

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

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

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. CHARLES BURKE, Vice Chairman  
MR. DONALD S. KERN  
MR. TONY BRUM  
MR. GEORGE D. DUARTE, JR., Alternate  
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY PETER SKWIRZ, Town Solicitor's Office  
MR. EDWARD TANNER, Zoning 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 Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

**1. APPROVAL OF MINUTES:**

Chairman Asciola called for approval of the November 4, 2024 minutes

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

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

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NEW PETITIONS:

2. **2025-01**

**KENDRA SHEEHAN & AMY SCHENCK/  
Ascending Hearts Wellness**

**13 R State St.: W  
Pl. 9, Lot 62**

Dimensional Variance to install a 4' x 6' commercial wall sign at a size larger than permitted in the Waterfront (W) zoning district.

Ms. Kendra Sheehan, 6 Fifth St., Barrington and Amy Shenck, 198 High Street, Bristol, both presented their Petition. Ms. Sheehan explained they recently opened their business December 1<sup>st</sup> on 13R State Street. The current signage that was on the building was 2' x 4' and they are requesting a 4' x 6' sign. The primary reason is that the building is set back about 30 feet from the road with a parking lot in front of the building. There are often large trucks and vehicles blocking the building signage. Since opening they've also noticed an additional challenge because their address is State Street, but their entrance is on Thames Street. Even with signs on the sidewalk people have been having a hard time finding them with the smaller sign.

The Board reviewed the photos and Petition in detail with the Petitioners.

No one spoke in favor or against the Petition.

Mr. Burke noted that there are other businesses in the area that have numerous variances because of the visibility; it's a unique and challenging area, especially in the case of this particular parking lot, where its set back and there's vehicle traffic in and out all day. He doesn't think it will be noticeable to anybody, except for potential clients. He thinks it's appropriate for them to have a larger sign where it is being proposed. Mr. Brum stated he would also endorse Mr. Burke's view.

Mr. Tanner stated that he noticed in the applicant's narrative they say that they have approval from the HDC; however, he neglected to put that information into his Staff report.

It was also noted that the sign will have no lighting installed.

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MR. BURKE: Mr. Chairman, I'm going to make a motion that we approve file number 2025-01, applicants Kendra Sheehan and Amy Schenck, Ascending Hearts Wellness, doing business at 13R State Street. It's for relief to erect a 4' x 6' sign, which is 24 square feet, versus the Ordinance by right of 8 square feet. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure, and not to the general characteristics of the surrounding area. As we discussed and heard testimony, and its in the application and the Staff review, the building is approximately 60 feet from the roadway and visibility currently is poor and the configuration of the parking lot also complicates the ability of the clients to find the entryway to the office. The hardship is not the result of prior action of the applicant. As they stated, they recently acquired the space for their business. The granting of the requested dimensional relief 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. We actually actively support and formulate ways to help businesses in the Town of Bristol, and specifically in the Waterfront District. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience. Meaning that the relief sort is minimal for the reasonable enjoyment of the permitted Use. The permitted Use being a

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business, and not to grant the sign relief could negatively impact their ability to attract clients. I so move.

MR. KERN: I second that motion.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**3. 2025-02**

**BRANDON M. & CASSIE M. ANDRADE**

**21 Naomi St.: R-15  
Pl. 118, Lot 100**

Dimensional Variance to construct a 30' x 34' two-story garage and living area addition to an existing single-family dwelling with less than the required right-side yard.

Mr. Brandon Andrade and Cassie Andrade presented the Petition to the Board. Mr. Andrade explained that they were looking to add an addition to the right side of their house. Basically, it's a 6-foot bump out to the existing structure with a 24-foot two car garage with a room above. They are also looking to bump out the back about 8 feet just on the first floor. They have another child on the way and they both work fully remote from home, making it pretty tight to live in. They have been living in the house for 8 years.

Mr. Andrade noted that he noticed he made a mistake on the application; the right-side setback is actually a little more than he thought. The application says 16 feet and its actually 10 feet; the addition would be 10 feet from the property line and not 16 feet.

Mr. Burke asked if that would affect the advertising. Mr. Tanner stated that it would not, as it is advertised as "less than the required side yard". However, he did speak with the applicants about the need of a survey; typically, they would like to see it with the application, in order for the Board knows exactly what they're voting on and there are no mistakes. Otherwise, before getting the Building Permit a survey is required and they run the risk of, if the survey comes back much different, then they would have to come back before the Board. The Board could, if they see fit, grant it with condition on the survey, or they could continue until the next meeting and present the survey.

Mr. Andrade stated they would probably not start the project until Summer/Fall most likely.

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Discussion was held between Board members; basically, that the Board was looking at this favorably, but a continuance to obtain the survey would be preferable.

Mr. Andrade stated that he understood and agreed to the continuance and would work on obtaining the survey, although he is having trouble finding a surveyor at this time. Understanding the issue of obtaining a surveyor the Board explained that they could continue to the next meeting, but it could be continued again at that meeting if a survey is not complete.

No one spoke in favor or against the Petition.

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MR. BURKE: Mr. Chairman, I'll make a motion that we continue file number 2025-02 to the February meeting.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)



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4. **2025-03**  
**ELENA M. BAO**

**19 Byfield St.: R-6**  
**Pl. 14, Lot 67**

Dimensional Variances to construct an approximate 26' x 34' 7" living area addition and attached 13' x 21' 7" pergola addition to the rear of an existing single family dwelling; and to construct an 18' x 23' 6" garage addition to an existing accessory carriage house structure, with less than the required rear yard; less than the required right side yard; larger than permitted size fan an accessory structure; and greater than permitted lot coverage by structures.

Mr. Greg Spiess, JHL Tecture, Mr. Daniel Cusmano, JHL Tecture and Christoher Cloutier, JHL Tecture, all were present to present the Petition. Mr. Spiess stated that the site is basically a historical site, not a large lot, 1,600 square feet. There is an existing building on it and Mr. Robbins (applicant) is moving out of his photo studio in Framingham and has moved here. Basically, the house has a carriage house and the existing two-story house. They propose putting an addition on the existing house, where a previous addition was; it was taken down between the 1950's and the 1970's. In adding then adding a garage, because the garage can't be utilized in the carriage house; its an old wooden structure with wooden floor and they don't want to disturb that integrity or having an automobile in that kind of space. That is why they propose an adjacent garage. The restraints and the hardship is trying to get a reasonable build out; the square footage of the addition is 800 square feet and the garage is about 440. They built those into the rear part of the lot; so, they really don't affect the overall appearance on Byfield Street. They really feel that they have done their due diligence to keep the buildings out of the front setbacks. The rear seatback is pretty tight, and the carriage house is 6-feet away, so they maintained that 6 feet for the garage and they maintained the same setback as the house has on the east side. At the end of the day, they are looking at about 41% lot coverage, about 6% more in lot coverage. And their

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thinking is that this is not an over the submitted overage and given a nice build out that is a reasonable build out.

Mr. Burke stated that he believes the lot coverage requirement is 30%, versus 41%. Mr. Tanner confirmed that it is 30% in the R-6 zone. Mr. Burke stated it is relevant, 6% versus 11% is relevant to the Board's decision.

Mr. Spiess apologized for his miscalculation and continued to explain that they tried to be sympathetic in the design to existing style from the house and the carriage house. The other thing is that in the rear yard they are abutting neighbors on the north side that have two sheds that are right on the property line, so they held that back. But to kind of lessen the impact of those non-conforming uses on the rear yard, they added a Pergola there.

Mr. Spiess distributed some additional views to help the Board visualize the project. In response to Mr. Duarte asking what the existing carriage house will be utilized for, Mr. Spiess confirmed it will be used as a studio and gym/wellness space; and they will be adding some windows to it.

Mr. Brum stated he understands that there are limits to the property, but how much is the least relief. The property is certainly unique and aesthetically certainly pleasing; but the extent of some of the project could be limited. He asked if Mr. Spiess could speak to the necessity of the planned structures, as opposed to the aesthetics.

Mr. Duarte stated that he has the same concerns, as they are coming in and asking for three separate variances; when you're talking about three separate variances and as far as the scale, he thinks they needed to talk about shrinking it down a bit.

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Mr. Burke stated that he would like to make it unanimous; they just received a set of plans that show something than what's in the application, because there is a whole bunch of sheets that say no garage.

Mr. Spiess explained that is where they did want to show a couple of schemes that would lessen the impact; so, the two schemes that were just handed out have a lesser impact on the project, bringing lot coverage down to approximately 35%. One would be removing the garage and then using a more open pergola or a kind of covered carport for parking's sake. That way there is less building and less imposing on the building. That would then be keeping the house addition that would be where the previous historical addition was. The second one is kind of keeping both of the built structures but then lessening their overall footprint to bring it down to 35%.

Mr. Burke asked if the new plans would mean that there isn't going to be any building and no addition to the current carriage house. Mr. Spiess stated he was correct; that would be if say the hardship would not be found with the garage addition. In that case they came up with a couple of options. Mr. Burke noted that they hadn't been through a full HDC review. They did get information from the Conceptual review, and he agrees with other Board members that think it looks great, but that's not the Zoning Board's job. The Zoning Board has to look at the encroachment on abutting properties and conformance with the Ordinance. He asked if the carriage house is off limits, as far as demolishing it. It was built in 1830 and wondered if they have had that discussion with HDC; because that would eliminate constraints to doing what the client would like. Mr. Spiess stated that they have, and he thinks that the initial thinking was with kind of conserving that historical character of the house and the site, especially seeing as there was a previous pergola addition that was already demolished. The idea was to try to build back up that

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structure and shore it up so that it could support the studio. The initial thinking was to really try to preserve the historical character of it.

Mr. Brum stated that he doesn't think the Board can speak to the historic factor that a previous foundation or a previous building would have existed on that particular site. So, he thinks that without a clear set of plans that has been endorsed by HDC, he doesn't see how they can make those decisions.

The Board reviewed in detail the new plans that were submitted at the meeting.

Ms. Elena Bao, the owner, and Mr. Keith Robbins were sworn in and explained that they got engaged about a year ago and he moved from Massachusetts down to Bristol. He has a 6,000 square foot studio up in Framingham. He will be getting a smaller studio in Bristol; but he needs a place to work from, to store his photography equipment. He's a food photographer, so sometimes he needs the kitchen for his shoots. The addition that they are creating is simply exactly what he had up in Massachusetts and its enough room that they can live with three kids that are at the age where they're going to start having kids. The current house just doesn't have enough room when the whole family is together. Then the garage is simply because they want a place to store gardening equipment, the car and other gear. Since they can't put it in the carriage and they want to block the two sheds behind them on the neighbor's property, they just figured it should go at the end of the driveway. They looked at reducing the size, but that's the reason.

Mr. Burke stated that the issue is the lot coverage and the proposed structures too close to the property lines, which he explained in detail to the owners. And Board members discussed different options that may be available. Mr. Burke explained that he's not opposed to the additions to the house, the problems really are the other structures being too close to the property lines and the lot coverage issues.

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Mr. Brum explained that he doesn't see any hardship in this matter. Mr. Robbins explained that he doesn't think HDC is going to let them take down the carriage house; so in terms of that space he needs an office, but that's not big enough for him to actually work in to get his clients in. Mr. Brum asked for a basis on the size that's required for the office. Mr. Spiess stated that he just needs regular office space. Mr. Brum stated that he needed a size, they can't work off of how he feels, they need actual hardship and at this point he sees pleasantries, but no hardship.

Ms. Bao explained that the plans basically show what they are thinking, in terms of trying to propose it as hardship, it's a dialog of there is what will meet their needs for their home and what's allowable and what's possible for them to do and what can they do to collaborate to do that. That's more of where they're coming from, it's an open dialog and they can go forward with what can be done.

Mr. Tanner stated that he could summarize things, the presentation was a bit confusing with the additional information. Yes, the pergola counts. So, the exhibit that was submitted at this meeting, and he explained that the exhibit was marked the renderings as EXHIBIT 1, and the revised plans with the carport as EXHIBIT 2; the one with the garage as EXHIBIT 3. To summarize from a variance point of view and the need for variance, when you remove that garage, they can renovate the barn all they want and put the gym and all that in there. There was some mention in the HDC minutes about an ADU, that's another issue; it's an existing structure and can be talked about that, that's a building permit, there's rules about the size and whatnot. But the pergola is considered part of the structure, so that might need variances. But if they took that pergola off, just for the sake of argument, then the only variance that they would even need from the Board would be the addition on the back of the house is 20 feet from the rear, so that complies. There was no actual dimension on the plans, but it scaled off to about 8 feet on the right-hand side.

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So, the rear addition would need a minor variance. But if they don't do the garage, they don't really need much zoning relief. He thinks a lot of it is really premature, as they should have the HDC tell the Board what they want, or what they will approve of and then come back to the Zoning Board. Once they know what the HDC will allow then they come back for Zoning.

After detailed discussion on the plans, Mr. Burke noted that he would be receptive to the addition to the house and they're out of the carriage house discussion. Mr. Kern stated that he agreed, because the carriage house would be interior and exterior modifications to the carriage house, but he doesn't like the lot coverage.

Mr. Spiess stated that he sees that the problem is mostly the garage, and if they eliminate the garage and go to the HDC with a modified scheme, similar to the one that they presented at this meeting and get HDC to sign off and then come back to Zoning.

Mr. Burke stated that just to add that there be no addition to the carriage house; the carriage house gets renovated; there is a beautiful building there and they can do what they need to do.

Mr. Bill Chittick, 48 Church Street spoke against the Petition. He stated that there are too many structures on the lot that go beyond just mere numbers. You have to take into consideration the neighborhood, the feel of the neighborhood. When you walk up and down Byfield Street there's a certain pattern that you see. And when you start crowding it with stuff, even if it's just like a so-called pergola/car port and you add things, it's almost like adding junk to an otherwise pristine property. This really is a pristine property, as far as historic buildings in Bristol. The only changes were probably back in 1940, just after the '38 hurricane. One of the issues he saw on the plans, in both cases if you look at the driveway you can see the side of the existing 1830 house and then you see the new whatever it is, you see it jutting out to the west

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towards the driveway. So, instead of seeing the driveway and the nice house, if anything, if you're going to crowd it with something, don't have it so that it's visible from the driveway. The normal person would want to see the integrity of the house and then if there is an addition to that house, so be it, but have it around the corner, don't have it either in part of that western façade, or even worse yet, as the plan showed, having it stick out to the west by 7 or 8 feet. Because the historic 1830 part of the building no longer is grounded to the site anymore. It's the addition that will be the new focus, and he doesn't think that should be the case in a historic district. Even if you take the garage away, he doesn't think it will amount to a hill of beans. He wants the 1830 gable section of the house to be prominent and he wouldn't want any new addition to the north to jut out towards the driveway.

Mr. Burke stated that he understands what Mr. Chittick means, but it would be best addressed to the HDC; they would have an interest in this input.

Mr. Chittick continued and stated that one thing he would like to know is the footprint of the 1830 house, whatever dimensions that is, it seems that the proposed additions are that or even more. So, instead of just having... an addition should always be by nature, take second place to the main structure. This project seems like it's making the old house the addition to this new project. They're reversing the roles, and he would like to know what the original dimensions of the old house are and then compare that to the dimensions.

Mr. Kern stated that, again, that's more of the HDC, the zoning rules on offset and how far people can come to a property line and how high it is and lot coverage.

Ms. Maryann Pellegrino, 25 Byfield Street spoke against the Petition. She stated that her mother's property is right on that side and this is a huge addition to this house. And the two sheds they were talking about are little, tiny sheds in her mothers yard and they are covered

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by bushes. The Board corrected her on which sheds the applicant was talking about and they were not on her mother's property. She continued and stated that this is a huge addition. When she asked for the plans on what they wanted to do, she got sent a picture and she didn't see any of what she saw at this meeting. So, she doesn't know from the property line from her mother's to his addition what's allowed and what's not allowed and how high you can go; but this is a lot for that space. Everybody deserves space, but this is too much and can't even believe that this is okay with HDC. When she had her fire, they were unbelievable. She also questioned why they didn't get a letter from HDC when they heard this, like they got a letter from Zoning. They never got notified from HDC and they should be.

Chairman Asciola explained that the house that is there, if they took the pergola off the plans, the addition that is planned is not as high than the main house and he could build without coming before the Zoning Board. As far as HDC you have to check with the Town on why there is no notification.

Ms. Marianne Bergenholtz, 366 Hope Street spoke against the Petition and stated that her concern mainly is the lot coverage, if you take away more land is going to be a problem in that area. She doesn't think that the plans really show the scale of what's going on, it looks like the carriage house is a lot smaller in the drawings than it is. Also, the HDC never sends a letter, even if it's on the agenda for a vote, all they have to do is advertise it, it's up to the homeowners to watch the newspaper and they apparently all missed it. Lastly, she doesn't see any hardship here, especially talking about the lot coverage. When you have adult children that you would like to have come visit you, she doesn't think that's a hardship to get a variance because you want more space. She doesn't think that to add a studio, when you have a studio in another area is a hardship either. And certainly, a workout room is not a hardship. Usually, people buy a property knowing



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they have three adult children who will come to visit and maybe not knowing that you're going to have someone else in your family who wants a workspace. But that doesn't mean that there needs to be an imposition on the neighborhood or on taking away some big open space that that neighborhood really needs to breathe.

Mr. Burke asked Mr. Tanner if the addition would trigger a water analysis. Mr. Tanner explained that if it's less than 1,000 square feet it is not.

The Board confirmed that it would be best to continue the matter until such time as it is fully reviewed by the HDC.

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MR. BURKE: Mr. Chairman, I'll make a motion to continue application 2025-03 to our February meeting.

MR. BRUM: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

**5. ADJOURNMENT:**

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.


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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:10 P.M.)

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RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

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

Date Accepted: Feb 10, 2025

Vice-Chairman: CA Burke