STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

14 SEPTEMBER 2026
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

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

ALSO PRESENT:

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

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

I N D E X

Page

1. Approval of minutes:

13 JULY 2026..... ..3

SITTING AS BOARD OF APPEAL
CONTINUED:

2. ZAPL-26-1, ZAPL-26-3, ZAPL-26-4 – David Ramos/Ramos Landscaping, LLC Appeal.....5

3. ZAPL-26-5 – John J. Marshall – Appeal 6

4. ZAPL-26-6 – Carole Anne Benn – Appeal.....7

SITTING AS BOARD OF REVIEW CONTINUED PETITIONS:

5. ZBR-26-21 – Petition of Thomas A. Dawson.....13

6. ZBR-26-24 – Petition of Joseph M. Brito.....16

7. ZBR-26-30 – Petition of Sarah Miller.....17

8. ZBR-26-32 - Petition of Douglas M & Susan E. Dahl.....19

NEW PETITIONS:

9. ZBR-26-9 – Petition of Mosa Al Zowelei.....33

10. ZBR-26-33 – Petition of Andrew Tyska.....40

11 ZBR-26-34 - Petition of Larry Goldstein/TSL, LLC.....41

12. ZBR-26-35 – Petition of Luke and Tracy D'Antonio 44

13. ZBR-26-36 – Petition of Joseph M. Goulart.....47

14. ZBR-26-37 - Petition of Douglas and Patricia Gablinske.....49

15. ZBR-26-38 – Petition of Paul J. and MaryAnn Salesi.....50

16. ADJOURNMENT.....51

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

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the July 13 2026 minutes

MR. BURKE: 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.

MS. TEVES: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

Agenda Management and Continuances

Due to a long agenda and an 11:00 PM cutoff, the board offered applicants scheduled late in the meeting the option to continue their cases to the October meeting, where they would be placed at the top of the agenda.

Specific Continuances:

ZBR - 26 - 38 (Paul J and Mary Salesi): Continued to the October 5th meeting.

ZBR – 26-37 (Douglas and Patricia Jablonski): Offered a continuance to the October 5th meeting.

Appeal involving Ramos Landscaping (David Ramos): Continued to October 5, 2026, due to an absent member and lack of quorum.

Appeal ZAPL-26-5 (John J. Marshall): Continued to October 5, 2026.

ZBR-26 (Joseph M. Berto Jr.): Dimensional variance at 161 Poppasquash Rd. continued to October 5, 2026.

ZBR 26-30 (Sarah Miller): Dimensional variance at 169 Fatima Drive continued to the October 5th meeting to allow the board time to review new plans for a structure attached to the house.

ZBR-26-33 (Andrew Tiska): Variance request for 26 Patricia Ann Drive continued to the October 5th meeting as the applicants were not present.

SITTING AS THE BOARD OF APPEALS: CONTINUED

2. ZAPL-26-1, ZAPL-26-3, ZAPL-26-4 668 & 670 Metacom Ave.: GB
DAVID RAMOS/RAMOS LANDSCAPING, LLC Pl. 128, Lots 15 & 16

Appeal of three Notices of Violation dated February 12, February 25th, and March 11, 2026 issued by the Administrative Officer for conducting business operations on a Sunday and/or outside of the Planning Board's approved special use permit hours of operation.

Continued to October 5, 2026

3. ZAPL:-26-5
JOHN J. MARSHALL — **8 Constitution St.: R-6**
Pl. 11, Lot 20

Appeal of a decision of the Bristol Historic District Commission denying installation of a sliding door on an existing accessory garage structure.

Continued to October 5, 2026

SITTING AS THE BOARD OF APPEAL – NEW:

4. ZAPL-26-6
CAROLE ANNE BENN — **29 Harrison St.: R-15**
Pl. 146, Lot 21

Appeal of a decision of the Zoning Enforcement Officer approving a Zoning Modification Permit to construct a 16' x 24' detached accessory dwelling unit (ADU) stricture at a height of 20' 10" above grade.

Mr. R. Andrew Ben, the son of Carol Ben of 32 Harrison Street. Also, trustee of 34 Harrison Street, presented the Appeal to the Board.

Mr. Ben stated he didn't know if the Board received a revised letter of appeal from his mother, but basically, the primary reason for the appeal is an existing property line dispute that's existed between 29 Harrison and 32 Harrison for a few years. It's in Providence Superior Court, case number twenty six zero five one hundred three, and it really cannot be determined where the setbacks are until the property line is legally determined. Per the advice of their counsel, that is the primary reason for our appeal for this hearing. Their attorney also wanted to let it be known to the board that, despite paragraph one saying that all abutters should be notified of applications for such zoning hearings, none of the abutters were notified of this for the May sixth hearing, where this was originally approved. So that's just one of the things. But there's a couple of other points that were in his mother's letter. But the primary reason for the appeal is that this property line is now dispute has gone on for a few years and unfortunately is now in litigation in Superior Court.

Attorney Marks stated that property disputes are not within the jurisdiction of the zoning board. Those are civil matters restricted to Superior Court. The zoning board is not allowed to make a determination as to a boundary dispute. What the zoning board is enabled to do in this

appeal is to simply view the evidence that was submitted to the zoning officer in light of the modification criteria and ensure that the output remains consistent with the original language. The zoning board is not allowed to make a determination as to a boundary dispute. What the zoning board is enabled to do in this case is to review the evidence that has been presented to you. So, things like property disputes, or other types of civil law — it's not within the jurisdiction of the board.

Mr. Ben stated that just for clarification on that, the board may not be familiar with the Harrison Street area. It's all former summer shacks with tiny lots that were built on top of each other. They have all basically been winterized and expanded, but the lots are still very tiny, including the lots that his family has on Swiss Point. Putting this ADU where the disputed property line is would literally put the ADU on or over the property line, not set with zero setbacks, which is an issue. Especially, where the ADU is proposed, the property between 29 Harrison and 32 Harrison is a six to eight-foot slope, depending on where it is. It's a sloping, unsupported area with no retaining wall, just an unsupported slope between the two properties, between 29, which is elevated, and 32, and with this 20-foot-plus ADU. It would be towering, 32, 30 feet, right above 32's backyard, literally on the property line, if not over it, which is the primary reason for dispute. And as you know, if you've been down Harrison, those lots are tiny. It's right there, in 32's backyard, and could potentially be, according to the attorney, our attorney, a hurricane safety issue. Swiss point is right on Mt. Hope Bay, and it takes the brunt of storms. We haven't had one since the new owner of Twenty Nine Harrison Street has lived there, but it does take the brunt of storms when they do come in off of Mt. Hope Bay. Just a point to consider.

Mr. Asciola stated that anybody in the town can build a twenty-two by twenty-four accessory structure without coming here. They can put it in their yard, and no one says a word about it. This is actually smaller than that. And it could be twenty feet high. This is ten inches high, and then it should be, and that's considered a minor modification that the zoning officer has the state gave them the right to make. That's why he didn't get a notice of it because it's considered a minor modification.

Mr. Benn stated that it's really not the height that's in dispute, even though it is going to be thirty feet over the backyard. It's the fact that it will be in the disputed property line area, on the property line.

Mr. Marks confirmed the board has no jurisdiction on the property line dispute and also just everyone's information, if for some reason the court decided that it was within a disputed property line, the court could always stay the building permit. It wouldn't be something that the zoning board would have to take on themselves.

Mr. Asciola stated that the board obviously has no authority on Mr. Benn's statements and has to view it as that is, the property that see on the plans, and that's what we have to go by until it becomes an official document.

Mr. Benn persisted and discussed in detail the setback requirements and the fact that the property line is in dispute, so how can the setbacks be reviewed.

Mr. Marks stated he did not know what the Town plan shows, but the modification applicant did submit a signed and stamped plan. So it's what we call prima facie evidence, and that's all that the board needs to make a determination on. If the court needs to reverse anything or stay anything, the court can do so.

Mr. Burke noted the main issue is that the remedy lies with the Superior Court. He needs to go and get a stay if he wants to stop the building before they establish what the true boundary is. Through review and litigation by the Superior Court.

Mr. Marks stated that he has been told there is no building permit yet.
And as I've been told, there is no building permit yet. Again, they just have to keep those two things separate. There's the court TRO, whatever remedy you seek in court, and then there's the zoning board appeal, which is strictly to determine, based on the evidence submitted for the modification request, whether the board would have taken the same action as the zoning official board. Just based on the evidence that was submitted in the request for modification.

Mr. Edward Tanner, the zoning enforcement officer for the town of Bristol. That he issued the zoning modification permit that Mr. and Mrs. Ben have appealed. The modification permit, this type of modification permit. I just want to sort of clarify some things for the public. It's a relatively new type of permit that the legislature adopted a couple of years ago with their land use updates, and we've adopted it into our zoning ordinance. Anyone who asks for a dimensional relief of five percent or less from any dimensional requirement can apply for a modification permit, and there is there's no zoning, there's no notification requirement. Mr. Zach Rivers at 29 Harrison Street applied for a height variance of ten inches above the maximum twenty foot, so which I determined was less than five percent. I reviewed the application. It looked reasonable. There was no relief granted for a side yard variance. This was just about the height of the building.

Upon questioning by Mr. Burke if it is required to be advertised in the newspaper, Mr. Tanner explained that five percent or less, there's no notification requirement.

Five percent to twenty - five percent, he also allowed to, with some conditions, allowed to review and approve administratively with a modification permit. Those types of modifications, immediate neighbors get noticed, and an ad goes in the newspaper. This was the, believe it or not, this was actually the first one he received that had a five percent or less no notification. So, the reason Mrs. Ben didn't get a notice is the law says there's no notice requirement for this particular type of application, and it didn't have to go to the board. It could be reviewed by me. So that's what that and again, just to really quickly summarize, is it's for an accessory dwelling unit and accessory structure. 22 by 24 is the maximum size. 20 feet is the maximum height. They were not; they were actually a little bit smaller on the size. It has to be six feet off the lot line. The plan he presented me is stamped by a surveyor and shows six feet. Of course, when the building permit comes in, we would review that, make sure it still says six feet, and you know, inspections happen out in the field to make sure it's six feet, assuming. Obviously the lot lining question is another issue that's kind of beyond the town. But if they're presented with a survey, I felt like that was what we that's what we approved. Ben, if there's any quick questions

Mr. Duarte noted that during discussions Mr. Ben spoke about a survey that was conducted back in 1920. And asked if there was any due diligence done to cross reference that survey in comparison to the one that was recently received?

Mr. Tanner stated that, no, not at the time that the modification permit was issued. When Mrs. Ben, Mr. Ben's mom, contacted him, said that there was a dispute about property lines, he can't really do anything if they have a stamped survey plan. It really becomes a civil matter between the neighbors as far as where the line is.

Mr. Marks stated that honestly, the same is true for any zoning application, any variance application. If there is prima facie evidence that the board can make a decision, there's no onus

on the local officials or board to make some research into whether or not there are competing plans.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to deny the appeal ZAPL-26-6, Carol Ann Ben, for an ADU that was approved via zoning modification at 29 Harrison Street. We've heard testimony and have been provided with evidence that the reason for the appeal is a border dispute, a difference in where the actual property line is. We've been instructed that's not in the purview of the zoning board. We've heard evidence that Mr. Tanner, the zoning principal planner and zoning enforcement officer, is authorized to make the approval for something that is five percent or less than what's allowed by right. Mr. Tanner made the correct decision according to his authorization. We do not have the authority to make decisions based on existing litigation, and I so move that we uphold Mr. Tanner's decision.

MR. DUARTE: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Appeal Denied)

SITTING AS BOARD OF REVIEW:

CONTINUED:

As an abutter, Mr. Burke stepped down from the Board, Ms. Teves sat on.

5. ZBR-26-21
THOMAS A. DAWSON — **15 Burton Street: R-6**
Pl. 15, Lot 79

Dimensional Variance to remove an existing accessory shed structure and construct a new 12' x 16' accessory shed structure with less than the required rear yard and less than the required right-side yard.

Mr. Thomas A. Dawson, 15 Burton Street, Bristol, presented the Petition to the Board. He explained that he has an existing shed on the property that was eight by ten, and it was falling apart, and he actually wanted to buy a new shed. The existing shed, which was eight by ten, was already in violation of the rear setback. H decided to get a new shed, so he did buy a new shed. It came completely assembled and, on a truck, barely fit between the two houses. But he got it back there, and that was delivered in May. At the June meeting for this authority, he tried to get approval, but there was no quorum, he was on vacation in July, and the board did not meet in August, so that's why he was there now to get you caught up. He bought a new shed, a 12 by 16 shed, and he had to quickly get it in place, they were redoing our backyard. So, he got the shed in there and put it back pretty much where the old shed was. The update to this is that he communicated with Ed Tanner, back and forth with someone online. Was that he actually is asking for relief for the back of the shed to be less than six feet to his property line. On the left side, he was asking for the left side as well, but as it turns out, he's good with the left side being six feet from the side property line, He was only asking for three and a half feet in the rear. It's currently about two and a half feet from the rear property line.

The board reviewed the size of the backyard and the plans in detail with Mr. Dawson. And Mr. Dawson explained due to the size of the shed; he would have to call the company to come out there with the machine and move it. It's twelve by sixteen.

No one spoke in favor, or against the Petition.

Mr. Kern stated that he really didn't hear a good reason why the shed couldn't be moved forward.

The Board again reviewed the plans and backyard dimensions in detail.

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MR. BRUM: I'll make a motion to grant Petition ZBR-26-21, for Thomas Dawson for dimensional variance. The dimensional variance will provide relief of three and a half feet to the rear yard setback, so that the applicant can keep the shed that is currently in that location of the yard in the same place. The variance will allow for the encroachment into the backyard. The hardship from which the applicant seeks relief is due to the unique characteristics of the lot. It is a narrow and long lot. The applicant has testified that there's a limited backyard area. There's roughly 1,200 square feet. In addition to that, behind the shed, there's a fence, which belongs to the northerly butter, who has not notified the board or complained in any way to the board of the location of the shed. The applicant has also testified that the shed can be maintained, the fence could be maintained and is of significant distance from the shed to do so. The hardship here is not the result of any prior action by the applicant. The applicant did not build the house, nor did he subdivide the lot. And in this case, the fence was pre-

existing, and as the applicant testified, belongs to his neighbor. Granting the dimensional variance won't 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, because it is common in Bristol to have sheds of this size, roughly 12 by 16, to maintain lawn equipment, yard equipment, given the nature of our winters, keeping equipment out year-round could be costly. And so, storage or outside storage is useful and necessary in common intent. The hardship will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to a more than a mere inconvenience. As we have stated, the applicant is not able to move the shed currently, and in order to move the shed, it would create a significant and laborious duty for the applicant. And for those reasons, I so move.

MS. TEVES: Second.

MR. ASCIOLA: All in favor?

MS. TEVES: Aye.

MR. DUARTE: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye. Opposed?

MR. KERN: Nay.

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(THE MOTION WAS PASSED 4-1)

(Petition Granted)

6. ZBR-26-24
JOSEPH M. BRITO, JR. **161 Poppasquash Rd.: R-40**
Pl. 182, Lot 7

Dimensional Variances to demolish an existing residential guest house structure and construct a 41' 2" x 44' 4" x 32' high accessory bunkhouse/boathouse structure at a size and height greater than permitted for accessory structures in a residential zoning district. Also:

Special Use Permit to construct a 41' 2" x 44' 4" x 32' high accessory bunkhouse/boathouse structure at a height greater than 25' above grade within the flood zone.

Continued to October 5, 2026

MS. TEVES STEPPED DOWN FROM THE BOARD, MR. BURKE STEPPED ON.

7. ZBR-26-30
SARAH MILLER **169 Fatima Dr.: R-10**
Pl. 123, Lot 33

Dimensional Variance to construct an approximate 40' x 43' detached accessory dwelling unit (ADU) structure with less than the required front yard, and at a size greater than permitted for accessory structures in the Residential R-10 zoning District.

Ms. Sara Miller, applicant and Mr. Edward Miller were present.

Mr. Burke stated that before the board proceeded, he wanted to make a motion that the Petition be continued, because the board just received a new plan and he did not have a chance to look at it.

Mr. Tanner explained that he had spoken to the applicant earlier in the day and that their original application was for a freestanding garage with ADU. They've now attached it to the house. The plans are only a plan view. He asked Mr. Miller if he had any kind of elevation views, floor plans showing what the ADU would look like and how it would all be laid out and they did not have them yet, only a schematic of the relative size where it's going. It still would need a front yard variance as proposed, but the variance is for the size of an accessory structure would go away because it was now connected to the house, which is something that the board had discussed.

Mr. Miller explained that he did not have the elevations yet, because it's a pre-fabricated structure and they won't get the plans until they commit and make a deposit. He didn't want to do that until he knows if the Town is going to allow this.

The Board agreed that they had all just received the information in this matter and it would be best to continue until the next meeting, in order to have time to review the new plans.

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MR. BURKE: Mr. Chairman, I'll make a motion to continue application ZBR-26-30, Sarah Miller for dimensional variance at 169 Fatima Drive to the October 5th 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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(THE MOTION WAS UANANIMOUSLY APPROVED)

(Petition continued)

8. ZBR-26-32
DOUGLAS M. & SUSAN E. DAHL **61 Smith St.: R-15**
Pl. 133, Lot 128

Special Use Permit and Dimensional Variances to construct a 28' x 46' single-family dwelling at a height greater than 25 feet above grade in the flood zone; and with greater than permitted gross floor are (GFA) for the dwelling, first and second floor footprints, and deck.

Attorney David Martland presented the Petition on behalf of Douglas and Susan Dahl, owners of 61 Smith Street. He explained this matter was actually before the board, back in 2020, there were a couple of hearings held back then, and at that time, this design that is in front of the board this evening was required to have a front and a rear yard setback variance. That was heard by the board and was granted by the board in March of 2020. Before the COVID shutdown, that delayed what the Dahls wanted to do, so they weren't able to really move forward on that plan at that point. There were delays resulting from that. Fast forward now, six years later, they came back in with the plan. To move forward with permitting, now they don't need any setback relief because of the changes that were made to undersized lots. However, this lot is located in a flood zone, and a few years ago there were ordinances that were adopted relative to construction of single-family residences in a flood zone, which would require seeking a special use permit for any structure above 25 feet, and having certain standards and conditions associated with that, he knows that the board has had the opportunity to review and deal with a couple of those petitions. So, this particular lot is located on Smith Street. It abuts the Kickemuit River. It's got, 4,782 square feet of land area in an R-15 district, so it's a substantially undersized lot, and that creates a pretty significant hardship for the applicant. While they meet all of the normal dimensional variances in terms of setbacks, and lot coverage, and height, within the flood

zone, there are also limitations on gross floor area, and it's tied to the lot area. It's thirty percent of the lot area. So, they were asking for variances associated with the amount of the gross floor area as well as the deck area. The original plans that were filed were slightly larger. This matter was referred to the technical review committee. They had a meeting with the technical review committee, and as a result of that meeting, the original plans that had been approved back in 2020 and were submitted in connection with this application were scaled down more, to eliminate what was a screened-in sunroom, some living area on the second floor, and to reduce the size of the deck. So, it's a smaller application that that's before the board this evening, where some of that deck area was located, that is now a roof area, which is designed to meet the architectural standards and requirements of the zoning ordinance in terms of the pitch of the roof. The height of the structure itself is the same as it was back in 2020. It's thirty three feet eleven inches, so it's below the height requirements or limitations of the R15 district. They do have to request the special use permit because it's over 25 feet, but that's not a variance request. That just puts us into a different review. He submitted to the board, that the evidence will show that this request is really due to the unique characteristics of this property, being the size of this lot in this district, which limits that gross living area. That it's not the result of any prior action of the applicants. They didn't create this lot. They purchased it when they bought it. It had a single-family home that had been damaged by fire. They've since removed that structure. They've rebuilt the seawall. He thinks this is a very minor request, and amounts to more than a mere inconvenience. This property it's only going to be a two-bedroom, two-bedroom home, as shown on the plans. It's only got a little over fourteen hundred square feet. Around it, it's got sixteen hundred square feet of living area.

Melissa Hutchinson, architect two Narragansett Boulevard in Portsmouth was sworn in and presented her credentials, which was excepted by the Board as an expert in the field of Architecture.

Ms. Hutchinson explained that she was hired at the beginning of 2022. The property had already been worked on with Tom Principi, the civil engineer, and so the footprint of the house had essentially already been established and approved. And they asked her to design a two - bedroom, two - bath house for the property. She had designed an original design, and then after they got feedback from the TRC, they decided to remove some deck area and to remove the sunroom, based on comments and based on the special use permit that is now required, which wasn't required the first time it was designed.

She continued and explained the house is in the AE14 zone flood zone, and they had to elevate the house on piers. There's no habitable space allowed on the ground floor. The ground floor is simply parking and storage, nothing, no finished spaces as required by FEMA guidelines. The first floor is an open concept kitchen and living area, and then a bedroom and a bathroom. There's actually no dining area, and the mechanical is on the first floor because the mechanical is not allowed to be below the base flood elevation. On the second floor, there's simply a primary bedroom with its bathroom and the mud deck. The overall square footage of the house is 1,514 square feet. That's interior, habitable living space. Essentially, they were willing to compromise on the sunroom. The sunroom on the second floor was nine and a half by twelve feet, so they reduced that by one hundred and fourteen square feet. And then the deck, they also reduced the size of the deck on the second floor. So, the reduction was one hundred and eighty square feet. That previous deck turned into a roof area, which pulled the deck away from the east side of the property. They think that is an improvement for the neighbors, because there is more privacy

there by pulling it back nine and a half feet from that edge; this was all done after response from CRMC.

In response to being asked what the calculated G F A is from the second and third level after the adjustments. Mr. Martland stated that the overall area you're allowed is one thousand four hundred and thirty-four point six square feet, and they're requesting one thousand five hundred and fourteen square feet. On the first level, they're requesting one thousand ninety-three square feet, and permitted is eight hundred and sixty-one square feet. With the elimination of the sunroom on the second level conforms. There is no request associated with the gross floor area on the second level.

Mr. Duart asked if her clients bought this property knowing the size and scope of the lot. Mr. Martland stated, correct.

Mr. Brum asked in regards to the CRMC. You've received approval from CRMC, and you're within the CRMC's requirements. So the board is essentially providing the variance to get the building permit. The CRMC situation has already been taken care of. There isn't any additional CRMC permitting or review that's required.

Mr. Martland explained that the CRMC permit has expired, and the way the permitting works between CRMC and the municipal permitting is you have to come to the zoning board and get any zoning variances that may be necessary before CRMC will review a permit. In order to file an application with CRMC, the zoning officer needs to provide a letter to CRMC to indicate there are no open zoning issues, and it's received that all of the appropriate variances. So this would be the first stop.

Mr. Asciola stated that just elaborating on something you said earlier, the twenty-five foot over twenty-five foot height. It's not required for zoning to do, but it's for the CMs. They have different regulations to follow if its higher than that.

Mr. Martland stated so in terms of the flood zone, this is in the AE14 flood zone, and therefore the living area has to be built at above that level. So, they force you to move that up. The 25 feet mentioned in the zoning ordinance is to provide a requirement for a special use permit, so that there are a variety of conditions associated with that, including architectural features, roof pitch, and then limitations on the floor area and deck space.

Mr. Asciola stated that he wanted to clarify that, so everybody knows what a lot of things. It's that you can build a 25 feet high, you just have to go with different rules.

Mr. Martland said that you can. You're allowed to go. I say thirty-five feet. Technically, you and they are below thirty-five feet. But the way you would measure the height, you're actually allowed to start measuring at the base flood elevation and go thirty-five feet above that is the maximum height and they are significantly below that. If this house were not in the flood zone, and it was located on this same size lot within the R-15 district, they wouldn't be here. It meets all of the other zoning criteria. It's only because it's in the flood zone where you have this architectural review. And, in response to questions from the board, he clarified that there are two calculations, that we're requesting the relief from. One, there is the gross square footage for all living area, no matter what floor it's on. And so that limitation, he believes he indicated was fourteen to fourteen thirty. Fourteen thirty four and they are requesting fifteen fourteen; so that's light 80 square feet.

Ms. Hutchinson stated that just to add, that in the design, they carefully considered the massing of the project, and you'll see in the elevations that the second floor of the building

essentially exists underneath the roof line. It's not like a big two-story box sitting on top of stilts. It's more like the second floor, the second habitable floor, kind of exists under the eave lines to try to reduce the overall massing and be sensitive to the character of the neighborhood, the small-scale nature of the neighborhood.

Mr. Tanner explained that Ms. Hutchinson had submitted some revised plans with a revised sketch that came in July. Remember, this application was continued from the July meeting. Actually, this came in right before the July meeting, but it was continued, so the board didn't hear it. In addition to the main packet, there were some revised sheets. He just want to make sure they looking at the right plan.

Mr. Martland approached the board to see the plan, just to make sure everyone was looking at the appropriate plan, and confirmed the board did have the correct plans.

The Board reviewed the plans in detail with Ms. Hutchinson and the flood zone requirements and the roof pitch being used to bring down some of the massing.

Nathan Chofay, 27 Sakonnet Ridge Drive, Tiverton, RI, Civil Engineer, employed by Principi Engineering and project engineer on this site, presented his credentials to the board and the various cities and towns in which he has testified before. However, he is not a P.E. but was allowed to continue with his testimony.

Mr. Chofay explained that Tom Principe, being his boss, had the site back in 2020, and when he came on, this was one of the projects that he took on since its renewal process in 2022. He's been involved with the house layout and the drainage control in the CRM C application. You've got tight restrictions with setbacks and with the CRM cycle feature.

Now the footprint of the structure. There have one thousand one hundred square feet of roof area.

Which meets the zoning requirements in terms of lot coverage. And the footprint area meets the required setbacks from a zoning perspective. There were concerns about drainage and stormwater runoff, so the first thing he noticed was the existing house did not have any drainage control. For the new house, they are controlling for the whole roof one - inch storm event. That's for CRM C regulations. So that's controlling the water quality. All the other runoff is all the runoff goes to the ocean, but they're controlling the quality of the water that goes to the ocean. Typically, the design is for the increase in pervious area. So, we have that existing roof area. This proposed roof area designed for the whole proposed roof area. They are covering the roof with gutters going directly to a rain garden. That's an approved. DEM, CRM, C, stormwater control, and also the driveway is pervious, crushed stone will be controlled. The rain garden, that the square footage of that rain garden is designed to meet the DEM and CRMC stormwater requirements. And the minimum requirement, as well, he is controlling the whole roof area, proposed roof area. The minimum required roughly is a rain garden area was 90 square feet. He also upsized that as well at roughly 105 square.

Mr. Chofay confirmed that looking at the pre and post development conditions, they're making sure that they have improved both the quality of the stormwater runoff in terms of treating it, as well as maintaining or lessening the impact of runoff. And that's in accordance with all the state requirements. And as this plan of development is done, so to meet the FEMA requirements, flood zone requirements. And while it might be early in the process, the plans, if this should be approved, the building plans will be designed in accordance with all the applicable building codes for FEMA requirements. In addition to the zoning ordinance having changed, the original plan from two thousand and twenty proposed a different type of utility connection for the water. But since then, water has become available on the street and can now be connected.

The board reviewed Mr. Chofay's statements in detail.

Mr. James Hule, 198 Union Street, Portsmouth, Rhode Island presented his credentials and was accepted as an expert in the field of land use.

Mr. Hule outlined his observations and researched the history of this site. When he looks at it, he really sees what is a very minimal request. The special use request for the height is really a product of their location in the flood zone. The actual height of the building above the flood zone is actually lower than the 25 feet; so it would qualify, it's a situation they have been forced into by FEMA and CRMC. In regard to the variances, it's sort of the same issue, in that they did buy the lot before the laws that are now in the zoning ordinance, requiring a certain percentage of first floor, second floor and deck area. In truth they find themselves asking for variance because of laws that were passed after they bought the property. The hardship is indeed the very small lot, but it's exasperated by the timing of when they bought it the way the rules are. He described the plans in detail and how they apply to all requirements. He feels the request also satisfies all the Standards for a special use permit, which he reviewed with the board, specifically Standard Article 9, Division 2, Sections 28-307 and 28-309; they also meet all the standards set forth in the subsection of 28-150, authorized such special use. Going through each of them, he believes, has been satisfied. And where they are not satisfied, they are the variance being requested. He also looked at all of the FEMA, CRMC and DEM requirements and believes the plans also meet all of those requirements. And believes if denied, it would be more than a mere inconvenience.

The board reviewed Mr. Hule's testimony and reporting in detail.

Ms. Lisa Rocha Weinberg 14 Smith Street, Bristol stated that she had submitted a petition that was passed around to the neighborhood, and they had twenty-two families that signed it. She asked if any of the board members had been to Sixth Street and seen the size of the lot. You understand now because you have the floor plan of what they want to build. FEMA has put them through a lot of trouble to have their experts here. I'm just a homeowner, mom, and wife, and I'm concerned about the environmental impact. There's a lot of flooding that happens. FEMA is involved in this area. It's a flood zone. We have another neighbor who has actually documented what's happened over the past 20 years, and that's the biggest concern. I don't know if establishing this precedent makes sense. Will there be a lot more of this happening because you're going to allow one family to do this? What precedent? If you allow a structure to be larger in square footage, all the variances that they want to have higher, all of these things that you're going to allow in zoning, then will someone else want to do the same thing? And how does that environmentally impact the neighborhood, the community? That's my concern. I don't know how that works, and it's not clear how to proceed. The impact of such actions on the environment is significant. And it's also on a property that's right on the seawall on the waterside. I don't know enough about exactly what happens environmentally, so that's why I just wanted to submit this petition, which we had signed by the neighbors. I think the neighbors in the community live there year-round. They're not out of state. It's the concern of being a resident of Bristol and living here full-time. How does it impact those people when you have a development like this? I don't know if it's a full-time living home or if it's just a summer resident. Is there any septic that's needed, or is there septic down there? I know some people have septic; some people have wells. I believe there's town sewer, so they just pump into that.

Mr. Burke noted that here was an issue with water that's been mitigated apparently in the last four to six years. Water has been run to the property. I remember there was a community water system, but I believe they originally were going to put in their own well. As the chairman pointed out, what they're asking for right now is very minor. They've been pretty responsive to input. The twenty-five-foot height is a checkpoint that the town put in, so that we can manage people putting things in and actually impacting the neighborhood. You can't build a house at twenty-five feet. It's impossible because the first eight feet is flood zone. So in order for them to have the amount of living space has to be at the height it's designed at, and it looks like they've done everything they possibly could to limit the height of the building.

Ms. Wienberg stated that she believes the question is a flood zone, so that's a tough area to build this beautiful brand-new home in, and that's a concern. The impact, not just on their structure, but to the structures around, because the flooding that happens in that neighborhood is more than it has been in previous years. She had worked with Mr. Greenleaf, who was the building inspector, and is grandfathered in with regard to flood compliance.

Mr. Don Bienleck,59 Smith Street, which is right next to where they want to put the building in, he doesn't have a problem with that. He also owns 53 Smith Street, and there's no problem there either. A letter was sent to the building inspector from his wife.

Ms. Sandra Donaghy. 52nd Smith Street, Bristol. She's been opposed to this since the get-go, trying to fight it because the town tried to help me fight it when CRMC allowed them to fill in. she had photographs that show it when it was working and the difference in the flooding, and the flooding down there has gotten incredibly bad. She's afraid that any structure of any kind that is added to that point of land is weakening the whole point. It's just a mess down there when it floods. It's getting scary. People are moving their cars further and further up the hill until we

address the problem of these detention ponds that were filled in, the drainage at the end of the street has been blocked off, so there's absolutely no good drainage down there now. It used to just be a boat ramp, and it was a public, state right of way for everyone to enjoy. One of the reasons twenty-three people are against this is because of all the changes they have seen that have been adverse to all of us. Not just the flooding, but the fact that they can no longer go for boat rides, they can no longer access the ocean. They put this terrible little walkway that's extremely dangerous. They've blocked off everything, so there is no place for runoff. So now the runoff is going further and further up the hill, which is my property. As her husband would say, we're gonna have waterfront property if they keep it up. So I have all the facts and figures. If you want to consider the 23 people who are concerned about everything they've done since they've been there, and their attitudes towards other people, when they had the right of way, they would yell at people not to use it. It's just not right. Please consider the other 23 people that have to live down there.

The public hearing was closed.

In discussions, the board agreed that having access to public water is a good thing. They also acknowledged the size of lots in the area and the makeup and sensitivity of the surrounding area. They also believe that the applicants have come back with a smaller plan after hearing prior concerns in regard to size of the structure and setbacks; resulting in a very modest proposal. Discussion was also held on the laws that changed between the time the property was purchased, the time to go through all of the requirements for CRMC, FEMA, DEM and the Bristol Zoning Ordinance and the resulting plans before the board.

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MR. BURKE: Mr. Chairman, I would like to make a motion to approve file 2026-32, Douglas M. and Susan E. Dahl at 61 Smith Street to construct a 28' x 46' single family dwelling at a height greater than 25 feet above grade in the Flood Zone. This application, after some modification to reduce the amount of relief required, requires variances for the gross floor area allowed. 1436…1434.6 square feet is the calculation. The current design is… They also require a relief for the first level, the calculation for that is 851 square feet, and the current design is 1093 square feet. The hardship for 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, or to do with an economic disability of the applicant. It's a small lot, and it's impacted by the flood zone and the proximity to the Kickemuit River. The hardship is not the result of prior action of the applicant, because the current relief they're requesting are requirements that have been placed recently by the state of Rhode Island incorporated into the ordinances of the town of Bristol. 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. It's a residential zone, and this is a very sensitive and reasonable use of this small non-forming lot. 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 mere

inconvenience, because the size of the residence will be far less than what is considered to be reasonable in the current time.

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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(THE MOTION WAS UNANIMOUSLY APPROVED)

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MR. BURKE: Mr. Chairman, I'm going to make a second motion for application 2026-26-32 Douglas M and Susan E Dahl 61 Smith Street to construct the home at a height greater than 25 feet that requires a special use permit from the town of Bristol. The special use is specifically authorized by the zoning ordinance. It's in 28-111 and it's a residential use in the R15 zone. The special use meets all of the standards set forth in the subsection of the zoning ordinance, section 28-150-eee, which authorizes such special use. Based on the dimensional variances that have been granted, it does meet all of the requirements of the subsections of that section. The granting of the special use permit will not alter the general characteristics of the surrounding area or impair the intent and purpose of the zoning ordinance

of the comprehensive plan of the downtown of Bristol; it is a residential zoned lot, and this home is a good fit for that property.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

NEW:

9. **ZBR-26-9**
MOSA AL ZOWELEI **721 Hope St.: W**
Pl. 8, Lot 3

Dimensional Variances to construct a 3' 6" addition to the footprint of an existing 21' x 23.25' second and third story accessory dwelling unit (ADU) addition and second story deck above the structure with less than the required lot area for an ADU within a new or expanded structure; less than the required rear yard; less than the required expanded structure; less than the required rear yard; less than the required distance between a principal and an accessory structure; and with less than the number of required off street parking spaces.

Mr. Zowelei, applicant, and Ms. Olivia Spence, Designer, presented the Petition to the Board.

Ms Spence stated: I'm here with Mosa, the homeowner. He's looking to ultimately add an ADU to his property that he can use as his primary residence, in part so that the tenants who exist and are currently living there can stay in the property. They are tenants he inherited, who have been there long before him, and they are not displaced. We've been working together and also with HDC to nail down this design. And we feel like what we've come up with is asking for as little as possible. I know it might not seem that way because we are asking for four dimensional variances, but we do feel that those are subject to the unique characteristics of the lot.
The first and probably largest variance would be that we understand an ADU is allowed as long as it exists within an existing structure and does not add to the footprint. We are asking to add a three-foot six addition to the footprint. That is because we're in a flood zone and also because of parking requirements. We need to build up above the existing garage, and in order to get to that second floor or third floor addition, we need the stairs. If the stairs were to exist in the structure

garage space, they would have to ask for another parking spot. By putting the stairs on the outside of the building, they are eliminating the variance for parking. What we've designed is within all of the setbacks. It's within the building coverage, and it's within the max building height. So, while the stairs could exist to the north of the property, we propose that they exist to the eastern side of the property, and we feel that was more beneficial to this project for three reasons. The first reason being that just accessibility to the entrance of the structure by putting the stair and the entrance to the east, or to the right side of the existing garage, the entrance to the stair is right at the driveway. So, he can park in the driveway. He can go right upstairs. If the stairs were to exist to the north of the property, then he would have to walk around the entire structure to get to the stairs. The second reason is kind of a plays on the first. The law as it exists is over the paving coverage for the lot. The maximum is 15%. As it exists, we're at 20%. We're not asking to add any more paving with the stair as it is. If the stair were to exist to the north, we would need a walkway around the structure. We would need to add more pavement. And the third reason is that we feel like it would be the least intrusive to the neighborhood and to abutting properties, if the addition were to exist, kind of within the existing garage and the existing structure, rather than building right up to the property line on the north side. And then, as far as the dimensional variance for the rear setback for the deck, we just figured we've designed this addition to not exist in the rear setback, even though the garage currently exists in the setback. So that's why if you're looking at the elevation, the garage is five feet over from the existing edge of the garage. We figured since that space already exists, it would just be roof space. It would be nice if we could put some sort of deck there and just make it more functional space for the homeowner. And then the parking. We've done our best to meet the parking requirements by keeping the two that are in the garage and the two in the driveway. So, four currently exist. For a

two-bedroom ADU, we would need five. So, we're asking for a variance of one parking spot, just because we can't fit one anywhere else on the property. Whether or not we've added to the footprint, there's just nowhere else to put.

Mr. Burke noted that it was mentioned that there are long-term tenants in the building. Ms. Spence stated there are three units and there are three people living there.

Mr. Burke asked if Mr. Al Zowelei currently lives on the premis. Mr. Al Zowlei stated currently he does not, he rents a one-bedroom apartment in Newport. He confirmed that he wishes not to displace the existing tenants. He stated he did not want dive into the personal life of my first-floor tenant because that's the bigger unit where Tim lives. He has been a great person and a wonderful tenant. He has been there for a very, very long time. He said he does not rent to any students and has no desire to do so. His current tenants are professionals. He has not considered moving into any of the smaller units, he works a lot from home and needs some type of office space. He is a scientist doing research for Massachusetts General Hospital and works from home a lot of the time.

In response to Mr. Burke asking if this site is in the flood zone, Mr. Tanner explained this is in the waterfront zoning district. So even though it's a residential use, this property is zoned waterfront. So, it's a little different from what the board used to see. We don't see a whole lot of applications in the waterfront zone. Especially with residential use, most of you know Thames Street is mostly a waterfront zoning district, and there's a lot of commercial ones that come to the board, but not many residential. So, this sort of triangular piece between Oliver and Hope and Thames is zoned waterfront. So, there's no dimensional requirements for an accessory structure in a waterfront zone. There's no 22 by 24, 20-foot height. It just says building height waterfront zone 35 feet, so they can go to 35 feet high. Whether it's an accessory or a permissible use. And

likewise, the six-foot setback for accessory structures doesn't apply here. It's a waterfront zone. Waterfront zone has zero front yard and zero side yard setbacks, but they have a 10-foot rear yard setback. So, he determined that the west property line is now the new boundary line. So that's why the deck was built in the first place. As far as lot coverage, he knows the architect's plans have lot coverage factored into there. It's a waterfront zone. It's a commercial zoning district and thinks it's seventy percent lot coverage is allowed.

Ms. Spence stated it is 70 percent; but because the lot is undersized for the zone and they have decreased setbacks that increased building coverage; so, their max for this lot, specifically, is 87.22 percent and they are proposing 61.8.

There was detailed discussion regarding the parking situation and the proposed tandem parking; having two spots in the garage and two spots in the driveway and the difficulties that would ensue.

Mr. Duarte stated that it just seems like there's a lot going on with this particular ask, and there are a number of variances that go along with this particular ask. Typically, he is very opposed to granting multiple variances for one request. If you came to this board with one variance, typically you get approved 95% of the time. I would say again, I'm just kind of admitting a little bit. Two variances, we have a little more detailed conversation. But these are multiple variances that you're seeking, and I personally have an issue with that because of all the variances being requested, regardless of the zoning.

The Board reviewed the proposal in detail and the standards and regulations in the waterfront zone. Board members expressed strong reservations about the intensity of use and the number of variances. An adjacent owner raised concerns about a three-story building being 4.3 feet from the property line.

The applicant offered to reduce the scope by removing the deck and a second bedroom to eliminate two variance requests.

Mr. Tom Prinicpe 490 Riverside Drive in Tiverton, Rhode Island. Owner of 725 Hope Street, which is adjacent to this gentleman's property, He had only had two comments. The first comment is he's asking for quite a bit of relief here. He thinks there's like five inches of relief. The issue would be a three-story building, four point three feet from his property line.

Ms. Spence stated that as far as the number of variances go, they could get rid of two of them right off the bat. The variance over the rear setback line for the deck, that space is going to exist there. Whether or not someone can enjoy a drink on it or the sunset, or if it's just a flat rubber roof, they thought that the deck being there would be a little bit more aesthetic, better use of the space than to be just a roof. But if cutting that off the scope would make this more appealing, then that's something they're happy to do. And then as far as parking goes. Currently they're trying to propose a two-bedroom so that Mosa can have an office and work from home. It technically code-wise meets the requirements for a bedroom but will be used as an office. If this is the second bedroom, it is what is requiring that fifth parking spot. So, if they were to eliminate that use as a bedroom, then they're within the parking requirements and not in the rear setback anymore. She felt those would be reducing the function of this space in a way that doesn't really impact the construction of this or anybody else's kind of perception of this project whatsoever. But if eliminating 50% of the variances will help, they're willing to do it. She just don't know that it will do much for everyone else. It will just impact the homeowner.

Mr. Burke stated that he was against adding a fourth dwelling unit on a property that has that amount of space. All the reasons give can be mitigated by taking one of the units, and when the people on the first floor move, you can take that if that's more acceptable. Adding another

unit at 30 feet down there with the parking issues they have right on that street section, I can't support it. I just think adding another dwelling unit is not the right thing for the town.

Ms. Spence stated that she understood, however, if the addition of the stairs were to exist in the footprint, then by right they are allowed to do this. So, its just the fact that they're adding on to the footprint that makes them make the requests. Mr. Burke stated they are welcome to do whatever they can without getting relief.

The board discussed the plans an agreed that adding a fourth unit in that area is not the right thing to do and would only add to the density in the area.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to deny a request for dimensional variances ZBR-26-9, Mosa Al Zowelei, 721 Hope Street, to add a fourth dwelling unit to a legal nonconforming property at 721 Hope Street. The hardship which the applicant seeks relief is not due to the unique characteristics of the subject land structure. It's an existing three-family on a nonconforming lot. The hardship… the granting of the requested dimensional variance will alter the general characteristics of the surrounding area and will impair the intent and purpose of the zoning ordinance, because it's adding an additional unit to a what's currently a non-nonconforming property, and it will impact as we heard testimony from neighboring properties. The hardship that will be suffered by the owner of the subject property, if the variance is not granted, it will not amount to more than a mere convenience. There are already three units in

the existing principal structure, and it is a residential use in a residential area. For that reason, I'm making the motion to deny this application.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Denied)

10. ZBR-26-33
ANDREW TYSKA **26 Patricia Ann Dr.: R-15**
Pl. 55, Lot 129

Dimensional Variance to construct an approximate 12' x 23' sunroom addition to an existing single-family dwelling with less than the required rear yard.

No one was present when called upon. Mr. Tanner stated he would contact them in the morning to determine why they were not present.

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MR. BURKE: Mr. Chairman. I'll make a motion that we continue zbr-26-33, Andrew Tyska dimensional variance at 26 Patricia Ann Drive to the October 5th zoning board meeting.

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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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

11. ZBR-20-34
LARRY GOLDSTEIN/TSL,LLC **267 Thames Street: W Pl. 9, Lot 50**

Dimensional Variance to modify exterior walls and roofline of a portion of the existing Bristol Harbor Inn hotel building and construct eight (8) new hotel rooming units on the third floor of the structure with less than the required lot area per rooming unit.

The applicant sought a dimensional variance to add 8 hotel rooms by raising the roof approximately 6 feet, a re-application for a previously approved but expired variance.
The applicant cited a structural hardship, as the existing roof height prevents adding rooms. The HDC had already approved the design.

Opposition, representing the Stone Harbor Condominium Association, argued there was no land-based hardship, only business objectives, and that no current parking or impact analysis was provided.

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MR. DUARTE: Mr. Chairman, I'll make a motion to approve application number ZBR-26-34, for property located at 267 Thames Street, tax assessor plat 9, lot 50 in the waterfront zoning district zone. After due consideration of the application, including exhibits, testimony of the witnesses and the entire evidence presented to the board, the board reaches the following finding of facts. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to the economic disability of the applicant. This property is in the historical waterfront

location between several buildings with a mix of uses. The existing Bristol Harbor Inn Hotel occupies portions of several buildings on this property and the applicant proposes to add eight additional hotel room units for a total of seventy-one units. This number of rooming units requires a minimal lot area of 1,650 square feet in the waterfront zoning district, whereas this lot contains only 74,488 square feet of area. This location is designed for hotel rooming use, and is currently being utilized for that use. As the need for the rooms increase, this is one way for the applicant to satisfy the requirement. Additional rooms would be located within the portion of the existing building footprint and would only require building modifications to raise the roof on a portion of the structure. The hardship is not a result of any prior action of the applicant. The applicant purchased the property after it was originally developed, and there are ongoing business concerns. They are reacting to market conditions and changing economic conditions to the commercial part of the building. The granting of relief will not alter the general characteristics of the surrounding area or impair the intent or purpose of the zoning ordinance or the Comprehensive Community Plan of the Town of Bristol. Hotels are in an allowed use of the waterfront zone. In fact, it will enhance the capability of the town of Bristol to attract guests and businesses to the town. This property is located within Bristol Historical District overlay, and the proposed building modifications have been approved by the Bristol Historic District Commission (HDC). The hardship that will be suffered from the owner if this dimensional variance is not

granted, would amount to more than a mere inconvenience. Meaning, the relief sought is minimal to the reasonable enjoyment of the permitted use to which the property is properly proposed to devote it, because the growth of the property would stagnate. Therefore, I move this eventual variance be granted, subject to the following conditions, which there aren't any listed.

MR. BURKE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

(SEE FULL TRANSCRIPT ATTACHED)

12. ZBR-26-35
LUKE and TRACY D'ANTONIO **62 Beachmount Ave.: R-10**
Pl. 63, Lots 80 & 81

Dimensional Variance to construct an approximate 16.5' x 25' garage addition to an existing single-family dwelling with less than the required right-side yard.

Mr. Luke D'Antonio presented the Petition to the board. He explained that he wanted to construct a one-car garage addition to the house, with a bonus room above. It is a non-conforming lot, just over 4,500 square feet; its pretty tight to begin with. His specific challenge is existing the side of his house 42" above grade and getting down to grade at the garage within the existing distance between his home and the property line. He worked with a designer trying to find ways to overcome this issue. There is a way and it would be moving the garage towards the rear of the house and wrapping it around the back of the house partially. Doing that would then cause him to blow out the entire kitchen and causing a kitchen renovation in addition to his attempt at a garage; which is not in his budget. Trying to keep the character of the house along the addition, maintain he roof line and keeping it as natural as possible.

In response to questioning by Mr. Burke, Mr. D'Antonio explained that the space above the garage will not be connected to the second floor; he's putting a stairway in the garage to get up there. The intent initially is storage. There is no intent for a bedroom and certainly no ADU. He's not running plumbing into the addition.

The board reviewed the plans in detail and noted that many of the surrounding neighbors have very similar garages as this proposal.

No one spoke in favor or against the Petition.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve application number ZBR-26-35, Luke and Tracy D'Antonio at 62 Beachmount Avenue to construct a 16.5' x 25' garage in addition to their single-family dwelling, with less than the required right-side yard. The variance required when we grant this approval is a variance of 3.2 feet, because it will be 3.6 feet from the property line, versus a calculated, because it's a non-conforming lot, a calculated side-yard requirement of 6.8 feet. 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 or an economic disability of the applicant. The house is in the R10 zone. The lots were plated before the zones were established, so he is dealing with a lot that's half of what would be required for the corresponding side yards in an R-10. The hardship is not the result of prior action of the applicant. The lot was plated long before he acquired the property. The granting of the requested dimensional variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of the zoning ordinance, or the comprehensive plan of the town of Bristol, having a single car garage is quite typical in that neighborhood. In addition, there are many properties that exhibit the same nonconforming lot area constraint, and they also have, by evidence, added single car garages and have intruded into the side yard. 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. The applicant has explored putting a garage into the rear of

the current building, and that's not really financially feasible or physically feasible. So for all those reasons, I move that we grant this application.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

13. ZBR-26-36
JOSEPH M. GOULART **421 Metacom Ave.: R-10**
Pl. 48, Lot 10

Dimensional Variance to construct a 30' x 40' accessory garage structure at a size greater than permitted for accessory structures in the R-10 zoning district.

Mr. Ryan Sousa, 1 Babbit Street, Bristol, Mr. Ray Goulart 30 San Juan Drive, Bristol and Mr. Joseph Goulart 421 Metacom Avenue, Bristol, presented the Petition to the Board.

Mr. Sousa explained that they were looking to install a building 30' x 40' accessory garage. He didn't believe there were any dimensional setback issues. It's just the size being over 24' x 24. The setbacks are twelve feet from the east property line, eight feet from the west property line. Forty-seven feet from the right-of-way. There's a right-of-way and ninety-five feet to the rear. There's an existing greenhouse foundation there right now. Part of that would have to be demolished to install the pad for this. It's a prefabricated steel garage. No plumbing. Just lights and outlets. It's just a storage garage for vehicles and a boat and it will be 16 feet high.

No one spoke in favor or against the Petition.

The board reviewed the plans in detail.

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MR. BURKE: Mr. Chairman. I can make a motion. I'm going to make a motion to approve file number ZBR26-36, Joseph M. Goulart at 421 Metacom Avenue to construct a 30' x 40' accessory garage structure. In an R-10 zone that exceeds the 22 by 24 foot maximum. The hardship from which the applicant seeks relief is due to the unique characteristics of the land and not the general characteristics of the surrounding area, and not due to an economic disability of the applicant. There were a lot of things that are

stored there out in the open, and the intent is to take all of that material and put it in an enclosed structure. The hardship is not the result of prior action of the applicant. They did not put the size of the garage in the ordinance. 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 comprehensive plan of the town of Bristol. It's going to be used for storage, and it's in a well-sheltered and screened area. 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. They would have to.. in order to… We heard evidence that there was a boat that requires the size of the proposed shed and they would not be able to store it inside of a structure if the variance is not granted. I so move.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

14. ZBR-26-37
DOUGLAS and PATRICIA GABLINSKE **6 Knowlton Ct. : R-10**
Pl. 103, Lot 14

Dimensional Variances to construct a 16' x 30' pool house/cabana addition to an existing 22.2' x 22.2' accessory garage structure with less than the required front yard; and at a size greater than permitted for accessory structures in the R-10 zoning.

Continued to October 5, 2026

15. ZBR-26-38
PAUL J. and MARYANN SALESI — **66 Collins St.: R-6**
Pl. 26, Lot 72

Dimensional Variance to construct a 20' x 41' accessory dwelling unit (ADU) addition to an existing 20' x 24' accessory garage structure at a size greater than permitted for accessory structures in the R-6 zoning district.

Mr. Salesi approached the board and requested a continuance, due to the late hour.

XXXXXX

MR. BURKE: Mr. Chairman, I'll make a motion to continue the application ZBR-26-39 Paul and MaryAnn Salesi at 66 Collins Street for the applicant's request to the October fifth meeting.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

XXXXXX

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition continued)

16. ADJOURNMENT:

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MR. BRUM: Motion to adjourn?

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR.DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM Aye.

MR. ASCIOLA: Aye.

XXXXXX

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 10:32 P.M.)

14 SEPTEMBER 2026

RESPECTFULLY SUBMITTED,

Susan E. Andrade

Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 14 SEPTEMBER 2026

Date Accepted: 10/5/26

Chairman: