

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

06 MARCH 2023
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. DAVID SIMOES
MR. DONALD S. KERN
MR. DEREK TIPTON
MS. ALAYNE WHITE

ALSO PRESENT:

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

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 7:00 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

06 FEBRUARY 2023

Chairman Asciola called for approval of the February 6, 2023, meeting.

MR. SIMOES: Mr. Chairman, I 'll make a motion that we approve the February 6, 2023 meeting, as printed.

MR. TIPTON: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes approved)

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CONTINUED PETITION:

**2. 2023-03
LARISSA LAVER**

103 Kickemuit Ave.:

Special Use Permit to keep up to 10 chicken hens on a residential property.

Chairman Asciola explained that the Applicant requested to withdraw the Petition.

X X X X X X

MR. SIMOES: I make a motion that we accept a letter for the withdrawal from the applicant, with a condition that she spoke to Ed Tanner about that the chicken coup will be removed from the property by April 5th. Its signed by Larissa and Esteban Laver.

MR. TIPTON: Second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Withdrawn)

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MR. SIMOES RECUSED HIMSELF AND STEPPED DOWN FROM THE BOARD.

3. 2023-02

CHRISTOPHER & KAREN A. FERREIRA

**1 Colonia Rd.: R-10
Pl. 61, Lot 47**

Dimensional Variances to modify a previous decision to construct a 16' x 24' accessory garage with attached 10' x 16' carport by enlarging the proposed carport to 12' 3" x 21' and connecting the structure to an existing single-family dwelling with less than the required right-side yard and less than the required rear yard.

Mr. Christopher Ferreira and his contractor, Mr. Pat Grimo, presented the Petition to the Board. Mr. Ferreira stated that he did go back and along with his builder tried to lay it out many different ways and the only conclusion that came up with to make it work is to tie that corner into the house. If they leave the pole there it creates a hazard when you back up and trying to get in and out of the bulkhead and passageway. He talked to his neighbors, and they don't have any issues with his plans.

The Board again reviewed the Petition in detail, along with other possible positionings on the property. It was noted that the foundation has already been put in place, as the applicant, having received previous permission, didn't realize that he could not complete the project as he was now proposing and he does not want to create a safety issue on the property.

A letter from Mr. Grimo stating that he did look at the project, was marked as Exhibit A.

No one spoke in favor or against the Petition.

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MR. TIPTON: Mr. Chairman I'll make a motion on File number 2023-02, Christopher and Karen Ferreira, requesting a dimensional variance to modify a

previous decision to construct a 16' x 24' accessory garage with attached 10' x 16' carport by enlarging the proposed carport to 12' 3" x 21 feet and connecting the structure to an existing single-family dwelling with less than the required right-side yard and less than the required rear yard. Based on all the evidence we've heard at the last meeting, and somewhat tonight, 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 character of the surrounding area, or to an economic disability of the applicant. That the hardship is not the result of prior action of the applicant; it's a result of what was found when he started knocking down the garage. It does not result, primarily, from the desire of the applicant to realize greater financial gain. That 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. And that the relief requested to be granted is the least relief necessary, because he doesn't want to back up into the poles. 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, as his plans would fall apart. Therefore, I move that this dimensional variance be granted, subject to the following special condition. The primary use of the garage can not be approved for any change of use in the future, only a garage and carport.

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MS. WHITE: I'll second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Opposed.

X X X X X X

(THE MOTION WAS APROVED 3 - 1)

(Petition Granted)

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MR. SIMOES SAT BACK ON THE BOARD

**4. 2023-08
LOUIS & JOAN CABRAL**

**14 Union St.: R-6
Pl. 15, Lot 52**

Dimensional Variances to construct a covered front porch addition to an existing single-family dwelling with less than the required front yard; and to demolish an existing 20' x 30' single-story accessory garage structure and construct a new 24' x 36' two-story accessory garage structure with less than the required rear yard and at a size and height greater than permitted for accessory structures in the R-6 zoning district.

Chairman Asciola stated that the Applicant is asking for a continuance to the April meeting, as they have to appear before the HDC at the March 30th meeting.

X X X X X X

MR. SIMOES: Mr. Chairman, I'll make a motion that we accept the letter for continuance to the April 3rd meeting for Louis Cabral, 14 Union Street, application number 2023-08. The reason for he is asking for a continuation of the meeting is that he didn't have enough time, the architect didn't have enough time to get all the required materials and additional requests in a timely manner required by law. Therefore, he asks that the Union Street be continued to the April 3rd.

MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

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MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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NEW PETITIONS:

5. 2023-09

DANIEL L. & LILLIAN C. LEESER

**12 Brookwood Rd: R-10
Pl. 79, Lot 452**

Dimensional Variances to construct a 24' x 26' accessory garage structure and a freestanding decorative pergola structure with less than the required front yard on a corner lot; and with the garage at an overall size greater than permitted for accessory structures in the R-10 zoning district.

Mr. Tietz noted that he wanted to raise a procedural question, which was also noted in the Staff report about the extension of the driveway. Right now, there is not a street there, the street ends at the property and its just dirt and grass area. He doesn't believe that it would be acceptable for a garage to go driving over it and so forth. The Planning Board has jurisdiction, and their approval is required before approving a street. It would be up to them to decide to what category the street should be approved, gravel or pavement. There's a large drainage basin, but there's a naturally dug swale, apparently, on the other side of the drainage basin and its not draining anywhere near appropriate to that basin at the moment. He thinks this is something that should be reviewed by the Planning Board, and it was up to the Zoning Board to decide whether they wanted to hear it now and then depending on what they do make it conditional upon Planning Board approval; or they could refer it first.

The Zoning Board decided to move forward with hearing the facts at this meeting.

Mr. Patrick Connors, 317 Iron Horse Way, Providence, architect and Mr. Daniel Leeser, 12 Brookwood Rd, and Ms. Lillian Leeser, 12 Brookwood Rd., presented the Petition to the Board.

Mr. Connor noted that the applicant was before the Zoning Board approximately three years ago and there was testimony at that time that the Leasers were planning on moving to Bristol full time. Back in the original design phase, the Leasers were hopeful to add a garage to this property. At the time they decided to put it on the back burner and focus on the renovations to the house. But they are planning on building a two-car garage and its basically has two fronts, a paved street to the left on Brookwood and a paper street on Fenmore. It sounds like the Fenmore issue has been in front of the Board. There was a neighbor opposite on the North side that was heard a few months ago about adding a shed. There is no pavement directly and appears to end at the eastern property line. By right they can build a 22' x 24' garage, 20 feet high as an attached structure it can be six feet from the side yard and six feet from the rear yard. So, at this point that's the starting point, they have it six feet from the rear and six feet from the eastern side yard. The Leasers more or less live in a raised ranch and it has more or less a basement that he wouldn't consider this space 100% habitable, but there are two bedrooms in the area. He explained in detail the first floor and stated that it really is a compact floor plan. They have no storage, no extra room for mechanical, there's a very low sloped roof pitch to the original house, he believes it's 5 and 12 or 6 and 12 pitch; so there's no adequate storage. Virtually what they have for storage is closets. Hopefully in addition to acquiring vehicular storage to the two car garage, their desire is to build a stairwell, a safe stair, up to the second floor. The second floor of the garage is planning at the limitation of the 20 feet in height. They are planning on a shed dormer on one half, which he reviewed in detail with the Board. He stated in the past before this Board that he wouldn't design a garage that's less than 24' x 24' feet and several other zoning boards across the State that have acknowledged that that's kind of a minimum; but he knows that Bristol has a 24' x 22'. They are asking to extend the 22' limitation

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an additional four feet for the purpose of getting a safe stairwell up to the second floor, which is the basis of their hardship. Regarding the depth of the lot from North to South, even though they have the garage meeting the six-foot rear yard and left side setback, they require 12 feet of relief because there is a 30' setback to the North side, as this is a corner lot. They're okay with lot coverage, okay with height, okay with side and okay with rear; the only exception is the extra size for the stairwell and for the front yard setback. This is probably set back another 12 feet behind the current house that currently occupies the same setback. Also, he asked what the sequence before submitting the application; he wanted to get the garage approved and the applicant has already consulted a landscape architect and then deliver the approval to the landscape architect to consider paving options and then go before the Planning Board.

Chairman Asciola stated that the Zoning Board cannot give permission to go across Town property to get to the garage; that has to go before the Planning Board. Mr. Tietz confirmed that the Zoning Board has the right to deny or approve the garage tonight and then they will have to go to the Planning Board after before they can begin to think about building the garage.

Chairman Asciola stated that the statement of granting a proposed 22' x 24' at 20 feet high; they have a lot that is half the size it should be, so they are not guaranteed anything.

Mr. Connors stated that the Ordinance, as written, allows detached 22' x 24' garage, provided it meets the front yard, the rear yard and the side yard; so they are proposing 4 feet deeper than the ordinance allows and it also requires front yard relief.

Mr. Leeser just wanted to confirm the two variances they were seeking, and he knows Mr. Tanner wrote a letter a couple of years ago that says the lot coverage is 40% of the lot and that will be met by this particular proposal, so he doesn't believe that will be an issue. The

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hardship for them is that they have no storage; it's a pretty small house. They are retiring to Bristol and downsizing, and they would love to have a garage with a place for storage and they didn't think it would be a problem. They tried to put it as far back as possible, out of the way in the back corner so that it wouldn't bother anybody; that was their hope and didn't realize that would not be the case.

In response to questioning by Mr. Simoes on why they needed the extra four feet, Mr. Connors again explained that to gain storage, they have to build out in order to have a safe staircase, and not a pull-down ladder, which is not a safe option. The Board and Mr. Connor reviewed the plan dimensions in regard to this issue in detail; detailed discussion was also held on perhaps putting the dormer on the other side of the garage. Mr. Connor stated that he could suggest a 2-foot difference, because he can get clearance at 22 with cars and have the stairwell steeper; and would ask if the Board would consider a proposed extra 2 feet.

Ms. White asked what the planned driveway on the property would consist of and the Leasers again stated that they have hired a landscape architect and they don't have a final decision at this time. Mr. Connor showed a google image of the area and the options and issues with accessing the property.

Mr. Myron Polulak, 16 Brookwood Rd, spoke in favor and stated that every day when he comes outside and looks at their house, he sees that they did a beautiful job after their last request for a variance and refurbishing and upgrading their home, its gorgeous, they did a very nice job. He has no problem whatsoever with the garage that they want to build. And if they do anything like they did with the house, which he knows they will, because their solid individuals, solid people, that their home that they're establishing here will be beautiful and be a nice compliment to the neighborhood. They are looking to retire here, making this their home

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and if anyone has downsized and consolidated their resources, you would understand how much storage you need; and the garage is going to be that. They're only talking about four feet of space, which in the scheme of things its set back further than the house is. He understands there are rules and regulations, he has been before the Board for a shed, which is right across from them. They follow the rules, they understand the rules and adhere to them. Their application for the variance, both he and his wife are very much in favor.

Mr. and Mrs. Richard Rinaldi, 80 Sherry Ave, abutting property owners of land on Fenmore Road, spoke against the application. Mrs. Rinaldi stated that the applicants report that they intended to build a detached garage when they bought this home, but it appears that they didn't research whether this plan would be easily accomplished. Presently the size of the proposed garage seems disproportionate to the size of the house. Its base is 624 square feet, representing more than 50% of the base size of the home, which is 1,024 square feet. The setback is further back of the house. But this is new construction, so it is what it is and this is new construction, so she thinks the rules apply differently for a new structure. The application states that the garage sizes in the existing neighborhood are similar in characteristics in terms of size and scale to the proposed garage. She looked around in the 300-square foot radius and even above that all the way up Fales Road to the left and the right, looking at the homes. In doing that, it was apparent that a significant number of homes do not have any garage. A similar number of homes had only a one-car garage, that were either attached to the house or built underneath the house. There were a couple of one-car detached garage and a couple of two-car detached garages. All of the two-car garages were built on at least 10,000 square foot lots. They could not find a free-standing garage, or attached two-car garage, on any 50' x 100' lot in that neighborhood. It appears that the existing character of the neighborhood does not support

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building a large garage on such a small lot and it's not typical of the neighborhood. The size limits, as documented in the Zoning Ordinances, are there to protect the character of the neighborhood by not allowing overdevelopment of small lots and protecting the description of the R-10 neighborhoods. Mrs. Krusnowski took pictures of the garage in the area and wants to give copies of the pictures, so it could be understood what is characteristic of the area.

Mrs. Carol Krusnowski, 9 Fenmore Road, confirmed that she did take the pictures, which were supplied to the Board and marked as Exhibit A.

Mr. Rinaldi stated that in regard to the size of the garage, which is considered an accessory structure and its four feet larger in depth and 96 square feet larger in area than is allowed. He asked that if it is not an accessory structure, as it stands, the setback on the side yard should be re-evaluated. Right now, this proposed large building is six feet from his property line and once the building is considered beyond an accessory structure, he wonders if the side dimension has to be re-evaluated.

Chairman Asciola stated that it couldn't be beyond an accessory structure, it would have another house and two houses aren't allowed on the same property. Any structure that they build that is accessory to the main dwelling would be an accessory structure and they are allowed on a full-size lot they are allowed 22' x 24', six feet off of all property lines. Mr. Tanner noted that this is on a corner lot, so it also must meet the 30-foot front yard on both front yards.

Mr. Rinaldi stated that this is an imposing structure with a shed dormer, second floor and an inside stairway. The additional four feet and request for the stairway to the storage area is not necessary. More common solutions are available without taking four feet away from the setback of the abutting neighbor, placing him closer to this large structure. The applicant's

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request for permission to build this structure that is larger than the allowable size and to place that structure on land that is significantly less than the required size by 384 square feet; the total relief sought is 16 feet in depth and 24 feet in width, which is 384 square feet. That fact supports that this structure is too large for 50' x 100' lot. This building is not typical of a garage with simple storage space; its more consistent with having living space. In addition, they are requesting to build a pergola that is 10' x 35' and will require a building permit and maybe considered an additional accessory structure. If so, it would require appropriate setbacks and its footprint would need to be incorporated into the percent of lot coverage by these structures. They are concerned about the precedent that this decision would set for the neighborhood if this application were approved.

Mrs. Rinaldi stated she just wanted to reiterate that there is no access plan to access the garage. And the present parking situation is not consistent with the rights that were given to the previous owner. Which, incidentally, the previous owner did not follow the rights that were given to her; and that was brought up, but it didn't result in anything. Those rights were not transferable to the present owner. She was advised by a Town Official that those rights were not transferable to these owners. At this point they really don't have the legal right to park on that gravel that was placed there, which was placed in the wrong place. And the road is not supposed to have any vehicular traffic at this point in time. Any kind of thinking of plans, they need to realize that was not the plan. She realized it's a Planning Board issue, but its not supposed to have vehicular traffic.

Mr. Eric Krushnowski, 9 Fenmore Road, spoke against the Petition. He stated that it being an accessory garage, when you come down to it, it's a full-sized two-car, two-story garage and its kind of a bit overwhelming and imposing to the abutters and the back neighbors.

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He lives diagonally across from this property, in the back. It's the height and the size is just overwhelming and imposing.

Mrs. Carol Krushnowski, 9 Fenmore Road spoke against the Petition and stated that Mr. Polulak, who spoke in favor of the Petition, there were two variances in the area recently and Mr. Polulak actually sent a letter to deny a person for a variance for an oversized structure, back in May 2021, giving his reasons why that house on the corner of Fales and Brookwood would not be good, and basically it was the same thing, it didn't conform with the area. And then he went for a variance for his own property last year and he stated the same thing. The point is that first of all he's the only person in the neighborhood that's comfortable with it and is actually in agreement with the neighbors, because he's with them all the time. And there are two letters from him from the last two years for variances where he states different things. They don't want to change the neighborhood, they want it to stay just the way it is. They like the way it is and now they're coming in now and saying that no its okay for them but not for anyone else. She just feels like that different people are denied different things, but then when it suits you when you have a friend, those same things you denied other people, you're willing to overlook. The proposal is huge, its almost like putting two houses on a 50' x 100' lot; it's bigger than it should be. She feels that there are a lot of 50' x 100' lots in the neighborhood, they're a small beach community and if this is allowed, then the door will be opened up for other people to do the same things and then there will be buildings stacked upon buildings and the neighborhood is not going to be the way it is now.

Mr. Christopher Kenney, 7 Melrose Road, spoke against the Petition. He's almost an abutter, he's like 60 feet from the stairway and his concern number one is the right-of-way for the public. He thinks that the right-of-way for the public is sacred and that once they start

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trampling on that, you're looking at trouble. Secondly, when you put in a second floor and time goes by, sooner or later a kid from the college will be living there; its just a matter of time. The other thing is it's a 5,000 square foot lot and they're putting another big structure on this lot and they're going to turn this Town into the Downtown City of Newport and its not going to have the quant scenic character that it has today.

Mr. Robert Relle, 5 Melrose Road, spoke against the Petition asked if he understood that its zoning law where they can put an accessory structure six feet. Mr. Asciola stated that it is. Mr. Relle stated his only concern is if he was to sell his property and is that going to be a major issue, the building so close to the property line.

Chairman Asciola stated that if he had a conforming lot, they wouldn't have to come before the Board, if all dimensions also met the requirements, and it could be six feet from the property line, 22' x 24' structure. But because this lot is smaller, they require relief.

Mr. Myron Polulak, again spoke and stated that to re-integrate that the applicant has done a great job upgrading their current home; it fits the community. The addition of a garage on their property fits the community. If the Zoning Board wants to compliment people coming into the community and enhancing it, beautifying it, doing the right things; sure its bigger than what's anticipated, its bigger than what its probably zoned for, but the fact of the matter is space is space and they're doing the best they can to accommodate the space that they have with their needs. And that's what the Zoning Board does and everyone appreciates everyone's efforts in doing that and understanding the pros and cons of the community of who wants to have it and who doesn't want to have it happened. But if you live here, if you don't live here, if you have empty lot, down the block, away from this; he sees it every day and has no

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problem whatsoever for them putting the garage on the property. Because they know its going to compliment the property and its going to compliment the community.

Mr. Rinaldi again spoke and stated that the road was mentioned on the bottom of Fenmore Road. He started buying property down there 40 years ago and he talked to people in Town Hall many times about the road and they all said that it was not cost effective for the Town to extend the road at about 117 feet, because the building that are already there are not going to be new construction. About two years ago when they were paving that whole area, he went to the DPW to see the Director and asked him the schedule for paving for Fenmore Road, because he had to put a sewer pipe to his property and he was given the time frame. While he was there it was mentioned about extending the road and the Director said not at all. The main concern that water runoff and EPA has a lot of regulations and are trying to reduce the amount of runoff on paved surfaces.

Mr. Connor stepped back up and feels that most of the questions were answered by the Board, in terms of confirming setbacks. He did hear one statement about the Pergola structure. When they submitted the application there was a question to Mr. Tanner and the understanding was that he believes it needs a building permit. However, since this structure is less than 200 square feet it doesn't require a building permit. They made a point of including it on the application because they know it's a component of the design and wanted to forthright; but he doesn't believe it contributes at all to any kind of lot coverage or a building permit. Nonetheless, it's a decorative structure and would like it to go a little bit higher than seven feet, so you can walk underneath it. But, technically, he thinks that if it was under seven feet it would have been Zoning's purview; but nonetheless and they're just trying to add some ornamentation.

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The Board again reviewed the shed proposed shed dormer with Mr. Connor in detail. And Mr. Connor stated that they would be willing to flip the dormer in order to lessen the impact on the Eastern side. And the hardship the applicant is facing is that the lot was determined before zoning and the hardship is of no fault of their own. The hardship is the front yard setback of 30 feet. If this wasn't for the two front yards, they would only be asking for the additional four feet. The fact that there is the paper street and needs to be further investigated is the reason for the second variance. And the owners are willing to concede the additional four feet, against his better judgement; which would lessen the impact on the area.

Mr. and Mrs. Leeser both spoke and explained that they had talked to other neighbors in the area that have no problem with their project, who are not present at the meeting. And they feel that the improvements they have done to the property has only improved the property and the same will be done with the additional work they are proposing.

Mr. Connor also stated that any idea of having a future apartment on the second floor of the garage, for the record, the owners are not intending on finishing anything on the second floor; there's no plans to finish to rent or provide and means of living, no sewer, no water.

Ms. Virginia Simmons, 17 Loring Road, stated that the house does look beautiful as it is; adding a two-car garage to the left of it will take up too much space, with a second floor and a pergola and it will look like a monstrosity to her. The house is beautiful right now the way it is, they should keep it that way.

Chairman Asciola announced that the public hearing portion was now closed.

Mr. Kern explained that he wished he had known more details about the other garages in the area, he would have paid closer attention to the type and size in the immediate

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vicinity and he would recommend that the Petition be continued in order for further research into the other garages and see if the pictures submitted are an accurate portrayal of the area. The question of the improvement of the paper street and the approval having to go before the Planning Board, also would be a reason for further research.

Mr. Tipton noted that in the interest of cooperation he was intrigued by the applicant's willingness of reducing the four feet and moving the dormer.

It was determined to refer the issue to the Planning Board meeting on April 13th and continue this application to the May 1st Zoning Board meeting.

Mr. Tietz noted that if the application comes back with revisions, then that would open the public hearing portion of the hearing. Chairman Asciola stated that would be allowed and continue the public hearing for new information.

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MR. KERN: Mr. Chairman, I'll make a motion that file 2023-09, Daniel L. and Lillian C. Leeser, 12 Brookwood Road, Lot 452, be continued to the May 1st meeting, and that if it be re-opened to the public if new changes have been made to the plans that was entered and opened for new comments or facts. And its also predicated that they appear before the Planning Board, April 13th. So moved.

MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

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MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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6. 2023-10
 GEORGE & LISA VOUTES

17 Shore Rd.: R-20
Pl. 74, Lot 18

Dimensional Variances to remove an existing carport structure and construct a 22' x 27' single- story garage and mudroom addition and a 12.5. ft. wide rear deck addition to an existing single-family dwelling with less than the required front yard and less than the required left side yard.

Chairman Asciola stated that the Applicant has requested that they would like to withdraw the application without prejudice.

X X X X X X

MR. SIMOES: I'll make a motion that we accept the withdrawal from George and Lisa Voutes, 17 Shore Road. The reason for their withdrawal is they have other plans, I think they want to renovate the house instead, in a different way.

MR. TIPTON: I'll second that.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Withdrawn)

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7. **2023-11**
 JOAN C. PRESCOTT

167 State St.: LB
Pl. 18, Lot 41

Dimensional Variance to construct an 8' x 13' rear deck addition to an existing single-family dwelling with less than the required left side yard.

Mr. Garrett Parker, Contractor, 235 Chase Road, North Dighton, MA, presented the Petition to the Board on behalf of Mrs. Joan Prescott. He explained that they have the approval for the building structure already, they're not changing the size of that. What she wanted was to not have the two stairways and landings, take them away and put in an 8' x 13 rear deck, with one staircase off the back. It would not bring it any closer than the building on the side closest to the water, requiring 39" of relief.

The Board reviewed the plans in detail.

No one spoke in favor or against the Petition.

X X X X X X

MR. SIMOES: Mr. Chairman, I'd like to make a motion that we approve file number 2023-11. That the hardship from which this applicant seeks relief is due to the unique characteristics of the subject and also the structure. It's a very small lot, but it's a very long lot, and it will need a variance of 3' 3". The hardship is not the result of prior action of the applicant and it does not result in the applicant seeking to gain any greater financial gain. By granting the requested Dimensional Variance, it will not alter the general characteristics of the surrounding area; because a lot of the other properties in the area also are facing the same problem. This relief requested is the least relief is the least relief necessary. And the hardship

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that would be suffered by the owner of the subject property would be more than a mere inconvenience, where they would not be able to enjoy the outdoor activities. Therefore, I move that this Dimensional Variance be granted.

MR. TIPTON: Second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

8. 2023-12

ALFRED L. & KAREN M. COLLINS

**980 Hope St.: R-10
Pl. 3, Lot 1**

Dimensional Variances to construct an approximate 12' x 26' single-story addition and 12' x 18' deck addition to the rear of an existing single-family dwelling; and to construct an approximate 12' x 24' second-story addition above a portion of the existing dwelling with less than the required left side yard.

Mr. Al Collins, 980 Hope St and Mr. Doug Cookson, 28 Everett Ave. presented the Petition to the Board. Mr. Collins stated that he was looking to add onto the back of the house. His issues are that the house is really small, number one and the biggest issue is where the house is located on the lot, almost directly on the left side of the lot. The only place he can actually add to the house is to the back. They would also like to add some height to the roof in the back section, in order to add a second bathroom and bedroom.

The Board reviewed the plans in detail. Mr. Tanner noted that it is only the left side yard that requires dimensional relief; and the side yards are reduced to 11 feet instead of 15. Typically, in an R-10 zone, because of the lot width its 20% of the lot width.

Mr. Gilbert Almieda, abutting property owner spoke in favor of the Petition. There is plenty of room and drainage will be no problem.

Mr. Emilio Volpicelli, 4 Adelaide Drive, abutting property owner and stated that the south side of his house abuts along Lyndsey Ave. and he really doesn't have a problem with building a deck or raising it up, but he was confused. The application states it's a single-family dwelling and he's always know it to be a duplex.

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Mr. Tanner stated that he believes Mr. Volpicelli has it confused with a different property; this property is across Hope Street from him. Mr. Volpicelli apologized for the confusion.

X X X X X X

MR. TIPTON: Mr. Chairman, I'll make a motion to approve file number 2023-12, Alfred L Collins, 980 Hope Street. Based on the evidence we have in our hands and what we've heard, 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. This is a very long, very narrow piece of property. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. 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. The relief requested to be granted is the least relief necessary to add a little space on the second floor in the back of the property. That 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, because he would have to start with a new plan. For those reasons, I move this Dimensional Variance be granted.

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X X X X X X

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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9. 2023-13

THE MALVERNE TRUST
c/o Bart Kavanaugh & Betty Saks

Low Ln. : R-40
Pl. 166, Lot 16

Special Use Permit to modify a previous approval decision to temporarily maintain four prefabricated relocatable shipping/storage containers on a residential property with screening to be provided by a combination of a solid wood gate and evergreen tree plantings.

Attorney Bruce Cox and Contractor David Butterra, on behalf of the applicant informed the Board that they managed to accomplish that the attorney and the builder could not. When they investigated the cost of the fence that that was required by the relief granted, the applicant said it was a lot of money and looked into how much trees would cost. The new proposed trees will be permanent 75 mature trees along the boundary, with a gorgeous wooden fence on the Low Lane Street. They have spoke to the abutting property owners who previously spoke on this issue, and they like this idea. The trees will be luxurious Green Giants, which grow about 1 ½ feet per year, starting off at between 5 ½ to 6 feet and grow to the match the other side and be spaced 5 feet apart.

X X X X X X

MR. SIMOES: Mr. Chairman, I'll make a motion that we grant application number 2023-13, and it will be to modify the area to block four prefabricated relocatable shipping;/storage containers. And the trees will be placed five feet apart and will help screen the property from the combination of prefabricated and shipping containers. They will also be placing a permanent gate along the area to enter the property and that will hide the containers fairly well. For those reasons, I move that we grant this Special Use Permit for the area.

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MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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10. ADJOURNMENT:

X X X X X X

MR. ASCIOLA: Motion to adjourn?

MR. KERN: I'll make a motion to adjourn, Mr. Chairman.

MS. WHITE: Second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

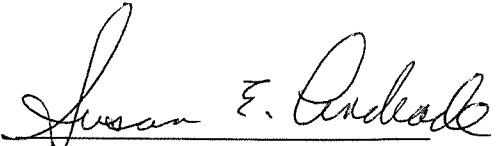
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:00 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 06 MARCH 2023

Date Accepted: April 3, 2023

Chairman: David C. Amos