

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

02 OCTOBER 2023  
7:07 PM  
BRISTOL TOWN HALL  
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. CHARLIE BURKE, Vice Chairman  
MR. DONALD S. KERN  
MR. TONY BRUM  
MR. DEREK TIPTON, Alternate

ALSO PRESENT:

ATTORNEY PETER SKWIRZ, Town Solicitor's Office  
MS. DIANE WILLIAMSON, Town Planner

Susan E. Andrade  
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Bristol, RI 02809  
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The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:07 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

**1. APPROVAL OF MINUTES:**

**18 SEPTEMBER 2023**

Chairman Asciola called for approval of the September 18, 2023, meeting. Chairman Asciola noted that those minutes were not yet available.

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MR. BURKE: I'll make a motion to continue the review until next month, Mr. Chairman.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Approval of minutes Continued)

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**CONTINUED PETITIONS**

**2. 2023-27**

**ROBERT M. KREFT**

**22 Wall Street: R-6**

**Pl. 33 Lot 17**

Dimensional Variances to construct a 40' x 42' accessory garage structure at a size and height greater than permitted for accessory structures, and with greater than permitted lot coverage by structures in the R-6 zoning district.

Mr. Burke noted that he was not present at the September meeting and would not be able to vote but would like to reserve the right to question.

Attorney Skwirz stated that Mr. Burke could participate in any discussion.

Mr. Robert Kreft presented the Petition to the Board. Mr. Kreft stated that at the last meeting the Board requested more accurate drawings and how much asphalt would actually be laid down on the property; so, he submitted three drawings. The first is the actual black and white and then he created two aerial photos, one with a closer view. The blue is representative of the asphalt, the yellow is representative of the building, as well as the lot line. Further out view is for them to see what is in the neighborhood, so he wouldn't change the view of the neighborhood, including Reliable Pest Control right across the street. Two families straight across the street, 22 Wall right in the middle, there is a six-family right behind 22 Wall St. He believes the question was what is right behind the lot that was a single family, and then the manufacturing plant up the road.

Mr. Asciola stated that at looking at the plans, it doesn't look like they are to scale. Mr. Kreft acknowledged that there were not. Mr. Brum stated that the applicant may be a surveyor or engineer, however, the plans submitted are not stamped and seem not to be to scale.

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Mr. Brum continued and stated that just by eye he was looking at a building that's proposed to be 40' x 42' and it looks to be the same size that is marked 32.99.

Mr. Kern agreed and showed the drawings to Mr. Kreft pointing out that the scale was not accurate. Mr. Kreft stated that the drawings and numbers, he believes, are correct.

After detailed discussion, the Board agreed that the site plan was not to scale, what was they asked for at the previous meeting, and could not make any determination with the information provided to them.

Mr. Kreft acknowledged he was before the Board in 2022 and his request for a garage building was denied at that time. He then combined the lots in order to come up with the plans before the Board at this time in order to store all his equipment on it. If he is denied his request, it's going to go back to a split lot and a single-family will go on that lot.

Mr. Brum stated that what he has submitted is closer to the intent of the Comprehensive Plan, the problem, however, is the size of the structure. Because if it is proposed to be a shop for his equipment, then for the size of the property and the equipment he wants to store, he believes that it's not the least amount of relief necessary.

Mr. Kreft stated that he doesn't believe that and that it's ridiculous. He thinks that at the end of the day what he has to do with all his properties in Town, this is the least amount that he needs.

Mr. Kreft stated that all his discussions were with Mr. Tanner. Mr. Tanner was not present at this meeting, as he was away. Mr. Skwirz explained that he believed that these lots would have merged under common ownership, because one of the lots was substandard. So, it is true that because of that merger, that's what allows for the space to have a separate accessory structure not on a sperate lot.

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Mr. Kreft stated that was not the case at all. He bought the lot, it was a single buildable lot, the only reason he combined it was that he talked to Mr. Tanner, and he has evidence by e-mail to prove that.

Mr. Skwirz stated that to touch on what Mr. Brum had stated. They were just looking at the plan, it's not a survey plan and there's a question of whether to scale. Just taking a quick look at the measurements of the 32.99 feet and 40 feet; it appears that those measurements aren't to scale with one or other. And suggested that if it pleased the Board, they could request a surveyed plan.

In response to questioning by Mr. Burke, Mr. Kreft stated that the equipment he needs to store is at his house and on Wall Street presently. Mr. Bruke stated that he has been by the area and has not been able to locate any of the equipment. Mr. Keft explained that the plow truck is right on the property, it's a pickup truck with a plow on it, ultimately the tractor and the RTV are at his home. He had to move equipment to his home, because when stored at the property it was broken into and he can't have his equipment destroyed. Mr. Burke agreed that even though he is not going to vote, he finds that it would be difficult for a vote based on the plans submitted.

Mr. Kreft stated he was not willing to spend another \$7,000 to get plans drawn. If the Board is not going to approve it, that's fine. But, at the end of the day he pays enough taxes in Bristol, and he keeps his properties well maintained. He thinks it's well within his rights to be able to have and he has all the equipment to be able to do it. He thinks it's a disgrace. Honestly, he bought this lot specifically to do this, he's not making money on it. He provides the Town with good places to live for people and he thinks he deserves the right to be able to do this. And if the Town Zoning Board doesn't believe so, that's fine. His uncomfortableness is being before

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the Board for a second time. And if he's going to spend another \$7,000 on plans, just to be denied, then he doesn't want to waste any more time.

The Board again tried to explain that the plans submitted were not to scale, making it impossible to give relief on something that they could not determine what that relief is on this very large structure.

Mr. Burke made a request that if it is continued that the Board receive a plan that accurately the size and the location of the proposed structure and where it would be on the lot. He's not asking for Mr. Kreft to spend \$7,000, but they have to be able to memorialize what they are approving of.

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MR. BRUM: I'll make a motion we continue file number 2023-27 until the November meeting for Mr. Tanner to be present and we will request a more accurate site plan.

MR. KREFT: Can you request that Mr. Tanner has the building permit before on that lot as well and he has all that accurate information, so we don't have to go all through this again.

MR. BURKE: Can I recommend an amendment that we ask Mr. Tanner for the property history through the previous owner.

MR. BRUM: Yes.

MS. WILLIAMSON: That's fine, there is some information in the Staff report, but what I'm hearing is that its unclear as to whether or not if this is going to move forward, it's going to be correctly sited on the property and also that if it

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doesn't move forward that the applicant has the ability to build a single-family dwelling in its place.

MR. KREFT: May I request you read what's in that report there.

MS. WILLIAMSON: In the Staff report, yes, do you want a copy of it?

MR. KREFT: No, no, what's in it?

MS. WILLIAMSON: Well it just speaks to history. That the lot was purchased by the applicant and merged with lot 17, which is the 12-unit apartment building in 2020. It talks about the proposed garage will comply with applicable setbacks for the R-6 zoning; although a survey will be required to confirm property line locations, because you know it's unclear where the property line locations are. It just speaks to more iteration on the project itself, the maximum height, the size limit for an accessory structure is repeated, the lot coverage. And I do also want to point out in terms of the other survey plan that the Board asked for. You will have to do, as part of any building on the property, whether it's a single-family dwelling or a garage, because it's in the Tanyard Brook watershed you will need plans prepared by a professional engineer for part of any building permit...

MR. KREFT: I did speak with Mr. Tanner, and I need a drainage plan for a building permit. That I'm well aware of.

MR. ASCIOLA: Do we have a second to the motion and amendment?

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.



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- MR. TIPTON: Aye.
- MR. KERN: Aye.
- MR. BRUM: Aye.
- MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

**NEW PETITIONS**

**3. 2023-35**

**NICOLE & KEITH BENJAMIN**

**38 Viking Dr.: R-10**

**Pl. 145 Lot 9**

Dimensional Variance to construct a 16' x 20' single-story garage addition to an existing single-family dwelling with less than the required front yard and less than the required right-side yard.

Ms. Nicole Benjamin presented the Petition to the Board. She stated she was seeking Dimensional relief to build a one-car garage. They've lived in the home since 2018 and although it is a beautiful home, it lacks any meaningful storage. They have a finished lower level and virtually no attic space. They are in the process of moving her in-laws to Rhode Island, they're from Rhode Island, moved to Florida and her father-in-law is now in need of memory care. So, they have applied for his admission to the Veteran's Home and are on the waiting list, and they have to figure out what to do with their mother-in-law while he resides at the Veteran's Home. The thought here is that by having the garage that would allow them to accommodate her mother-in-law, move things around in the home to give them the storage space that they would need to have, and it also would allow for her safe ingress and egress in the winter months. They think that based on the current state of the housing situation in Rhode Island and the General Assembly's movement in that regard, this is in keeping with the General Assembly's intentions. And they also think that in the long term, as she doesn't know how long her mother-in-law will be with them at the property, but in the long term they do foresee the benefit in having a garage on the property as it moves towards its climate emissions policies; so that they would be able to park a car in the garage and use that for an electric vehicle, should the time come that that's appropriate. The property is in the R-10 zone, so on the right-side setback under the existing

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Ordinance there's a 15-foot side setback that is required. But as the Board might have seen in the plans, the home as constructed already is at an 11-foot setback on some places on that right side. So the relief that they are seeking would be consistent with that 11-foot setback, so it wouldn't be exceeding where the home is in some places on that right side already. On the front yard setback there is a 30-foot front yard setback under the Ordinance. This is a neighborhood that, of course, was developed long before the Town's Comprehensive Plan, and certainly before the Town's Zoning Code. If you look at the neighboring properties, many of the neighbors are already encroaching on that 30-foot setback. They discuss that in the application, and she thinks she maybe misstating in the application that there are four properties, she thinks is she said to the right of her property, but it should be to the left of their property, that are well encroaching into that 30-foot setback already. They've looked at this also through the access GIS website, which she thinks shows it most clearly. She thinks it can be a little bit deceiving when you see where the street is actually laid out and where the grass lines are, but if you look at it on the GIS one can see very clearly just how close some of the neighboring properties are to the street line. As detailed in their application, they would meet the Standards of Section 28-409. The hardship here is due to the unique characteristics of the land. The location that they have identified for the garage is realistically the only place where they could ever envision a garage existing on the property. On the left side of the property there is a retaining wall and there's a slope for the land that just wouldn't allow for the placement of a garage there. The hardship is not the result of any prior action of theirs. They purchased the property in its present configuration. And it doesn't result from any desire to gain financially as a result. Permitting them to build a garage would not alter the characteristics of the neighborhood, particularly where those other properties that she mentioned, many of the properties in the neighborhood have garages and certainly a number of

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them are encroaching into the 30-foot setback. The requested relief is the least relief necessary for the home to have a garage of that nature.

Mr. Burke asked if the garage would eliminate the use of the driveway; it looks like the end of the garage would block what's the existing U-shaped driveway. Ms. Benjamin stated that she thinks the idea is that there are two trees that are in that space there and they will just have narrowed that area to allow for continued use of it.

Mr. Burke stated that in the way the need was described, he questioned if that structure, the addition, be used to expand housing. Ms. Benjamin stated that now and to be clear right now they have very little closet space; that's the primary issue. They do have a laundry room on the bottom floor, and this would allow them to keep some of their storage and allow them to use the garage for bicycles and whatnot in the garage. But there would not be any additional living space as a result of this. She also confirmed that there would be 20 feet from the garage to the road.

Mr. Burke stated that the homes built to the north are all probably compliant with setbacks; and that the homes to the right are all pre-code.

Mr. Asciola stated that this plan was kept small, it's not a huge garage and it blends into the front of the house.

Mr. Kern noted that nobody comes as close to the road as the applicant is proposing, they would be 8 or 9 feet closer to the road. Ms. Benjamin stated that if you look at the GIS, the way the road is laid out in relation to the lots; but if you draw the line on Access GIS you can see that some of the neighboring properties are about 12 feet from the road; so there are others that are similar. It's not an issue of the garage being that close, but the issue of either the front porch or the house itself being close.

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Mr. Burke stated that a porch can extend into the front, and he agrees with Mr. Kern that he didn't see anything as close as to what is being proposed.

Discussion was held on moving the garage to the other side of the property, where the slope of the land requires a retaining wall and would require a more complicated foundation in order to accommodate. Ms. Benjamin also explained that on that side of the property there is no real natural place to enter the home. On that side of the property is the master bedroom and master bath, making it difficult to enter the home on that side.

Mr. Robert Nuttini, 39 Viking Drive, stated he lives directly across the street and his family has owned the property that he currently lives in since 1962. When he decided to come down to the Zoning Office that morning to see what the plans were, he was kind of expecting to see a plan that showed the garage on the north end of the house, which would have affected his view and also his property value because of the view. That being said, after seeing the plans and looking them over, seeing how the front of the house does look like it was naturally there, other than the fact that the front of the garage door would be closer to the road than what would normally be acceptable. As their neighbor who would be most affected by this structure, he has absolutely no issues with their putting this garage in the current location. Their neighbor directly to their north, where in their application they refer to a dense line of trees, he just wanted to be clear that that line of trees was a hedge that those people just let get out of control. That being said, even if those hedges were cut down to four feet, their proposed garage would still not have any effect on himself or any other neighbors on the west side.

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MR. BURKE: Mr. Chairman I'll make a motion to approve application file number 2023-25, Nicole and Keith Benjamin, 38 Viking Drive. The relief

requested is right side yard relief of 4 feet and a front yard relief of 17' 4", which is the result of 30 minus the 12.8 that will exist after the construction of the garage. The hardship from which the application 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 to an economic disability of the applicant. The house pre-existed the Code. It currently... the side yard setback is at 11 feet as it currently exists and the only additional relief that's needed is for the front yard portion of the garage addition. The hardship is not the result of prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. We heard testimony and enclosed in the application is the reason is to accommodate another adult parent in a relatively small square footage area. The granting of the requested Dimensional Variance will not alter the general characteristics of the surrounding area or impair the intent of purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. The addition is a residential unit in a residential zone. That the relief requested to be granted is the least relief necessary. The Board, along with the applicant, has explored the other options and determined that they are not feasible. The hardship that would be suffered by the owner of the subject property if the Dimensional Variance is not granted will amount to more than a mere inconvenience. The applicant will be denied

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the use of a garage and what is described as some essentially required storage space. I so move.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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4. **2023-36**

**TPG ARCHITECTURE, LLP  
CHASE BANK**

**580 Metacom Ave., Unit 21: GB  
Pl. 150 Lot 15**

Special Use Permit to operate an automated teller machine (ATM) accessory drive thru use; and Dimensional Variances to install a freestanding commercial sign with the proposed sign having approximately 25 square feet of sign area, at a size greater than permitted and with less than the required ground clearance for a freestanding sign in the General Business zoning district; and to install two commercial wall signs having 36.9 square feet of sign area, at a size greater than permitted and exceeding the number of permitted commercial wall signs in the General Business zoning district.

Attorney William Dennis presented the Petition to the Board on behalf of the applicant and the owners of the property, Cobblehill Development. As pointed out they were present for zoning relief in two different capacities. The first type of relief requested is special use permit relief for the use of an ATM in a drive-thru configuration on the north side of the property. The other relief being sought is dimensional variance relief for three signs that have been designed for the Chase Bank branch. With regard to the Special Use Permit, the applicant met with the TRC a couple of weeks ago and reviewed the ATM plans. The ATM is a historic ATM, its been in that location for many years; it served a variety of pharmacies that were occupying the building as the sole tenant for many years. The ATM hasn't really been much modified and that's one of the issues before the Board. The ATM is located on the north side of the building, its located toward the very rear of the building at the easterly end. He noted that the Chase Bank branch itself is not contiguous to this ATM location. The branch itself is in the southwesterly corner of the building, the ATM in the northeasterly corner. So, it's truly what they've known for years as just a plain old ATM machine. By way of preliminary description,



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that is the intended use at the site. The TRC reviewed the design and the proposed use against the Standards that are required under the Code. There were two concerns. The first was that none of the applicant's plans actually depicted vehicle stacking. The Code requires stacking space for five motor vehicles awaiting service at a bank ATM and five stacking spaces for vehicles to exit. They did not have a plan that depicted that, the TRC wanted to see a plan depicting those spaces; such a plan was prepared and submitted and added to the Zoning packet. In addition, the issue of a bypass, or escape lane, was raised at the TRC. The question is what if there are a number of cars awaiting service at the ATM and they change their mind and they want to leave the line. The present configuration includes a land-scaped island with curbing; in fact, the current design includes a security lighting fixture in that island. The TRC came to the conclusion that if they shortened that island, it would provide more of an opportunity for a waiting vehicle to escape. They did prepare a plan which depicts a shorter island, accommodating an escape of a waiting vehicle. However, it would be their intention to request of the Zoning Board, quite frankly, that they maintain the existing island and complete the landscaping within the island.

Mr. Burke stated that the TRC asked for a plan around the 25<sup>th</sup> of September and asked if the plan presented to the Zoning Board is the plan that the TRC requested. Mr. Dennis stated that he believes that within 48 hours of the request they had the plans that the TRC requested and were submitted through Ed Tanner to become part of the packet. Mr. Burke asked if the TRC has reviewed the plans to ensure that they met the requirements that were communicated to Mr. Dennis' client. Mr. Dennis stated they did not, no, that was not the request; the request was to prepare the plans and submit them with the Zoning packet. Mr. Burke stated that didn't make sense to him, because how was the Zoning Board to know what the

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TRC intent was, except for the memo. Why wouldn't the TRC review the plan that they asked for to make sure it met what they intended. Ms. Williamson stated that the TRC didn't meet subsequent to receiving this plan, it was submitted to her and to Ed Tanner for the Zoning Board. And the TRC passed a recommendation to the Zoning Board, subject to receipt of the plan. So, they didn't ask to reconvene, but it certainly is a prerogative if he wants them to have a review of it again. Mr. Burke stated that he didn't know if the rest of the Board had any issue with it, but he doesn't know if it meets the requirement. Mr. Brum stated that the intention of the plan was that provided that they met this hurdle they could come before the Zoning Board. He doesn't think what they were looking for was to review how they met; its pretty clear what they asked for. When they presented it, they presented it to the Zoning Board, because ultimately its their decision. Mr. Burke stated he would just like to see if everyone was comfortable ensuring that the requirements that were laid out by the TRC is met. Mr. Asciola stated that the TRC requirements are suggestions. Mr. Brum stated that they are a suggestion, but in this case the stacking is a requirement, and he thinks that the applicant provided that. Ultimately, it's the Zoning Board to make the decision. Mr. Dennis stated that there will be testimony in the record with regard to both the vehicle stacking, as well as the bypass issue. Ms. Williamson stated that if when the plan came in there was any doubt about it, they would hold it back and tell them they weren't quite ready. But looking at this they could see the blue vehicles waiting to use the drive-through and the red one waiting to leave. She was evident to her that they had met the request.

Ms. Katie Olyha, Technical Director at Stonefield Engineering, stated that as presented the ATM intended is a through wall ATM, it is not connected to directly with the Chase ATM branch. In regard to the amount of queuing and stacking that is provided, as noted they prepared an exhibit showing a minimum of five cars entering the que, as well as plenty of space for them

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to que up, if needed, while they're leaving the site. It should be noted that there are plenty of spaces that could wrap around the other side of the parking lane and provide more queueing. At the end of the day one of the very important things to note with an ATM such as this, and this is a result of multiple observations and that their team has done, based on Chase Banks all over as New England, as well as New Jersey and further south; you will generally not see more than zero to three cars queuing at an ATM. And generally speaking, there's only about two minutes or less per transaction, two minutes is a relatively conservative estimate. They have worked with nationwide tenants like this and have done extensive research on this. It has been determined that transaction times are under two minutes and the queuing is never extensive. The chances of seeing five cars in a que are pretty low. Also note that the ATM is 24 hours, so you're not going to see this at midnight. Even at the peak hours of the day the chances of seeing five cars stacked up for an ATM are relatively low. The idea is that while they do provide the exhibit showing the striped area for the landscaped island, it would be the engineer's preference and the applicant's preference to actually keep that landscaped island there, as it does add a level of beautification to the shopping center. Increasing kind of the aesthetic of this rear, almost loading area; and keeping with landscaped island there where its really only releasing potentially one car at the most, is not going to add all that much, except add more pavement. At the end of the day, they would rather see it landscaped and keep it and make it something nice to look at, rather than stripping it out just for a very off chance that a single car might want to exit the lane. Any car further than one would have the ability to escape or bypass the drive-through if they opt not to wait.

In regard to the security lighting within the island, Ms. Olyha explained that it is located maybe five or eight feet off the edge of where the existing island currently lays. At the end of

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the day they would need to replace that light if they were to stripe area, because it is very essential for security lighting around ATM, especially one that is 24 hour. While they would need to look into replacing it, if they were to stripe it, they also don't find it to be necessary for that light should provide adequate security lighting for that area. And it doesn't necessarily seem optimal to have to move the light, because there's more cons that outweigh the pros in their opinion at that point.

The Board reviewed the exhibit board in detail with Ms. Olyha. As far as lighting issues in the area, Ms. Olyha pointed out that there is a lot of greenery in that area and does not protrude onto any other properties; the light has been there and used and there was never a problem with it in the area.

Mr. Burke stated that they indicated that there is no human interface, only a remote; so there is no teller and it looks like its one window. Ms. Olyha stated he was correct, it's just a single ATM protruding off the wall, no microphones, no noise.

Mr. Brum stated that to the point of stacking and ATM as opposed to a pharmacy window, the pharmacy window has a lot more stacking than an ATM. He thinks that they are actually diminishing the impact.

Mr. Asciola stated that with the island, he thinks the more plantings there the better. If someone pulls into the ATM, if they have to wait for one car is not a problem. Having plantings there is better for the area.

Ms. Williamson stated that the Zoning Ordinance, the Standards for a drive-through, doesn't distinguish between a conventional bank drive through and an ATM. Maybe if the Board is feeling like the landscaped island is preferred over the bypass land and there's not

really a need for that, they could make a finding that it's an ATM versus a traditional full-service drive through.

Mr. Burke suggested deliberating on the ATM and voting on the Special Use and then go into the signage.

No one in the public spoke in favor of or against the Special Use.

Mr. Burke noted that there are banks everywhere in that area within a mile circle and all been authorized, and he is actually fine with the proposal and it's a relatively an innocuous location and since its fully automated he doesn't have a lot of concerns. It looks like there's plenty of room for somebody to get out if they decide that they need to.

Mr. Brum stated that it should be noted that that particular building is a huge section of that entire shopping plaza and having it empty has degraded the appeal of that corner. Now with the Chase there it will beautify that section.

Mr. Asciola again stated that he thinks the back of the property will look better with the landscaping. The lighting hasn't changed and won't affect any of the neighbors adversely.

The Board all agreed that the landscaping, as presented in the plans, would stay.

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MR. BURKE: Mr. Chairman for the drive through section.... I'm going to make a motion to approve the drive through section of the application, file number 2023-36, TPG Architecture, LLP/Chase Bank, located at 580 Metacom Avenue, Unit 21 for an automated teller machine to be located at the northerly end of the property. A Special Use is specifically authorized by the Zoning Ordinance in 409(c). The Special Use meets all of the Standards set forth in 28-150, regarding stacking and the number of vehicles that will be

entering and leaving. The granting of the Special Use Permit 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. It actually mirrors many of the other financial properties that also have ATMs similar to what's proposed. I so move.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Special Use Permit Granted)

Mr. Dennis stated that, as mentioned earlier, the applicant is requesting dimensional relief the signage area requirements of the Bristol Code. There are three signs in particular. As these are dimensional variances, the Board is well aware of the Standards in the Code. The first Standard being that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or the structure. They asked the Board to recognize that this is a very unique parcel of land and a unique structure. The location of the branch and the location of the signage, with regard to the design of the plaza itself. The hardship is not the result of any

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prior action of the applicant. Of course, this is a new tenant coming into the plaza. One can see by the plans that their space is actually perhaps 25%, a small portion of what was once the pharmacy space. They are located in the southwestern corner of the building. It's not a large space and certainly not large enough to fill the building. He believes the Board already recognized that this is not a design that would alter the general characteristic of the surrounding area or impair the intent of the Zoning Code or the Comprehensive Plan. They are in a general business zone, there are many businesses in the immediate area. In fact, there are many lending institutions within the immediate area. In fact, a second lending institution exists within the same plaza. That the relief granted would be the least relief necessary. They are going to be presenting testimony with regard to the design in relation to the site of these signs and hope that the Board recognizes the extent of the relief sought. Finally, this is a signage request, their hope is that the signage would be adequate to do what signage does, to locate the business for the public and that without the relief, if they can't get the signage to be seen by the public, that would amount to more than a mere inconvenience, because it would deprive the applicant of the beneficial use of the property itself.

Mr. Dennis supplied the Board with a copy of the plans already submitted, but labelling each as exhibits, making it easier to follow in order.

The first two plans were in regard to the ATM.

They would now be looking at what he called Exhibit B-1, which shows a free-standing pylon sign. This would be a 25 square foot column; it has a 12' height and is 29" wide. As a preface to this request to this particular sign, the Board should know that on August 22<sup>nd</sup> Bristol issued a sign permit for the applicant to actually reface the existing sign. And to take a peek at what that existing sign looks like, it was depicted on Exhibit B-2. One can see that the

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existing lollypop signage that's been there for years. Under the Town's signage Code, Section 28-379, permits this sign to continue, even though it's a non-conforming sign, the Code allows them to continue and that may very well explain why the permit was issued for a refacing of the existing sign.

Ms. Olyha stated that the idea with Chase, especially National tenants like this, is they want a day-one opening, where they needed the marketing for their new branch; but at the end of the day really what they're looking for is this day-two opening where that ATM opens. The idea is that is what the ultimate outcome of the bank is. They are opening the branch, that's why they have the temporary signage. The refacing on the west facing wall is there for the purpose of this initial day one opening. At the end of the day what they want everyone to look at is day two opening and the additional signage. The permits that were pulled were always intended to be for all intents and purposes temporary signage. The day one opening is 10/17, which is why there was a rush to get the initial temporary signs. And on that note, touching back to the free-standing sign, they are permitted for 15 square feet and their ultimate signage will be 25 square feet total signage. One important factor is that the column of the existing sign is 22" and that all balances together with the face of the sign, which is approximately 37 square feet; including the columns of it their proposed sign, that while it is a variance, it is actually improving upon the existing condition. Another factor is that the actual branding associated with that sign, where the Chase letters are is significantly under those 25 square feet, it is somewhere around 6 ½ square feet total when you count for just the branding and not the overall size of the sign. She confirmed that this is the standard Chase signage that one would see at any other location. In regard to the four-foot ground clearance, it is not being provided in either the proposed or the current existing sign. However, it is very important to note that the actual



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location of this sign is set back far enough from that right in right out that under essentially no circumstances should there be any hinderance to sight lines or provide any sort of hazard for someone leaving the site. While they may not be providing clearance, the sign is set back reasonably far from where an individual would actually be turning. The setback distance is 13 feet to the property line.

Based on that information, Mr. Burke stated that he would agree that there is no vision issue.

Mr. Dennis stated that the second sign was illustrated on Exhibit C, which is the west elevation wall sign, otherwise would be considered a front of the bank branch facing Metacom Avenue. The proposed area for this sign is 36.9 square feet. This is the second sign that has already been permitted. Back in August the Town issued a sign permit for a sign which was installed about a week prior to this meeting; and it's a 20 square foot sign. Although the primary wall sign, which is what this would be considered, is usually restricted to 15 square feet. However, the Code has a formula whereby the farther back one is from the main road, you get an increase in the square footage allowed. Under the Code what was permitted in that space was 20.6 square feet; the applicant is asking for 36.9; so the variance request is actually 16.3 square feet.

In response to questioning by Mr. Burke if that dimension includes the black background, Ms. Olyha stated that is actually basically the smallest square around the Chase lettering. So, it doesn't have a background, it is just the letters. Just the Chase lettering by itself is about 14' ½" and 24" tall, each letter.

Mr. Dennis stated that first that the Board has recognized and mentioned by Mr. Brum that Chase is coming into this plaza and considering itself an anchor of this plaza. And,

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asked Ms. Olyha if she is aware of the speed limit on Metacom Avenue traffic passing by this location. Ms. Olyha stated yes, 40 mph and confirmed that in addition to that she was familiar with some of the signage in the immediate vicinity and that part of designing the signage, Under the Code, is that they look at the neighboring parties, look for compatibility and the signage of neighboring businesses. Ms. Olyha confirmed that she did notice the Verizon, the Coastal One Credit Union across the parking lot and essentially the idea is that the smaller temporary signage looks borderline meniscal next to everything else that is in that plaza right now, particularly the Verizon sign right next to it and the temporary sign looks completely out of character with the rest of the plaza as it stands. The intent of what they are asking for this dimensional relief for the larger sign is essentially just to put it in character with the rest of everything else in that plaza. Not only that, but there is also that significant speed limit, as well as the distance setback from Metacom Avenue as it is. It's kind of difficult for someone to try and crane their neck and see what this sign actually says if they're going 40 mph, ultimately and make sure that they can see the sign. The idea would be with the larger sign is that someone can see that even with the speed limit and make a turn to make it into the sight and, more importantly, just really lining up with the rest of the character of the plaza. It is a very unique shaped lot, particularly with the almost tower feature or where they are actually proposing the sign to be located. The intent with this sign and the intent of it being larger or permitted is the idea that someone can safely see it and safely slow down to turn in, while maintaining the integrity of everything else.

Mr. Dennis moved on to sign number 3, which was illustrated on exhibit D; the south elevation wall sign. He explained that an interesting portion of the sign ordinance is that it addresses a business or activity that has a front entrance and a rear entrance; the Code allows a wall sign for the front entrance and a smaller wall sign for the rear entrance. It was noted

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because the configuration is so unique that this bank branch actually exists in the southwesterly corner of the building; so that they are on a corner, and they have a west entrance and also a south entrance. For that reason, they have the façade above the southerly entrance, and they thought the same spirit of that Ordinance, which a front a rear, would be also to consider a front and a side entrance.

Ms. Katie Olyha confirmed that there are several different parking areas on this site. There is a parking area between the bank branch and Metacom Avenue; the west facing sign. However, on the south between the bank branch and all of the businesses on the south end of the plaza is primarily parking. The vast majority of the very large shopping plaza is on the south side of this bank branch building, which would make it difficult for people to locate the branch building from that south side parking area. Having signage on the west and south side would be beneficial both for their customers and the applicant to have that signage on both sides. She also noted that are two entrances to the branch building. There are other units in this plaza that have a very sign configuration, both on the westerly and southern side, including the Verizon. They do not believe that adding that additional sign on the southerly side for the Chase Bank is going to in any way hinder the unique character of the site and the overall aesthetics of the site. In fact, they believe that it would hinder the site if they were not to put it in. She drove to the site earlier and she was on that southerly side, she actually sure which site she was going to, because there was no Chase signage. They do believe it is essential for the purposes of any customer coming to this site looking for the Chase Bank to be able to see that signage from either of the parking lots that they may find themselves maneuvering through. She agreed with Mr. Dennis that most of the other businesses in that plaza are in the southerly portion of the plaza and that anyone patronizing the other business and then deciding to look for, find and see Chase, they

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would be looking towards the southerly elevation. She continued and stated that there's approximately 150 feet from Metacom Avenue to the Chase Bank; however, there is close to 250 feet from the southerly tenants to where the Chase Bank is located.

In response to questioning by Mr. Kern on the size of the temporary signage mounted on the building, Ms. Olyha stated that on the west is 20 square feet. Mr. Kern stated that those temporary signs are pretty visible in his opinion and that the west side is a much bigger façade than the south side and he thinks the smaller 20 foot would be more appropriate on that side.

Mr. Asciola stated that if you are coming into the parking lot from the south side, one can't see the westerly sign, one would have to rely on the other sign. He also thinks the signs should be the same size.

Mr. Burke noted that they do not need relief for the ATM sign. Mr. Dennis stated they did not, but Mr. Tanner asked if it would be included for the Board.

Mr. Doug Gablinski spoke in favor of the Petition and stated that Bell Tower Plaza is a condominium association, where the units are owned by various owners. He himself owns an individual unit in the plaza. He thinks that to the extent that the plaza is successful, it will benefit all of the businesses that are located there. He particularly likes another bank coming in who wants to do business with his company, Appraise RI. He also noted that Gooding Avenue is now a financial district for the Town of Bristol, between the two, soon to be three, at the corner of Hope and Gooding; there now will be three that are up at the corner of Metacom and Gooding, as well as the branch inside of Stop & Shop. So, the financial tilt from the old financial district downtown is now complete with a move up the neck to Gooding Avenue. He

clearly supports the signage that was presented and would welcome Chase to come into the plaza. He thinks it will be uplifting for the plaza.

Mr. Asciola stated that he doesn't believe the request is unreasonable, due to the distance from the roadway. Mr. Burke noted that the Board has granted this type of relief before and there are certain factors, like the distance from the road, that factor into that. He agrees with the Chairman, he is for uniformity also.

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MR. BRUM: I'll make a motion to approve file 2023-36, in reference to the Dimensional Variance that was requested to install a free standing commercial sign greater than the allowed height and permitted size in a General Business Zone; and to install two commercial wall signs having 36.9 square feet, a sign area at a size greater than permitted and exceeding the number of commercial wall signs in a General Business Zone. I think the applicant has shown that the unique characteristics and the requirement for this signage is due to the design of the plaza, which has evolved since its previous use as a pharmacy. And it would be unfair to categorize this particular retail use in the same way that you would a pharmacy. The size and the location of the branch has diminished from what was previously there. And the unique situation of entrance on both the south and western views to the branch make this particular portion of Bell Town Plaza in itself unique, as is the entire plaza. As is typical for Metacom, the majority of the traffic is on the southerly side of the property, which requires larger signage to be viewed from the street. Again, this is all due

to the unique characteristics of the plaza. Given that this is a retail bank facility, you'll have individuals driving looking for this particular location and you could in effect create a hazard by not having appropriate signage. I do believe that this hardship isn't the result of any prior action, or any result from the desire of the applicant to realize greater financial gain. It is customary, and this Board has previously approved signs of this manner. And the number of signs that are being requested. In this particular case, the applicant is requesting three signs. The first sign that was listed is the free-standing double faced pylon sign of 25 square feet, which is greater... requires a variance of 10 square feet. The maximum height allowable is 12 feet, which has a required ground clearance of 4 feet. This particular sign meets the additional requirements and requires relief of 10 feet. Sign B, or the second sign is an internally illuminated primary wall sign, that's 36.9 square feet, which requires a variance of 16.3 feet. And this primary sign is the key identifier to the bank and will assist drivers. This is the sign that will be on the southerly side. And then finally, there is an internally illuminated wall sign, which will be 36.9 square feet, which requires a 21.9 square foot variance for zoning. And this sign is the sign that would be applicable on the southwesterly side of the building. It should be noted that heights are at a level that will not impair the view to traffic. The granting of this variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Chapter of the Comprehensive Plan of the Town. The surrounding

area is a shopping plaza, which is expected to have signage. Signage is customary for a retail banking facility and the applicant is not proposing signage that would be considered out of character for that particular use. It should be noted that this Board has approved other businesses within the plaza who have asked for similar relief and similar sized signage. And it is in fact a necessary portion. The relief that we are granting is the least relief necessary. As previously stated, what the applicant is asking for is not in excess of what is currently there at Bell Tower Plaza. And I do feel that the applicant would suffer more than a mere inconvenience if they did not have appropriate signage. And it could potentially cause public harm if a bank as prominent as Chase, with the number of clients they have, didn't have the appropriate signage; it would make people look around and create more traffic situation. For those particular reasons I move.

MR. BURKE: I just have one comment before we vote. After we vote, I would just like to ask the Director of the Director before we release the applicant. I second the motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Burke stated that in Mr. Tanner's report it wasn't evident that the signs that were put up that had the permit was temporary. Ms. Williamson stated she didn't think they were aware of that until the presentation at this meeting. Mr. Burke asked that the Town please follow up to ensure that the permits that were issued were with the knowledge that they were temporary and will be taken down.



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5. **2023-37**  
**KATHRYN G. LOW/  
LOW DOCK, LLC**

**24 Low Lane: R-40  
Pl. 167 Lot 1**

Dimensional Variances to construct a 24' x 28' accessory garage structure at a height greater than permitted for accessory structures in a residential zoning district, and with less than the required front yard on a corner lot.

Ms. Kathryn Low and Mr. William Low presented the Petition to the Board. Ms. Low explained that as the plans show, they are hoping to build on a site of house that burned down in 1939. There is a ruin there, or a stone foundation there, that they have to take down to build there. It's a very expensive piece of property not to have a place to live on; so reluctantly they are going to take it down and build on it. The property is graded so that the ruin is up on a raised spot and there is a public right-of-way next to the lot, which they support but is noisy. Part of their plan is designed to give them a little buffer from the public, who go down sometimes early in the morning and sometimes Roger Williams student late at night; to give them a little noise buffer and perhaps a little more of a boundary. They planned without realizing that they have a 40-foot setback; they learned that at the last minute, because its not a road, it's a walking right-of-way and it didn't occur to their engineer that it was in fact a40-foot setback What they are proposing to build an accessory garage that's a little bit taller, but to put it in the setback a little bit; it goes 15 feet into the 40-foot setback. Beyond the 20-foot setback, but in the setback. And the reason is optimal, one is the buffer, but also, again the grading on the other side of the property they weren't sure what they can do on that side. Their neighbor on that side was in support of their plans and they would love to keep the open space and not build a garage on that side, which would interfere with site line from the road as well.

The reason why they are requesting a height variance is because they're going to have a little bit of space upstairs for a workspace. The house is quite small with an open floor plan. It would be private office space, as well as storage and they just need a little more space for headroom. Ms. Low is a pediatric phycologist and needs private space when working.

The Board reviewed the plans in detail with the applicants. It was noted that there is an old stone pump house existing on the property, which will stay.

Ms. Low also noted that the primary structure is on its way. They have a demolition permit. And the primary structure is being constructed. It is a modular net zero home they are building, so it arrives as a module. What they have been trying to do is figure out the timing for CRMC to make sure it doesn't arrive before they have a foundation in. So, the factory building the modular is underway, they have a demolition permit, they have an engineering plan, and they needed this garage location to go to CRMC.

Mr. Burke noted that in this zone an expanded footprint is allowed, but not on the height, so architecturally it would be left up to the Zoning Board to grant relief. Mr. Asciola stated because the Town doesn't want living space on the upper floor.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve application file number 2023-37, Kathryn G. Low/Low Dock, LLC, located at 24 Low Lane for a front yard setback, which borders Low Lane right-of-way to the Bay, requiring a 40-foot setback, to provide relief to allow for a garage 24' x 28' by 23' high, within w25 feet of the property line. 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 to an economic disability of the applicant. This property abuts a public right-of-way to the water, it is not a paved street and its apparently, according to testimony, written and verbal, its not in some cases used for normal activity. That the hardship is not the result of prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The applicants have constraints and will have to go to CRMC to get approval for placement of the primary structure and this subject accessory structure. That the granting of the required 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. It's clearly a residential use and very sensitive to the neighborhood in the views and the open space that currently exists. That the relief requested to be granted is the least relief necessary. The 15-foot variance on the front yard setback and the 3-foot variance of the height is very modest. That the hardship that would be suffered by the owner of the subject property if the Dimensional Variance is not granted would amount to more than a mere inconvenience. They would have to build a much larger single structure to accommodate the same living space. I so move.

MR KERN: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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**6. CORRESPONDENCE:**

2021-44 – DENISE M. LAVOIE, 110 King Philip Avenue. Request for a one-year extension of the decision for variance recorded on January 11, 2022.

Mr. Asciola read a letter requesting the one-year extension from Ms. Lavoie, which is due to health issues.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion that we grant a one-year extension for this application.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Approval of Requested One-year Extension)

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**7. ADJOURNMENT:**

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. SIMOES: Second

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

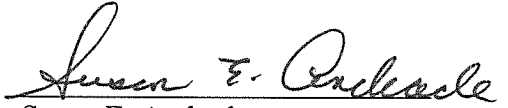
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:15 P.M.)

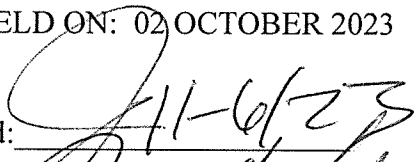
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RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 02 OCTOBER 2023

Date Accepted:

  
11-6/23

Chairman:

