

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

02 MARCH 2026  
7:00 PM  
BRISTOL TOWN HALL  
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. CHARLES BURKE, Vice Chairman  
MR. DONALD KERN  
MR. TONY BRUM  
MR. GEORGE DUARTE  
MS. KIM TEVES, Alternate  
MR. TIM PALMER, Alternate

ALSO PRESENT:

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

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

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

**1. APPROVAL OF MINUTES:**

Chairman Asciola called for approval of the February 2, 2026 minutes

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

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

**SITTING AS BOARD OF REVIEW:**

**CONTINUED:**

**2. ZBR-26-1**

**FABIO M. LOPES**

**100 Kickemuit Ave.: R-15  
Pl. 133, Lots 2**

Dimensional Variances to construct a 30' x 30' accessory garage and accessory dwelling unit (ADU) structure with an attached 10' x 30' lean-to roof overhang at a size and height greater than permitted for accessory structures in the Residential R-15 zoning district.

Mr. Fabio Lopes presented his Petition to the Board and explained that he was proposing 30' x 30' garage with an ADU above it.

Mr. Asciola asked if Mr. Lopes was aware that the Town of Bristol only allows a 22' x 24' accessory structure and this proposal is not even close.

Mr. Lopes stated that he was aware of it. He has a backhoe that he would like to store in the garage and he has a fairly large yard. The hardship being he would like to store the backhoe, truck and SUV inside. And seeing he has extra space, he thought he could go a little larger.

Mr. Burke stated that to clarify, the ADU can be put in by right; so, the Board is not ruling on the ADU, just the size of the building.

Mr. Teitz, in response to questions from the Board, explained that he can put the free-standing building as a right, as an ADU, 22' x 24', 20' high.

Mr. Burke noted that the request was for 25' high, so a variance is needed there also.

The Board reviewed the plans in detail with Mr. Lopes, which showed a ten-foot ceiling in the garage, which would accommodate the backhoe and other equipment.

No one spoke in favor or against the Petition.

Mr. Burke noted that it is a large lot and on other large lots the Board has granted an oversized garage and structure in other areas. Mr. Lopes could put more than one structure on there; he could put 22 and then 24. The plan also shows he plans on putting it 30 feet from the side lot line; and he has an issue with putting ADUs being six feet from the property line. But, in this case it's proposed to be 30' from the side lot line. And asked if Mr. Lopes would be willing to move approximately 10 more feet to make it 30 feet from the back lot line. Mr. Lopes stated he could. Mr. Burke explained that it would make it compliant with the lot lines and he would be more supportive if it respected the setback requirements on the side and the rear.

Mr. Burke also asked if 25' height could be reduced. Mr. Lopes responded that he could if he has to; but he asked for 25 so that they could have 9 feet of ceiling height on the second floor.

Mr. Asciola asked if this could someday become all living area. Mr. Teitz explained they might be able to take part in the garage; they are limited to 1,200 square feet of area per ADU.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to approve application ZBR-26-1, Fabio M. Lopes, 100 Kickemuit Avenue, Bristol Rhode Island in an R-15 zone, to construct a 30' x 30' accessory garage and dwelling unit with a 25' height, which exceeds 22' x 24' and 20' height as allowed by right under

Ordinance. The hardship from which the applicant seeks relief is really due to the subject land. He has a large parcel of land, and he could add multiple buildings in order to achieve what he's proposed with one building. The hardship is not the result of prior action of the applicant. What he's doing is adding a structure to an undeveloped area of the property. The granting of the requested Dimensional Variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. Accessory structures are allowed and because of the size of this parcel, by right he can add an ADU to the property. The hardship that will be suffered by the owner of the subject property if the Dimensional Variance were not granted, would amount to more than a mere inconvenience. He could construct more than one structure to achieve his objectives, but that would be more onerous in the neighborhood. So, for those reasons I make a motion we grant this application and relief.

MR. DUARTE: Second.

MR. TEITZ: Did you include the condition about 30 feet from the rear yard?

MR. BURKE: I did not. So, I'll amend my motion that the structure will be a minimum of 30 feet from the side and the rear property lines.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition was approved)

**3. ZBR-26-2  
KATHLEEN HUNT**

**80 Charles St.: R-10  
Pl. 32, Lot 48**

Dimensional Variance to construct an 11' x 13' single-story foyer/entrance addition to an existing single-family dwelling and proposed attached garage/living area addition with less than the required front yard on a corner lot.

Mr. Eric \_\_\_\_\_, representing his fiancé Kathleen Hunt and Mr. Edward Pimental, who assisted the applicant in the request for granting relief, presented the Petition to the Board.

Handouts were supplied to the Board that showed in detail the proposal.

Mr. Burke stated that he contacted Mr. Tanner earlier in the day to ask about plans. He likes to spend a certain amount of time looking at it and he was not comfortable at all looking through all the data just supplied to the Board to determine the exact facts which were laid out in the packet just received and not in the original packet. He would have a strong preference to continue the matter and give the Board members time to examine it.

The applicant's representative stated they understood.

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MR. BURKE: Mr. Chairman, I'll make a motion to continue file ZBR-26-2, 80 Charles Street to the April 6<sup>th</sup> meeting.

MR. KERN: I'll second it.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

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MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition continued)

**4. ZBR-26-3  
HENRY CABRAL, JR.**

**5 Marie Dr.: R-15  
Pl. 150, Lot 121**

Dimensional Variances to construct a two-story garage, mudroom and accessory dwelling unit (ADU) addition to an existing single-family dwelling with less than the required front yard and left side yard; and with a greater than permitted size for a two-bedroom ADU.

Mr. Henry Cabral presented the Petition to the Board. He explained that after the prior meeting, all the Board's suggestions were considered. He also wanted to address the meeting minutes, which said his mom is 89 and she's 78. The original proposal was for over 1,500 square feet and the new total is down to 1,168, which is a 25% reduction, which is below the suggested, 1,200 square feet. By making it smaller in design it has 8 feet less on the side, where last time he was asking for a 10'; and it's still 3 feet in front for a front variance. He's asking for the ADU because his mom is older and in need of care. By doing an ADU it provides him and his wife to live at the same address as his mom. He is selling his house and doing construction on the ADU. He knows there are some concerns about possible rental; but he has no plans on renting the property. He's looking forward to leaving it to his children. He wants to live in Town permanently. He presented a couple of letters in support from neighbors on the street; Joe and Lucy Gusto and Peggy Howland; submitted to the Board.

Mr. Burke went over the ways that the plans were reduced and noted that it was by recategorizing the area over the entryway. Mr. Cabral said he separated from the ADU and he also took out a section in the back and confirmed that it went from 12 feet to 10 feet and that room is shut off from the ADU, so it's part of the existing house now.

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Mr. Burke asked if 12 feet is necessary for the connector, because that is what is driving the side yard variance. Mr. Cabral stated that for the look of the house, he does believe so. There also is not a second bedroom.

Mr. Teitz suggested that relief is also needed for the percentage, the house is 1,728 and the ADU is going to be 1,188, which would make it 68.75 % of the area of the main house. It needs relief from the 900 square feet for one bedroom, and it needs relief from the total percentage, because it's more than 60% of the main house.

The Board reviewed the plans in detail.

No one spoke in favor or against the Petition.

Mr. Tanner noted that there are a couple of letters in the application, in addition to the ones mentioned by Mr. Cabral, they also received letters from Susan and John Black against.

Mr. Duarte noted that Mr. Cabral did listen to the suggestions made by the Board at the previous meeting and made the efforts to reduce the size. They have precedent from similar situations, including Peck Avenue, Mulberry and Colt Avenue, similar to this request.

Mr. Burke noted that this is for an ADU that requires 20,000 square foot lot. He did speak with Mr. Tanner and there is a process to determine eligibility for disability. So, as long as he gets that affidavit signed, he will be able to do that and that is a building permit thing. The way he looked at it was to try not to need a variance. He's more convinced that it's the same thing that they rejected on another application; same sized lot, same neighborhood, same inability to use 15,000 square feet to either reduce or totally eliminate. He believes that on a 15,000 square foot lot, the applicant can go and reconfigure it and not need any relief and by right he could go to Mr. Tanner and apply for a building permit with the affidavit of disability, and they wouldn't be granting variances for an ADU on a 15,000 square foot lot. He also noted

that the new legislation is very generous, and applications are coming in and asking for more than the new legislation allows. So, the 1,200 square foot residence is pretty good. His own experience with his own parents, people should be able to live within the constraints of that. On a 15,000 square foot lot, the addition could be configured to either minimize or eliminate the need for relief, disregarding the ADU.

The Board again reviewed the lot size and application in detail and the proposed hardship.

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MR. DUARTE: I'll make a motion to grant the variance for ZBR-26-3, Henry Cabral, Jr., 5 Marie Drive, Plat 150, lot 121. The hardship from which the applicant is seeking relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and not due to an economic disability of the applicant. As I stated during this previous meeting and this meeting as well, the house was previously sold; it wasn't built by the current owner. There are hardships that have been already mentioned in regard to the disability of Mr. Cabral's mother. His idea to move into that property as a legacy property as well and further support the growth of his family going forward. The hardship is not to be a result prior action of the application because, again, stated previously, the applicant had owned the property, but did not own the property on that particular piece of property. But the land itself. Therefore, the variance should be granted based upon the structure and the disability that will be assigned per affidavit. That granting of the request for special variance

will not alter the general character to surrounding area or impair the intent or purpose of a zoning ordinance or Comprehensive Plan of t The town of Bristol, because, again, the ADU that's being built upon the existing structure is in line with the surrounding areas in regards to size and structure of the homes, various colonial structures that are there, two car garages, Cape Cod, multiple size raised ranches, a lot of interest. So, there's a variety of different types of structures within that neighborhood at this particular time. The hardship suffered by the owner of the subject property, of the dimensional variance is not granted, will amount to more than a mere inconvenience. Meaning that relief sought is minimal to a reasonable enjoyment of the permitted used to which the property is proposed to be devoted. Because again stated, Mr. Cabral's mother is aging, has a disability. His intentions are to sell his current primary residence, move into that structure, the existing structure. The mother will be living next door for him to support his mother, to continue with landscaping with snow removals. Groceries and things of that nature, so on and so forth. Therefore, I move that this Dimensional Variance be granted for Mr. Cabral.

MR. BRUM: I'll second.

Mr. ASCIOLA: All those in favor?

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

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MR. ASCIOLA:     Against?

MR. BURKE:       Nay.

MR. KERN:         Nay.

MR. ASCIOLA:     Motion passes 3-2.

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(PETITION APPROVED (PASSED 3-2))

**NEW PETITIONS:**

**5. ZBR-26-5**

**RHODE ISLAND REBAR, INC.**

**255 State St.: LB**

**Pl. 30, Lot 37**

Dimensional Variance to install a six-foot-high fence, portions of which would exceed the maximum height for a fence within the front yard.

Ms. Barbara Benevides, Patrick Benevides, presented the Petition to the Board. Mr. Benevides explained they would like to put a fence around the property. He would like to keep it on State Street at six feet, so that when you drive by you don't see the stuff that will be stored in the back. Everywhere else they meet the requirements; it's just the small section on State Street off the side. It doesn't block any view going into Magnolia, or if you leave Magnolia and turn on State it's not going to make it dangerous for people to pull out onto State Street.

Mr. Burke noted the applicant was before the Board approximately six months prior and they did discuss whether or not they would have to fence it in. At that time, they didn't think so and asked if it's because of the neighborhood, or they just decided to do this. The applicant explained they've had a lot of people walking through it constantly and now they want to expand a little bit, put equipment that can't fit inside the building, and overall, just make the corner look better, you won't see all his stuff in the back.

Mr. Burke also noted that they would have to submit a site plan to the Building Official, which means they would need to have a survey done. It's hard for him to analyze how much square footage will be left, but if he puts a six-foot fence right along the sidewalk, it's going to have a visual impact on the people on the sidewalk. Applicant stated that they

understand that the property line is basically on the sidewalk, which they will get it shot and confirmed and they're either going to a foot or two feet, whatever the Board will allow; for maintenance of the sidewalk and allow people to walk and not feel like there is a wall on the side of them.

Mr. Burke stated he thought it was a great idea that they were fencing it in, but when he looked at the sketch, they were coming off 10 feet off on the east side of the building. He would be real comfortable if they went straight line, so there wasn't a visual from the street in both directions. He would be supportive if they were to move it in; not to 25 feet but say to 10 feet in and they would still have what looks well over 5,000 square feet to park everything and still have 10 feet of space for parking spaces, or whatever.

The applicant approached the Board to show the area Mr. Burke was talking about. He stated that he didn't want to lose that real estate if they brought it in that far. He could do five feet from the property line, which will be determined after a survey is completed.

The Board had detailed discussion on the visual effects of a six-foot fence, and the proper distances should be made so that the distance from the sidewalk and the street is appropriate. The Board agreed that the five feet would be appropriate in order not to lose off-street parking on the property.

No one spoke in favor or against the Petition.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file number ZBR-26-5, 255 State Street, Rhode Island Rebar, Inc. to construct a six-foot fence within the front yard setback, where a 4-foot fence is allowed by Ordinance. The hardship from which the applicant seeks relief is due to the unique

characteristics of the land and the placement of the structure. The use of the property has converted from that of a garage business, and the applicant has a need for security to keep equipment and vehicles in an enclosed area. And a 4-foot fence would not achieve that objective. The hardship is not the result of prior action of the applicant. The property was transferred about six months ago; and we actually provided a Special Use Permit to convert this from a garage to a storage for a rebar business. The granting of the requestion 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 in a Limited Business zone, and we have approved a Special Use Permit for this particular Use. 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. It will not provide the security requirements that he needs, based on practical observation; people are actually trespassing on his property. There is a condition that a survey of the property must be conducted and the fence will be placed five feet of the resulting property line. I so move.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

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MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

**6. ZBR-26-6  
NICHOLAS ANDRE**

**142 Bradford St.: R-6  
Pl. 18, Lot 11**

Dimensional Variance to construct an approximate 32' 5" x 48' 9" accessory dwelling unit (ADU) structure and attached deck, at a size greater than permitted for an accessory structure within the Residential R-6 zoning district.

Prior to hearing from the Applicant, Mr. Burke noted that in the application there is a lot of reference to jurisdiction over the size of the building and how it applies to the intent of the legislation on ADUs. He stated that he believes the Board certainly doesn't have the jurisdiction to make that ruling. He believes that from the Solicitor's office, the applicants do have to comply with the size of the building. He'd like to eliminate having a discussion with the applicant about whether that applies or not.

Mr. Teitz stated that he concurred with Mr. Burke. The ADU Statute is not a model of clarity. Clearly, it's been added to and added to; no one looked at it holistically. Who knows what it might become. He held up a copy of the Speaker's package for this year, which was quite voluminous and stated that he doesn't know what it says yet, and what will become law. But it is their interpretation of the current Statute that, yes, you need to comply with the dimensional requirements or obtain a variance. And, as his personal view in the past has been that he doesn't think the 20,000 square feet is a black line. But it's a kind of dark grey line. And clearly the Board is looking at it, and a lot depends on what is in the neighborhood around it and so forth. But the answer is yes, they do need relief from those elements.

Mr. Burke stated that based on that, what he wanted to advise the applicant that the Board doesn't want to be part of his argument, because the Board doesn't have the jurisdiction to rule on it and goes on the assumption that a variance is required.

Mr. Nicholas Andre presented his Petition to the Board. He explained he was respectfully requesting a Dimensional Variance for the construction of a 996 square foot two-bedroom accessory dwelling unit on his primary residence, 142 Bradford Street. The ADU will be the primary residence for his parents. They were long-time Bristol residents, having moved here in 1989 up to a few years ago in retirement; and they are now in need of new housing. His father utilizes a wheelchair and the ADU has been designed specifically for his needs. Simply, for the record, he stated that what Mr. Burke mentioned, he had put everything in his letter of the different General Laws in which he is submitting under. This being the primary residence, so the 20,000 square foot issue doesn't apply in this particular circumstance, because his father has a permanent disability. He also stated that in assuming a variance was required, he went through the different Standards for relief and notated how he met the Standards. Essentially a 22' x 24' limitation on the dimensional size of the unit would be impractical for a person in a wheelchair to use. And going up into the two-story range, which is what you would typically do beyond 528 square feet, obviously being in a wheelchair, he can't utilize a two-story dwelling. They meet all the other requirements within the Zoning Code; the setbacks are met on all sides; the lot coverage is met; the height is met. The only variance needed is relief from the 22' x 24' footprint, solely due to the hardship of his father's disability. He continued to go through the letter submitted to the Board prior to this meeting in detail, speaking on all points of compliance with Zoning conditions. Also, his lot is almost 12,000 square feet, with a very large back yard, which is where the ADU would be located. Even with the addition of the ADU, the lot coverage is actually much less than his neighboring properties. Also, that State law allows for 1,200 square feet and they are asking for 966 square feet.

Mr. Andre noted that the Board also was in possession of plans submitted and site survey. He confirmed that the current site is a three-family and he lives on the first floor. In regard to asking if there was an option to have his parents live on the first floor, Mr. Andre explained that the way the building is constructed, there is a really tall staircase to get into the first floor. The building was built in 1860. He has done a substantial renovation of the building, but the hallway and entryway, especially from the kitchen into the living room and into the variance bedrooms, wouldn't be navigationally to get a wheelchair through. When asked if he could put an addition to the rear of the building, Mr. Andre responded that in theory he could do an attached ADU, but that wouldn't be much different than his current proposal. Mr. Burke noted that then he wouldn't need a variance for a building that's over twice the size of what's allowed by the Ordinance. Mr. Andre clarified that 24' x 22' are the dimensional requirements in the R-6 zone. They're allowed 1,200 square feet under the State Law; that's only 528 square feet, if you do the 22' x 24'; you double that, that's 1,056. So, to get to 1,200 you have to go three stories. But the height limitation is 20 feet. So, the Town doesn't allow you to go up to 1,200 square feet, even though the State Law says they have to. Mr. Burke stated it says what applicants are allowed to do, not they have to. Mr. Burke and Mr. Andre had different interpretations of what the Law says, must allow 1,200 or must allow up to 1,200.

Mr. Teitz stated that it also says that it must comply with all other requirements. He went on to say that the requirements that Bristol has had on accessory structures have been there for 20 years at least, probably 40 years. It's not like some of the communities that rushed to change to put in small requirements after this. It's nothing new to what Bristol has had and that's what they are following.

The Board reviewed the plans in detail and existing structures on the house, such as HVAC units, doors and windows and staircases in an effort to reconfigure the plans. They also reviewed the plans as it applies to ADA requirements and how the plans were specifically built to meet his father's specific needs.

Mr. Doug Kline, 3 Old Orchard Farm Road, which is the other end of Town. He doesn't know the applicant at all. But he thinks the ADUs are kind of used with a broad brush. He thinks this family and this is what it's intended for, taking care of older families, having them next to you and loving them and cherishing them until the end. He thinks that's what the ADU is designed for and knowing the size is a little bit bigger, he has been by the house and he does have a big lot compared to how close other properties are and doesn't think it would bother anybody in the neighborhood and it's a great idea to put it on one floor.

Mr. Mark Silva, 136 Bradford Street, spoke against the Petition. He stated that there is a lot of discussion about size, but it is a dense area and that's why the Town has the lot size requirements. He has concerns and he knows hardship is coming to be discussed here and he's really sorry about their situation and he believes we all have similar situations in their lives. He thinks the question he has is what this law was intended for and what type of structure they are looking at. And was it really meant for a three-family house, then to be able to put an ADU there. Or was it for a single-family home or something like this. Looking at it from the hardship standpoint, he really doesn't think that the first floor was looked at enough. They are asking for 966 square feet. Again, that's a substantial size and from reasonable accommodation there are areas where you can cut into the house, go through the front, put a ramp in, going into detail on what he believed could be done to the property. He also doesn't understand why it has to be a two-bedroom and why it has to be so large to accommodate only two people. It's a very dense

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area and there is a problem with parking in the area. He would request that what they are asking for be denied at this time, because there are other accommodations that can be made on that property, especially it being a multi-family.

Ms. Rachel Heskett, 25 Congregational Street spoke. She wanted to say that this family are wonderful neighbors; their backyard and the depth of their property is directly next to her backyard and the depth of her property; so, they share substantial greenspace in both their back gardens. Her statements are in the interest of assisting and everyone's idea of carving out this path for ADU units that can be beneficial and respectful. She wants the family to have space for their relatives and thinks it's a wonderful way to care for the elderly and he wants them to build something wonderful that will help them. She bought her home in 2017 and she spends a substantial amount of her peace and quiet time in the back garden. The property on the side of her at 31 Congregational Street is a single-family home, which is operated by someone who rents it out to six college kids under the age of 18 years old. That single-family property has more than four individuals living in that property. She has had serious issues with that property next door; several individuals who have parking nightmares, blocked in her own driveway, etc. The problem that she sees is not the immediate future, she sees a more long-term issue. She currently hides in the depths of her beautiful back garden that she has, because she's hiding from six hooligans that are making her life a nightmare. The care that he wants to provide to his family is wonderful and admirable and wants it to work out. Beyond that what do ADU units look like moving forward. Who's to say what will happen 8, 10, 12, how many years down the line what will happen to that property and there is no guarantee that with many loopholes in the Town Ordinances that there wouldn't be more than the required number of people that can inhabit a unit. Two bedrooms does open a potential for more than four individuals living in a property and

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depending on how long this goes on, will she be surrounded by another property full of college kids. Besides logistics, her property steps is kind of will be where the structure will be built out; so it will overlap a bit. Again, they spend a lot of time in the back garden and the only problem that they can see is two things. One of which is the closeness to the property line. The structure will affect the light and the vegetation and the privacy that they currently enjoy in the back garden. Additionally, the other problem that they have is with noise. Her inability to understand all of the plans makes her concerned about where the HVAC system will be located, because if they are within ten feet of her property, she would now make a new noise that she didn't have before. She just thinks that it might be a little bit more beneficial to the area if the structure isn't as large, doesn't have as many individuals and possibly not take away their evening sun or enjoyment of the back garden, because privacy will change.

Mr. Andre explained that in regard to the concerns having been voiced, Mr. Silva mentioned if ADUs are allowed on multi-family; and, in fact, the previous version of the ADU law specified that it was only for single-family. The Legislature specifically took that out and changed it to also apply to multi-family, if they are owner occupied. Also, the second bedroom is being requested for a couple of issues. They foresee potentially the need for a care giver to be there sometimes. There are times where his father is potentially having an issue and maybe his mother wants to sleep in a separate bedroom, and also professional childcare issues as well. To put it into some context he mentioned that Mr. Silva and he are in a little bit of a dispute over a tree and doesn't know how much that motivates his comments, but it should be known. That's not the case for Ms. Heskett, who has been a wonderful neighbor as well. He understands the concerns, as beautiful as it is, it is not greenspace; it's his property.

The Board went into discussion on the information and testimony before them in detail.

Mr. Duarte noted that he thinks the applicant did everything he could to accommodate not only the needs of his aging parents but also take into consideration the surrounding neighbors. Second of all, he does sympathize with Ms. Heskett and her cause on Congregational Street and the unruly neighbors. Nothing bothers him more than individuals that own property in this Town, specifically single-family homes, and they utilize those as rental income and rent a three-bedroom single-family home to six to eight college students. However, he wanted to reflect back on all the efforts Mr. Andre has done to really take into consideration his surrounding neighbors.

Ms. Heskett again asked where the mini-splits will be located and will there be efforts to mitigate the noise. Mr. Burke made a suggestion, that since she has such a great relationship with the applicant, they work together on that.

Mr. Burke made a motion to close the public hearing, seconded by Mr. Duarte and unanimously approved. PUBLIC HEARING WAS CLOSED.

Mr. Burke noted that he thought everyone made good points and he gets it. He does have concerns about not what this ADU is going to be, which he thinks is a great thing to do, but what its going to be in the future. And he's very apprehensive about what the Board is doing. He doesn't think there are the proper controls in place, he doesn't think the Legislature thought this out; but they have to deal with it today. He agrees that he thinks it's a great thing and Mr. Andre has taken into consideration all things; and that's really why I question. The Board has to make sure that the applicant has explored all the options and that what they are granting is justifiable and that's why he asks the questions. He understands through experience

that one-level accommodation is needed. He just wants to make sure they make the right decisions for each matter and unfortunately, they can't control what's going to happen to the property in the future.

Again, detailed discussion was held on the application before them.

X X X X X X

MR. BRUM: I'll make a motion to approve file number uh ZBR-26-6, applicant, Mr. Nicholas Andre, the location one forty two Bradford Street, And we'll be providing relief to construct a twenty three point three, five, twenty three foot, five inch by forty eight foot, nine inch accessory dwelling unit structure with an attached deck at a size greater than permitted by an accessory structure within the.R-6 zone. By granting this variance, we're granting the least amount of relief necessary. So, we've established that the applicant's hardship was not created by any action that he may have taken. He purchased the subject property, did not construct it or place it, and how it is oriented on the lot currently. The need for dimensional relief in any case or most of any average configuration would also require additional relief, given that the house is built within three feet of its easterly side setback. In addition to the unique characteristics of the subject property, the applicant has a family member who will be occupying the ADU, and as such, has built the ADU to be compliant to the needs of the applicant's family member who is physically disabled and requires the use of a wheelchair for mobility. Given that unique situation, the appropriate twenty - two by twenty - four accessory dwelling unit size no longer

accommodates the applicant as a two - floor situation. In addition to creating extreme expense, the case of elevators and chairlifts; and just wouldn't fit. So, the dimensional relief that we're providing is the least relief possible. As previously stated, this was a pre-existing condition and wasn't due to any prior action by the applicants. Or any situation that the applicant could have created, that would have intensified the hardship. Granting, this relief doesn't change the characteristics of the neighborhood. As other members of this board have stated, there are several multifamily units, multifamily homes on Bradford Street, historically it has been a rental based neighborhood. With this member's opinion that majority of those dwellings from High Street to Wood Street are multifamily dwellings. For those reasons, I so move.

MR. DUARTE: I'll second.

MR. ASCIOLA: All those in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

7. **ZBR-26-7**  
**TOWN OF BRISTOL**

**235 High St: R-6**  
**Pl. 14, Lot 27**

Dimensional Variance to construct an eight-foot-high fence with soundproofing material to enclose existing HVAC units at the rear of the Reynold’s School building exceeding the maximum height for a fence in a residential zoning district.

Chairman Asciola announcement that this Petition would be continued to the April meeting.

X X X X X X X

MR. BURKE: I’ll make a motion, Mr. Chairman, that we continue file ZBR-26-7, Town of Bristol for a fence dimensional variance until our April meeting, and that will be April 6<sup>th</sup>.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

**SITTING AS BOARD OF APPEAL:**

**8. ZAPL-25-1  
BYRON CONNELL**

**26 Brookwood Rd.: R-10  
Pl. 79, Lot 500**

Appeal of a Fence Permit issued to a neighboring property owner by the Building Official for the construction of a six-foot-high garden fence, portions of which are located with the front yard.

Zoning Enforcement Officer summarized permit issuance rationale (transparent garden fence, no vision issues) and reassessment acknowledging ordinance limit of 4' in front yard setbacks; stated a variance should have been required.

Appellant argued fence (6–7' tall; ~120' long; ~900 sq ft area) lies largely within front yard setback and exceeds height limit; no variance sought; offered private solutions but scope limited to legality.

Neighbors provided mixed comments: support for aesthetics and deer exclusion; emphasis that decisions must be ordinance-based.

Conclusion:

Motion granted the appeal, finding the fence exceeds 4' within front yard setback on a corner lot and required a variance; original permit issuance deemed improper without variance review.

Property owner to apply for dimensional variance to retain fence; professional survey recommended to verify setback and height.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to grant the appeal of Byron Connell, File number ZAPL-25-1, appealing a fence permit at 26 Brookwood Road Bristol, Rhode Island. And the appeal is for a six-foot fence in a front yard

on a corner lot, where a four-foot fence by right is required and anything that deviates from that would require an application for dimensional variance. We heard testimony from the enforcement officer and how the permit became granted. And there are gray areas, but physically, it's undeniable that the fence is over four feet, and it is in the front yard. Clearly requiring that it comes before this board, if, in fact, the property owner wishes to continue with this fence. I so move.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Appeal Granted)

**9. AGENDA ITEM:**

**Discuss/Act re: Revision of Zoning Board Rules of Procedure**

Amended rules of procedure approved; decisions to be formally recorded with an appeal period;  
meeting adjourned following approvals.

**10. ADJOURNMENT:**

X X X X X X

MR. ASCIOLA: Motion to adjourn?  
MR DUARTE: Motion to adjourn.  
MR.KERN: Second.  
MR. ASCIOLA: All in favor?  
MR. BURKE: Aye.  
MR. KERN: Aye.  
MR. BRUM: Aye.  
MR. DUARTE: Aye.  
MR. ASCIOLA: Aye.

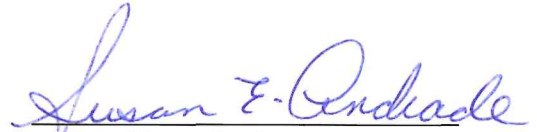
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:40 P.M.)

02 MARCH 2026

RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 02 FEBRUARY 2026

Date Accepted: 4/6/26

Chairman: 