fales Road. He explained that he had submitted a letter dated April 30<sup>th</sup> and reviewed it. His clients live right next door to this property on Fales Road. They look out at their windows in their home right on to this massive structure. Certainly, gardening and pollination are noble and commendable endeavors, but this is a really massive, scaled fence enclosure that is out of

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character with the neighborhood. There is another issue they pointed out in the letter, his client submitted some measurements indicating that the fence in certain areas is actually taller than six feet. He did not know that the applicant submitted any evidence to demonstrate that the height is only six feet around the entire perimeter, but to the extent that it exceeds six feet, he thinks is another issue with the application. Also, the setback encroachment includes 23 feet of this 30' x 30' fence. So, the majority of it is within the front yard setback on Fales Road. His clients made a number of efforts to try to resolve this amicably. They did not want to be objecting to and certainly hiring an attorney; but unfortunately, those efforts were all unsuccessful. They even offered to contribute financially to making some modifications to this fence. Maybe take a portion of it down to four feet. At one point they offered to just have the top rail removed. There is a rail that goes around the entire perimeter. So, that while its true that its wider in between the rails and posts, it's the height of this structure around the entire perimeter and the fact that you have rails that are six and seven feet high surrounding it, in the middle of the front yard, which is right outside of his clients windows, right next to their front yard and driveway and right along the street. That's their objection. Not to her having a fence or a garden and they were willing to work with her. He asked if the Board is going to entertain approving the variance request, that there be some conditions to try to mitigate those concerns outlined in his letter and also the materials that his clients submitted and were enclosed with the letter.

Ms. Cavanaugh stated that the six feet height; if it goes beyond is because of the gradient change and she's not sure how they entered her property to measure. The ideas that her neighbor presented to compromise didn't work. He wanted her to take down her two dogwood trees he would leave the fence alone. Or if she took down her trellis with her willow bush, she could keep the fence. Or if she moved the garden to another place, then he had no problem with

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it. All of the ideas were not possible. At the end they wanted her to remove the top rail, and he would pay for it. Then when she wanted to work with him, all of a sudden, they wouldn't pay the whole thing. After all that she didn't really want anything to do with negotiating with them. It's not because she didn't want to work with them, it's because she didn't want to be in that position.

Mr. Daniel Leeser, 12 Brookwood Road, stated that he feels this is an unusual situation where people come up with a concept of what they want to do, but this time they have the structure sitting there and can look at it. Basically, they have a great community and its tough to have this contention and sorry about that. He doesn't personally believe that fence fits into the community and the neighborhood. It's large and he thinks there are other options that can be done. If the goal is to keep the deer, but there are other options that would be better for the community. He was against it and hoped the Board would deny the request.

Mr. Alfred Alix, 1 Curtis Road, explained that he was a mailman for years, and as far as something on the sidewalk or not on the sidewalk; no one has ever complained as far as plants growing on the sidewalk there. There's talk about it being a big blockade; it's not. But it's also, Fales Road goes downhill, so even though the property is to the east, as you travel west, the road goes straight down into the water. Behind this garden fence is the next house, which is 3 Fales Road, which is two stories high. If you look through the fence, he thinks at the very least, the Board should hold this over, at the very least go look for themselves and when they look, drive around the area and look at the other properties that are much more encroaching on the sidewalk, if that is one of the things being talked about, the setback. He mentioned that the applicant is not required to provide anyone with a view and looking at that is better than looking at junk cars; and the more flowers that grow there will be an addition to his property.

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Mr. Tanner noted that the Board had received letters in favor; Linda and Paul Jones, 15 Curtis Road; Carla Martin, 12 Fales Road; Robin Crocker, 32 Lauren Road; Mary Toye, 32 Brookwood Road; Paula Ferreira, 20 Brookwood Road and Alfred and Ann Alix who just spoke.

Mr. Byron Connell, 11 Fales Road spoke against the Petition. The first thing is that the opposition to the variance is not personal. They live in a fantastic neighborhood; he hasn't met some of the people but look forward to in the future. His property is absolutely the closest in proximity to this construction and it directly impacts their day-to-day pleasure in the character of their house and the character of the neighborhood. Now, their primary living spaces look directly at a 900 square foot structure that is significantly out of compliance with the Town's Code. The variance application is asking for substantial relief. Its not minor relief and it's not representing the least relief necessary. The setback encroachment is significant. By the applicant's own measurements and his GIS measurements that they submitted last time, the structure sits only 7 feet from the property line, versus the required 30 feet; which is an encroachment of 23 feet and 76% into the setback area; its not even close. The height encroachment is also significant. The fence height is 6 to 7 feet. The way that they measured it is the same exact way that surveyors measure it, with laser triangulation from off the property. It's not 100%, but it's pretty damn close if you know what you're doing. The top piece of this is 7 feet. So, even if you give the requested two-foot variance on a six-foot basis, it's still not in compliance. His understanding is that a dimensional variance requires the demonstration of hardship. Something that is substantial and more than an inconvenience. Something that arises from the unique physical characteristics of the land and something that's not based on the personal preference, project cost, the completion status, or self-created conditions. Protecting a

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garden from deer reflects personal preference, not a land-based hardship. Deer are common throughout Bristol and not a unique issue for this property. There are no unique physical characteristics of this property that demonstrate hardship. He thinks that there are a lot of code compliant alternative solutions. And the way that their discussion was represented was not accurate. He thinks the most important one was included in his letter to the Board. Prior to the March permit meeting they made a good faith effort to resolve this issue directly with their neighbors by offering to fully fund a code-compliant alternative. That is a two-tier offset fence system with a four-foot primary fence and a simple two-foot secondary fence. These systems are considered more effective than a single-foot fence for deer deterrence; particularly for small gardens, orchards and vineyards. There is some supporting research in the handout that is actually from Cornell University. If this proposal was originally accepted, it would have been a no-cost path for the applicant to be in compliance and would have been proved deer protection and it would have avoided Board review all together. He believes the structure impacts the character of the neighborhood. Anyone who has actually come into his living room and seen it from their perspective, they absolutely agree. One of his old real estate friends who came in and visited, said, oh no, what an eyesore. That's the type of reaction that he hears, which is quite different from walking on the street and seeing it from that perspective. The application describes the fence as open framed. The partial transparency does not resolve the core issue; it remains noncompliant and out of character with the residential setting. Even with see-through elements, it's height, bulk and proximity to the property line alter the feel of the street, obstruct the site lines, as they disrupt continuity. It's not a light-weight fence by any standard. It has large 6 x 6 posts, it has heavy gauged wire, it has three levels of horizontal rails, and it gives the structure the visual weight that's much more in line with an agricultural or commercial setting

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than a residential setting. They are also concerned that granting a variance for magnitude, 76% reduction in the required setback, for a common issue like deer, would set a concerning front-yard precedent for both their neighborhood and the Town as well. Overall, they don't believe the application meets the standards for approval for dimensional variance. The relief sought is substantial. The claimed hardship is based on personal preference of deer and not tied to the land. And has a significant impact on his property and other members of the neighborhood. He respectfully asked the Board to uphold the Zoning Ordinance and deny the application.

Ms. Linda Jones, 15 Curtis Road, spoke in favor. She was speaking for her neighbor Mary Toye, who could not be present. Ms. Jones stated that Ms. Toye asked if her letter could be read.

The Board did read Ms. Toye's letter in support to the audience.

The public hearing was closed and the Board entered into discussions based on the evidence and testimony presented.

The Board agreed with Counselor's advice that they must look at the application as if the fence did not exist and the previous permitting.

Mr. Burke stated that the Board was being presented with an application for a fence that protects vegetation that encroaches on the side yard on Fales Road on a corner lot. The reason for it is deer protection and the Board has consistently granted variances for people that have an infinity for gardening, usually exquisite or expert gardening. They've also granted variance to people just to protect their vegetation, and they've done it at many locations throughout Town. If it came before the Board and hadn't been erected; obviously they would have listened to any objections, but he would probably treat it like they have some of the other ones and comfortable with granting some level of relief to protect it. He personally doesn't find

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it objectionable, but he doesn't live there. He appreciates the abutter's concerns about looking out his window and seeing it. If he doesn't like it, he gets it and the Board needs to balance that. He wished they could have worked something out so that the Board didn't have to be the decision makers, because somebody will leave not happy. He believes that they explored trying to get it mitigated outside of the hearing and it doesn't look like that's going to happen.

Mr. Daurte stated that the only comment he had that he concurred with Mr. Burke's statements; however, he did think that the certain there were certain required caveats to the fences the Board did grant variance for. They had restrictions on the type of fence, he believes there were other caveats put in place, so that it wouldn't be as obstructive to other abutters' use in size and scope. He doesn't have an issue granting a variance but believes there should have been some type of restrictions as to the type of fencing that the individual can actually construct in the front yard. The last fence variance they granted was in more of a secluded area of off Metacom in Church Cove and that was limited as far as traffic was concerned; there's maybe only six houses on that street. And they did limit the type of fencing they were able to put on that property.

The Board reviewed the plans in detail.

The Board reviewed similar requests in detail, along with several options to change the fence if it had come before the Board prior to being built. Mr. Burke noted that if the proposal was before the Board fresh, he would be amenable, based on the intended purpose and looking at how the vegetation is located. They also discussed that due to the gradient of the land, that could play into the illusion of height difference.

Mr. Tanner stated that the application was to keep the existing fence and he would not want to be out there with a measuring tape saying its six foot two inches, and how are you going to cut down. His opinion was that it either be the fence presented or not.

Attorney Marks explained that it was within the Board's right to do that. They consider the fence as it exists, the plan that is before them, then whatever dimensional relief might be needed. To clarify, he explained, the Board can't use the fact that the fence exists as some hardship. It would be right to say this is a self-made hardship, or this is a hardship because of the money that she spent. But for the actual what's being applied for, they can use the fence as it exists to be whatever dimensional relief is necessary for this fence.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to approve application 2026-12, Colleen Cavanaugh and King To, 26 Brookwood Road to construct a 30' x 30' garden fence enclosure at a height of 6 feet, portions of which exceed the maximum height for a fence within the front yard of a corner lot. And this has been calculated as being 7 feet from the property line on Fales Road and 23 feet of the 6-foot fence is located within the second front yard setback on Fales Road. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land, and not to the general characteristics of the surrounding area and not due to an economic disability of the applicant. The applicant has created a substantial garden and requires protection from a recognized deer issue within the Town of Bristol. The hardship is not the result of prior action of the applicant. We have recognized once again that there is a deer issue

that impacts vegetation and the protection of it in the Town. 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. Gardening is an allowed use in the residential area. That the hardship that would be suffered by the owner of the subject property, if the dimensional variance were not granted, would amount to more than a mere inconvenience. They will not be allowed to protect the garden without the fence as designed to protect from deer. Also, we are approving as part of this dimensional relief that the fence that currently exists will be allowed to remain as is. That's my motion.

Mr. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**Board member Mr. Duarte stepped down from the Board and alternate Board member Ms. Teves sat on.**

**4. ZBR-26-16**

**PATRICK M. BROGAN**

**146 Sunrise Dr.: R-10**

**Pl. 151, Lot 117**

Dimensional Variances to construct an 11' 8" x 20' accessory storage building structure with less than the required right-side yard and less than the required front yard on a corner lot.

Prior to starting to hear the Petition, Mr. Burke disclosed that he and the applicant had a work relationship, but both are now retired. He feels that he's unbiased in reviewing the application.

Mr. Patrick Brogan presented the Petition to the Board. He explained that he would like to replace an existing carport that was in position when he bought the house in 1984. He's been having a lot of problems with mice getting into his car, so he would like to put a garage in that location. He found an appropriate building that is marketed as a shed; it's a pre-fab building, it's very cost effective. It's normally installed on gravel footing, but he has an existing concrete pad and thinks that's where it would be best for his property. If he places the building at the center of that concrete pad, the southwest corner will be within 5'4" of the property line on the west side of his property and would be closer to the abutter than the 6 feet allowed. The rest of the building would be on average a little bit more than 6 ½ feet from the property line. Because this pad is situated on the diagonal; it's not parallel to the property line, so it would be 8 feet away at the front. The other nonconformances are that this house and the existing carport were built in 1961, and it was in the same spot that it was in 1984. The house is closer to the street in the front than the 30-foot setback required. The house is 25 feet from the

pavement, but the road is 50 feet on paper, but it's only paved 30 feet. So that means the house is really only 15 feet from the property line. And the carport is at the same position relative the front property line and doesn't want to move it. He confirmed that the height would be 10 feet, which is also the height of the existing carport that would come down.

The Board reviewed the plans and application in detail with the applicant.

No one spoke in favor or against the Petition.

The Public Hearing was closed. The Board discussed that it would be on an existing pad and effectively it would be no further towards the road on the second yard than the main structure. They reviewed other abutting properties in the area.

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MR. BRUM: I'll make a motion to approve application ZBR-26-16 for Mr. Patrick M. Brogan. The applicant has requested 8 inches of relief in the front yard setback to replace an existing carport with a prefabricated garage that will be built or assembled to the building inspector's standard, would be the assumption. The hardship isn't due to any action of the applicant. As he has stated in his testimony, the existing carport has been damaged by several acts of God during the Hurricane Irene. And the need for a carport, especially living in New England, is not quite a convenience, but can be considered a necessity. As the applicant stated, he didn't put the pre-existing carport in that particular spot. He purchased the property in this pre-existing condition. The granting of the requested dimensional variance will not alter the general characteristic of the surrounding area, or impair the intent or purpose of the Zoning Ordinance or the

Comprehensive Plan of the Town of Bristol, because as stated by Board members, and from my own personal knowledge, sitting on the Zoning Board, we have previously approved within this neighborhood carports of this style, or pre-fabricated garages, or sheds, given the fact that they're convenient. And it is consistent with the neighborhood. Giving a limited amount of size to some of the lots and the dimensional constraints of building a multiple car garage, or even a single car garage. The hardship that the owner of the subject property would suffer, if the dimensional variance were not granted would amount to more than a mere inconvenience, because as I previously stated, there was a pre-existing carport that he had the use of and that he purchased the property with and by denying the reconstruction of a similar improvement to the property, we would be denying him the ability to safely and securely keep his vehicle, as well as to avoid any hard weather or difficult weather. For those reasons I so move.

MR. BURKE: I heard you mention the side yard variance of 8 inches. Did you include the front yard variance of 15 feet?

MR. BRUM: No.

MR. BURKE: Then can you amend that.

MR. BRUM: I will amend to include the 8 inch and the 15 foot front yard setback.

MR. KERN: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

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MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**Alternate Board member Ms. Teves stepped down and Mr. Duarte sat on the Board.**

**5. ZBR-26-17**

**DAVID BUTERA**

**133.5 Ferry Rd.: R-40**

**Pl. 165, Lot 4**

Dimensional Variances to construct a 26' x 38' accessory garage/accessory dwelling unit (ADU) structure at a size and height greater than permitted for accessory structures in the Residential R-0 zoning district.

Mr. David Butera presented the Petition to the Board. He explained his plans to build an ADU and a garage; so instead of building two structures, he'd like to combine the two into one structure. It would take up less space in the lot and create a more open driveway to get in. Presently it is very difficult to get in if you have two buildings in front. By combining the two structures, he lessens the lot coverage. He tucked the garage way over to the side, making it difficult to see.

He reviewed the plans with the Board in detail and provided a larger copy of the original. He described neighboring properties with similar layouts. The Town presently allows a 26' x 28' foot garage and a 26' x 28' accessory structure. By making this building slightly wider, he added a stairway to get to the second floor, with the 2 ½ feet of head room, you are able to stand up on the second floor. This property will be his primary dwelling and ADU will be for family members.

Board members agreed that two structures could be built on this property and the requested height variance is to accommodate a second floor with living area.

Mr. Burke noted that along with the height variance, Mr. Butera plans on putting a 7' cupola on top. Mr. Butera stated it does not play into the height variance; it is only for design purposes; no one can go up into it, and he believes it is in keeping with Bristol

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architecture, as well as the garage design. The square footage of the ADU will be roughly 815square feet, one bedroom.

No one spoke in favor or against the Petition.

The Public Hearing was closed.

The Board agreed that the cupola is not an issue with the Petition. Mr. Tanner noted that Section 28-143 provides an exception for it, as long as you cannot enter it from the interior or exterior of the structure. And can be included up to 50% of the maximum height required in the zone.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file 2026-17, Dvid Butera at 133.5 Ferry Road to construct a 26' x 38' accessory garage, which includes an ADU on the second lever, at a size and height greater than permitted for accessory structures in a residential R-40 zoning district. The lot size is appropriate for the construction of an ADU and the ADU square footage falls within the parameters of what is allowed, by State Law and by our Ordinance. 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, and not due to an economic disability of the applicant. The applicant is actually building a family home on a subdivided lot on Ferry Road. This project, along with the initial structure on the other lot has been going on for several years. The actual accessory structure is allowed. The hardship is not the result of prior action of the applicant. He's merely combining the

two uses, which is a garage and ADU into one unit. If necessary, two structures could have been proposed and erected without any relief. The granting of the requested dimensional variance will 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 setbacks are being respected and garages and ADUs are allowed per our Ordinance. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, would amount to more than a mere inconvenience. In order to achieve the requirements that the applicant has proposed, he would be required to build two separate structures. For those reasons, I so move that we approve this application.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**6. ZBR-26-18  
VICTORIA SILVA**

**674-675 Hope St.: R-6  
Pl. 13, Lot 17**

Special Use Permit to convert an existing nonconforming retail/art studio use to a nonconforming retail bookstore/café service business use within a residential zoning district.

Ms. Victoria Silva presented the Petition to the Board. Ms. Silva explained to her and her sister, Jessica King, plans to open a hybrid bookstore and café. They would like to be able to sell retail books, as well service beverages including coffee, wine and cocktails; given that they are approved by the Town Council and obtain a liquor license. They both grew up in Bristol, they love books, and their goal is to provide a space for people in town to be able to go in and explore literature and culture and be able to just group together as a community in a third-party space. Their goal is not to compromise the integrity of the area at all; but actually, to compliment it and enhance it with a gathering space that encourages social and community connection. There will not be any loud entertainment, or anything that would be inconsistent or disrupt the neighborhood. The space is currently vacant right now, but before that it was an art studio. They did talk to the Fire Marshall about capacity and given that they haven't actually started renovations inside. But once they complete the space, the capacity will change; right now, they are looking at about 25 to 30 people.

Mr. Burke referring to the business plan provided to the Board stated that it shows the hours of operation and asked if they had applied for a liquor license. Ms. Silva stated they did come in for that license, but they have to receive zoning approval first. Mr. Burke stated that he assumed they would not be servicing alcohol starting at 10:00 am. Ms. Silva stated, no, the plan is more so in the afternoon around 4:00 pm.

Discussion was held between Board members on setting a time condition on the service of alcohol. Attorney Marks explained that would be decided by the Town Council during the licensing phase.

Mr. Tanner stated that to clarify, the Use in the Zoning Ordinance and the Use Table; it's a restaurant, café or deli, with or without alcohol sales. If the Council denied the alcohol, he believes they are still going to open with other types of drinks and snacks. There are no separate Standards for the use of alcohol.

Mr. Burke noted that the Board had to make a determination that whatever was there, this Use would be better for the area and less nonconforming; more in conformity than the previous Use.

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 that we approve file number 2026-18, Victoria Silva for Novel Pour, located at 674-676 Hope Street to convert and existing nonconforming retail and art studio use to a nonconforming retail bookstore, café service business use within a residential zoning district. The Special Use is not specifically authorized in the Zoning Ordinance; however, in accordance with Section 28-218(h), based on discussion and testimony and the history of the building in this particular section of the building, the Board has a finding that this nonconformity is less of a nonconformity than the previous uses. Therefore, we have the ability to allow and grant a Special Permit. The granting of the Special

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Use Permit will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. It actually will fit in nicely with the series of businesses along that section of Hope Street. I so move.

MR. KERN: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

7. **ZBR-26-19**  
**DONALD F. CLUKIES**

**Wilcox St.: R-15**  
**Pl. 133, Lot 44**

Special Use Permit to construct a 25' x 60' single-family dwelling at a height greater than 25 feet above grade within the flood zone.

Mr. Donald Clukies presented the Petition to the Board. He explained that he recently purchased the lot, which is very narrow. He presently lives in Portsmouth for the last 35 years but now he needs a smaller house. His intention is to make this house small, pretty much just for him and hopefully for his son in the future. Basically, it's a net-zero house. It does sit on the water, and it has a geothermal heat pump, which he's already drilled for. He has to get CRMC to go ahead with the building and they already have house plans that were presented to the Board, which explain why the extra height and Special Use is being asked for. He will be adding solar panels on the house, again it will be a net-zero home, as he is very interested in taking care of the environment, and feels his plans fit his needs and protect the environment around this structure.

Mr. Christopher Pernice, Architect, reviewed the plans in detail with the Board. The lot is 45 feet in width, very narrow and has a Coastal feature, they will be going to CRMC, which is dictating the rear setback. It is within the FEMA AE14 Flood Plain, which to build over 25 feet in a flood zone in Bristol, as per local 28-150, they need to request a Special Use Permit. With that come five design guidelines, which meet four of those guidelines; but the fifth one is a hardship is the average front yard setback, which the average setback of the neighbors within 250 feet on the same side of the property. The neighboring lots on this block, most of the homes were built prior to the 60's, before this enforcement. They are also deeper lots, so the houses at the time were allowed to be built. But if they were built new today would not be allowed in their

current position. CRMC would force them to push farther towards the road. If they were to follow those guidelines, it would make it unbuildable, there would be no area they could be built in.

Attorney Marks stated the applicant did include that, but as to those criteria, it would actually be a dimensional variance from that lot criteria included in the Special Use Permit. The Board can hear a Special Use Permit in conjunction with dimensional variances. So, assuming that all the other criteria of this particular Special Use Permit are met, the Board would grant a dimensional variance for this one criterion, which they're not making.

Mr. Pernice explained that they are in an R-15, which has a 20-foot setback. They are proposing 32-foot setback, that is measured to the upper portion of the building. The lower portion is 34' back. They put that jog in the building intentionally to meet the design guidelines, one of which is to have on the front facing elevation to have differentiated phases. The purpose of the goals is to prevent the massing of the buildings on flood properties to just overpower the rest of the neighborhood. They want adulation, roof pitches, reduced massing of what would be a third story in a normal house.

The Board reviewed the plans in detail and the neighboring area in detail.

Mr. Tanner explained that when the TRC met they were looking at the aerials and a lot of the houses are up against the water today; they were built many years ago. CRMC is never going to let them rebuild in the same manner.

Mr. Pernice reviewed the need for the height variance, due to the average existing grade is 5' above sea level and the flood zone is 14 feet. So, the lower structural member of the house needs to be set a minimum above that. He reviewed the floor system fitting into the flood zone in detail.

Mr. Tanner clarified that a height variance was not necessary here. It's the Special Use Permit for building above 25 feet in a flood zone; that's a Bristol Special Use Permit.

Mr. Thomas Camara, 15 Wilcox Street stated that his statement is not against the applicant, it's more of concern that they have. He was also speaking on behalf of Steve Eaton, 10 Wilcox Street and also Michael Vaughn, 8 Wilcox Street. He asked where the setback is from; he knows they said 32 feet; but is it from the pin or the road. Mr. Tanner stated it is from the property line. Mr. Camara stated that if he's correct, the plans show 20-foot frontage to the pin. The Board corrected him that it's at 32 feet. Mr. Tanner explained that the zoning requires a minimum front yard setback of 20 feet; they're going to be 32 feet back from the property line and there's another 3 or 4 feet before you get to the pavement. Mr. Camara stated the reason he was asking was because Mr. Eaton had spoke to Mr. Clukies, that Mr. Clukies house would not extend further to Mr. Eaton's, which is to the right, to block his view. He believes it is going to be a little bit further than what was talked about. Mr. Tanner stated that the plans were submitted showing it a little bit further back, towards the street. The next concern is water displacement. The prior owner of the property showed plans that there would be a swale between the east side, river side, to the DEM marker. He wanted to know where the water would be displaced from the proposed building, as there will only be ten feet on either side of the building. Mr. Asciola stated that will be part of his drainage plan. Mr. Tanner explained that when the applicant goes to CRMC they will review that. And, when they come back to the Town for a building permit, they have to show a drainage plan. The applicant did submit a drainage plan, which has not been reviewed or approved as of yet. It is stamped by a professional engineer. It shows rain gardens, instead of swales, it has the roof drains, all the down spouts going into the rain garden; so, this

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will get reviewed at the time of the building permit. Mr. Camara stated that he was asking because the house across the street from him at 15 Wilcox, the water displacement is horrendous. When it rains heavily the property behind them is a swimming pool and it is disgusting to see. That address has zero water on his property, but everyone else around him is soaked.

Attorney Marks stated that it is a valid concern but really isn't within the jurisdiction of the Special Use Permit consideration for the Zoning Board. Any approval from them is subject to all those other approvals. This Special Use is just for the 25 feet height difference; being above the height requirement.

Mr. Camara was instructed to visit the planning and zoning department to follow the process and address his concerns.

No one else spoke for or against the Petition.

The public hearing was closed.

Attorney Marks explained that the Board has the regular Special Use Permit criteria, Section 409(c)(2) and Section 28-150(e)(e)(e) and in triple e they will discuss a dimensional variance from the criteria number 3; that's lots that align abutting coastal feature, that the minimum front yard shall be the average setback of the parcels within 250 of parcels on the same side of the street.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to approve file number 2026-19, Donald F. Clukies, lot on Wilcox Street known as Plat 133, Lot 44, to construct a home in the flood zone at a height greater than 25 feet above grade. The application meets all the requirements for this parameter, meaning the 25 feet, with the exception of 28-150 (e)(e)(e) number 3 for

lot's rear lot lines abutting a coastal feature the minimum front yard shall be the average setback of those parcels within 250 feet of the parcel on the same side of the street. Our findings, and a previous finding by the Planning Board, were that the location of the homes within 250 feet make the measurement impractical and meaningless because they were located prior to the institution of that setback requirement. The Special Use Permit is specifically authorized by the Zoning Ordinance in Section 28-150. This application meets all of the other requirements, according to the plan. And the approval will be for the plans, as submitted. Granting the Special Use Permit will alter the general characteristics of the surrounding area, or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of Town of Bristol. Testimony and our findings and the submitted plans indicate that this is a very appropriate proposal for this currently vacant lot on waterfront property on Wilcox Street. So, I would ask for any further input.

MR. MARKS: I would, if you can, make some findings on what the hardship the applicant suffers that we should relieve him from the Standard 3.

MR. BURKE: The hardship is a result of the lot being in the flood zone and requiring a 25-foot height. Without a Special Use Permit, its not possible to construct a home that meets flood zone requirements and falls below 25 feet. So, its mathematically not possible for him to construct a home and meet all the requirements of both DEM and our Ordinance.

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MR. MARKS: And just the setbacks, they can't meet the average setbacks, because the other houses, I think you mentioned they were built before CRMC; so that would be a dimensional variance and that would be a hardship as well.

MR. BURKE: Right, It's a hardship because of the placement of the houses that are being used for the measurement for the setback. I so move.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**8. ZBR-26-20  
RICHARD A. GAYER**

**54 Coggeshall Ave.: R-10  
Pl. 148, Lot 14**

Dimensional Variance to demolish an existing single-family dwelling and construct a new 40' x 40' single-family dwelling with less than the required front yard on a corner lot.

Mr. Gayer presented the Petition to the Board and explained that for the past eight years the property has been used as a rental property, but his current proposal will not be a rental property; he'll be making it a family home. That is the reason why he wants to completely tear it down and start from scratch. The dimensional variance he's seeking is, because it's a corner lot, and he would like to put the house back to where it's historically always been on that one side yard. The Plat Street property as the side yard, if this gets approved, will actually going to be more conforming, because the jut out that is currently there for the bathroom is going to be removed and they will be straightening the lines. The reason for the size of the footprint is to include a garage in the structure. And to use it as multi-generational and grow old in place scenario. He has two autistic children and would love to have them with him as long as possible.

The Board reviewed the plans in detail and confirmed the proposal would actually be less nonconforming than what exists in the lot presently. The applicant also outlined the design in detail to the Board. The applicant also explained that he has a car hobby that he would like to continue his hobby in the garage in the back.

Mr. Joseph Perry Rezendes, 18 Plat Street, stated he also represented his brother Alfred Rezendes. He stated that his opposition is not for the building of this new home, his opposition is the size of the home. And the so-called hobby garage is 15' x 30' and it sits about five feet from the next home next to it. This is the Narrows, all little summer cottages that have

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been renovated through the years and he feels a structure of this size and the very narrow roads on Coggeshall Avenue and Platt Street, it will just be too cumbersome. To get closer to Coggeshall Avenue from where he's set back now is just not feasible. It will crowd everyone in just too much. He's not opposed to the applicant building a new home; but 40' x 40' is too big. They have one on the other piece of their property, but it sits on a third of an acre of land.

Mr. Rezendes asked on that lot how big the structure could be legally with the garage structure. Mr. Asciola stated the garage structure is already there. Mr. Rezendes stated that the existing structure is only 25' x 25', if that, not even. He continued to explain how narrow the surrounding streets are and just feels the structure is too big for the area.

Mr. Burke noted that he saw the as is condition and asked if there was a site plan showing the proposed. Mr. Tanner explained that the site plan shows existing footprints and proposed footprints, which they reviewed in detail. Mr. Tanner noted that only the portion of the house close to Platt Street needs a variance. From Coggeshall Avenue it meets the 30-foot setback, according to the plan and it meets the rear side setback, and it is using the same line as the existing home, relative to Platt Street, except that there's a bump out that won't be there. The house will be bigger in the center of the lot.

Mr. Rezendes stated his concern was the Coggeshall Avenue side and was informed that the application does not need any variance on the Coggeshall Avenue side, setbacks are met on that side, and the application meets lot coverage also.

Mr. Burke noted that if the applicant tore down the existing garage, the house could be larger than the one being proposed.

Mr. Mark Rezendes, abutter, stated he was just a little confused about how the lots are laid out. The Board explained that the house and garage were on the same lot and the

house in back is a separate lot. Mr. Rezendes expressed concern that this would turn into a rental property, which he has seen happening a lot in that neighborhood.

Ms. Monica Chartier, 36 Platt Street, asked if the applicant is going to go into Coggeshall Avenue more and the Board explained that the relief being asked for is on Platt Street. The Board explained that on a corner lot there are two front yards. She explained that people cut through Coggeshall Avenue constantly and they worry because there are a lot of children riding bikes and playing and they are worried about that corner and the people cutting through there constantly. And coming down Platt Street you won't see the children. The Board explained that the structure will actually be further back from Platt Street than the existing structure.

The public hearing was closed.

The Board agreed that it will bring the property more into conformity than presently existed and the new structure will be more aesthetically pleasing.

X X X X X X

MR. DUARTE: Mr. Chairman, I'll make a motion to grant the dimensional variance, ZBR-26-20, Richard A. Gayer, dimensional variance seeking a variance to a side yard, via Platt Street, 54 Coggeshall Avenue. The hardship from which the relief is due to the unique characteristics of the subject land or structure and not to the general character of the surrounding area and not due to the economic disability of the applicant. Because the actual current structure on the property is to be built on the same footprint, actually less than the overall of the footprint of the property. The variance that he is seeking is the minimum variance request for a side variance. That the

hardship is not the result of prior action of the applicant. Because, again, the existing structure is located in that location and he just wants to tear down and rebuild and actually reducing the overall footprint of the house. Granting the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent of purpose to the Zoning Ordinance or the Comprehensive Plan in the Town of Bristol. Because, as stated during the evidence hearing, the actual new structure will provide a more cosmetic improvement to the surrounding area and in keeping with the Code in Zoning and the Comprehensive Plan of the Town of Bristol. That the hardship that would be suffered by the owner of the subject property, if the dimensional variance is not granted, would be more than a mere inconvenience, meaning that relief sought is minimum to reasonable enjoyment of the permitted use to which the property is proposed. Once again, if the variance is not granted the owner of the property will suffer an inconvenience based upon the utilization of the property and would like to knock down and rebuild new to provide potential generation use. Therefore, I move that the dimensional variance be granted.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

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MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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CORRESPONDENCE:

9. **2024-13**  
**FRAN GAYNOR/**  
**Franjelica Properties, Inc.**

**259 Wood St.:**  
**Pl. 19, Lots 19 & 33**

Request for Extension of Variance Approval recorded May 14, 2024.

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MR. BURKE: Mr. Chairman, I'll make a motion to extend the approval of file 2024-13  
for one year from the date of request.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Extension Granted)

**10. ADJOURNMENT:**

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MR. ASCIOLA: Motion to adjourn?

MR DUARTE: Motion to adjourn.

MR.KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

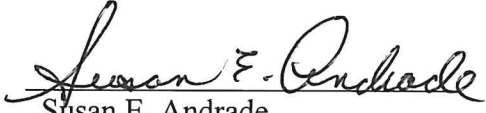
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 10:18 P.M.)

04 MAY 2026

RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 04 MAY 2026

Date Accepted: 6/1/26

Chairman: CA Burke