

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

TOWN OF BRISTOL  
ZONING BOARD OF REVIEW

Bristol Town Hall  
10 Court Street  
Bristol, Rhode Island  
3 October 2022 - 7:00 p.m.

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

JOSEPH P. ASCIOLA, Chairman  
DONALD S. KERN  
DAVID SIMOES  
CHARLIE BURKE  
DEREK N. TIPTON

ALAYNE WHITE, Alternate

ALSO PRESENT:

EDWARD TANNER, ZONING ENFORCEMENT OFFICER

ANDREW M. TEITZ, ESQUIRE, Town Solicitor's Office,  
Counsel for the Bristol Zoning Board

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1 (Town of Bristol Zoning Board of Review, October 3,  
2 2022, proceedings convening at 7:02 p.m.)  
3

4 MR. ASCIOLA: Good evening. Welcome to  
5 the Bristol Zoning Board of Review. Please stand  
6 for the pledge of allegiance.

7 (Pledge of allegiance)

8 MR. ASCIOLA: Our first one is the  
9 approval of the August 30th, 2022 meeting and  
10 September 19th, 2022 meeting. Do we have any  
11 takers on that? August 30th and September 19th.  
12 Motion?

13 MR. SIMOES: I'll make a motion that we  
14 approve the minutes of the September 19th meeting  
15 as printed.

16 MR. KERN: I'll second.

17 MR. BURKE: I'll defer to Ms. White  
18 because she was at the meeting and I was not. So I  
19 mentioned Member Tipton but he is now sitting, so I  
20 think Ms. White needs to vote on the acceptance of  
21 those minutes.

22 MR. ASCIOLA: Okay. So all in favor?  
23 Opposed?

24 (Motion passed 5-0) Voting in favor of the motion  
25 were: Mr. David Simoes, Mr. Donald Kern,

1 Mr. Joseph Asciola, Mr. Derek Tipton, and  
2 Ms. Alayne White.

3 MR. ASCIOLA: And how about the August  
4 30th, 2022 minutes?

5 MR. SIMOES: Do we have to read the whole  
6 thing or just --

7 MR. ASCIOLA: No.

8 MR. SIMOES: I'll make a motion that we  
9 accept the decision --

10 MR. ASCIOLA: No. Just the minutes,  
11 August 30th, 2022 minutes. There are two sets of  
12 minutes we have to approve.

13 MR. SIMOES: Okay. August, that was  
14 the --

15 MR. ASCIOLA: We did the September.

16 MR. SIMOES: I make a motion that we  
17 approve those minutes.

18 MR. ASCIOLA: All in favor?

19 MR. BURKE: I'll second.

20 MR. ASCIOLA: All in favor? Opposed?

21 (Motion passed 5-0) Voting in favor of the motion  
22 were: Mr. Donald Kern, Mr. Joseph Asciola,  
23 Mr. Derek Tipton, Mr. Charlie Burke, and  
24 Mr. David Simoes.

25 MR. ASCIOLA: Okay. You're confusing me.

1 Here we go. So pending petition decision. Public  
2 hearing is closed only to review and vote on the  
3 draft decision. This is 2022-23, Application of  
4 Friends of Historic Bristol, Inc.; William Curtis;  
5 James S. and Jane L. Lavender; Leonard Place, LLC;  
6 and Leif Jensen, 125 Thames Street. This is for  
7 the appeal of a Planning Board decision dated May  
8 16, 2022 approving a Major Land Development Project  
9 Master Plan for the Bristol Yarn Mills (a/k/a Robin  
10 Rug) submitted by Brady Sullivan Properties, LLC,  
11 for the redevelopment of the existing mill building  
12 into mixed use property with 127 residential  
13 dwelling units and 6,300 square feet of commercial  
14 space.

15 MR. BURKE: Mr. Chairman, I have a  
16 question. How would we identify this draft? It's  
17 not dated. How would we draft it that motion what  
18 we accept these, the decision and vote on what I  
19 believe will be the denial of the appeal? And I  
20 was hoping to ask the solicitor.

21 MR. TEITZ: I think -- I can't answer any  
22 substantive questions, but on something procedural  
23 I can. I'm tempted to say you need to read all  
24 seven pages into the record, but I'm not going to  
25 say that. I think you can just identify it as what

1       it says it is and when you -- that you received it  
2       from the Zoning Enforcement Officer. I think  
3       that's all you have to do. I don't think the fact  
4       that it doesn't have a date really makes a  
5       difference.

6               MR. BURKE: I know we can still accept it  
7       without a date. I just didn't know how to do that.  
8       Ed, can you provide the date for when we received  
9       it?

10              MR. TANNER: I can look in --

11              MR. TEITZ: It's a proposed draft Decision  
12       from Matthew Oliverio. And we'll check when he  
13       sent it to you.

14              MR. BURKE: Okay.

15              MR. TEITZ: And, for the record, I will  
16       note that I did not review it prior to distribution  
17       to the Board and other counsel. I looked at it  
18       after everybody got it.

19              MR. BURKE: So, Mr. Chairman, I'd like  
20       just the other members of the Board to acknowledge  
21       that they've read the draft before we vote.

22              MR. ASCIOLA: I'm assuming --

23              MR. BURKE: I've read it. Has everybody  
24       read it?

25              (All members acknowledge reading it)

1 MR. BURKE: I think I can make a motion,  
2 Mr. Chairman.

3 MR. ASCIOLA: Yes, sir.

4 MR. BURKE: I'm going to make a motion  
5 that we accept this draft decision from Matt  
6 Oliverio, who was our special counsel for that  
7 hearing. And I would like to make a motion that we  
8 therefore vote to deny Application 2022-23,  
9 Application of the Friends of Historic Bristol,  
10 Inc., William Curtis; James S. and Jane L.  
11 Lavender; Leonard Place, LLC; and Leif Jensen, 125  
12 Thames Street, for the reasons contained herein  
13 this decision. I so move.

14 MR. SIMOES: I'll second that motion.

15 MR. ASCIOLA: All in favor? All opposed?  
16 (Motion passed 5-0). Voting in favor of the motion  
17 were: Mr. Charlie Burke, Mr. Donald Kern,  
18 Mr. Joseph Asciola, Mr. Derek Tipton, and  
19 Mr. David Simoes.

20 MR. ASCIOLA: That's a vote to deny the  
21 appeal, correct?

22 MR. TEITZ: And for the record, that would  
23 be unanimous.

24 MR. ASCIOLA: Correct. Thank you  
25 everyone.

1 MR. TANNER: Mr. Chairman, would you like  
2 to sign the decision?

3 MR. ASCIOLA: I would love to.

4 MR. TEITZ: And you can date it today.

5 (Decision signed and dated by Mr. Asciola)

6 MR. ASCIOLA: Now we will move on to  
7 Continued Petition: 2022-26, Paul J. Padula, 13  
8 Hattie Brown Lane. This is a dimensional variance  
9 to construct a 16-foot by 24-foot freestanding  
10 accessory pool deck with less than the required  
11 front yard on a corner lot.

12 Mr. Padula? Anyone here for Padula? He  
13 wasn't here last month and we gave him until this  
14 month, so I think we can just say that he's  
15 withdrawing without prejudice. Can we do that, Ed?

16 MR. TANNER: That's a question for the  
17 solicitor. I did reach out to them since the last  
18 meeting and have not heard back and did not receive  
19 any reply back, so I have a feeling that they're  
20 going to --

21 MR. TEITZ: Officially what we are going  
22 to do is deny it without prejudice so that they can  
23 come back. They don't have to wait a year to come  
24 back. They're going to have to pay a new filing  
25 fee and notice and so forth. So Ed doesn't have to



1 keep it on his list of pending applications.

2 MR. ASCIOLA: Very good. Did you get  
3 something like that from one of you guys?

4 MR. TEITZ: No. They haven't asked to  
5 withdraw. So since they haven't asked to withdraw,  
6 it's going to be denied without prejudice.

7 MR. TANNER: Am I typing up a decision?

8 MR. TEITZ: Yes, you are, but it's a very  
9 short one. Applicant has failed to show. You'll  
10 just put that in the decision. After notice,  
11 notified and Applicant failed to show; therefore,  
12 this, the Applicant has not met the burden of  
13 proof, and the application is denied without  
14 prejudice. Please reapply.

15 MR. BURKE: I can make a motion,  
16 Mr. Chairman, but I have one question. It looked  
17 to me like the re-file of the application was  
18 identical to the original one. Is that true?

19 MR. KERN: That's how I read it also.

20 MR. BURKE: So we asked the Applicant to  
21 go and they agreed to modify the application, and  
22 they resubmitted the same --

23 MR. KERN: We asked them for --

24 MR. BURKE: -- same relief.

25 MR. ASCIOLA: It was denied. If someone

1       doesn't show then --

2               MR. BURKE: Well, I'm going to put that in  
3       my motion.

4               MR. TEITZ: Okay. Wait a minute. I  
5       wasn't aware of that. So this is already the  
6       second time they've come before you with the same  
7       thing?

8               MR. BURKE: They left with the  
9       understanding documented that they would go and  
10      they would change the 400-square-foot deck to  
11      something that we thought would represent perhaps  
12      the least relief necessary to meet the standard.  
13      Apparently, they did not do that. They submitted  
14      the same exact plan and then failed to attend the  
15      meeting and failed again. So I would like to put  
16      in the motion, if that's okay, that they didn't  
17      respond to the agreement when we agreed to continue  
18      it.

19              MR. KERN: And we also asked them to bring  
20      in a survey because there was a question of where  
21      that road really is.

22              MR. TEITZ: So I guess that changes my  
23      advice to you. And I would suggest that you just  
24      deny it with prejudice. If they want to come back  
25      in within a year, they're going to have to come in

1 with something substantially different. They're  
2 going to have to prove to you it's substantially  
3 different than what you denied.

4 MR. BURKE: That was my point,  
5 Mr. Solicitor. They had ample opportunity and  
6 shouldn't be granted the consideration that we  
7 would if they had come in with a different plan.

8 MR. SIMOES: I'll second it.

9 MR. BURKE: I haven't made it yet.

10 MR. SIMOES: I thought you were making the  
11 motion.

12 MR. BURKE: Mr. Chairman, I would like to  
13 make a motion -- Mr. Solicitor, do I have to say  
14 with prejudice in the motion?

15 MR. TEITZ: No, you don't. It's only if  
16 it's without prejudice we make it. Otherwise, it  
17 always is.

18 MR. BURKE: So, Mr. Chairman, I would like  
19 to make a motion to deny Application File  
20 No. 2022-26, Paul J. Padula, 13 Hattie Brown Lane,  
21 to construct a 16-foot by 24-foot freestanding  
22 accessory pool deck with less than the required  
23 front yard on a corner lot. The Applicant met with  
24 us at a prior meeting and agreed to modify the plan  
25 to demonstrate that the relief would be the least

1 relief possible. They submitted an identical plan  
2 to the one that previously had been reviewed and  
3 failed to attend the last scheduled meeting, and  
4 also has been nonresponsive to the principal  
5 planner's inquiries as to their intent. So I'll  
6 make a motion to deny based on those grounds.

7 MR. SIMOES: I'll second that motion.

8 MR. ASCIOLA: All in favor? Opposed?  
9 (Motion passed 5-0) Voting in favor of the motion  
10 were: Mr. David Simoes, Mr. Donald Kern,  
11 Mr. Joseph Asciola, Mr. Derek Tipton, and  
12 Mr. Charles Burke.

13 MR. ASCIOLA: I'll go through our new  
14 petitions. Petition 2022-30, Diane F. and Francis  
15 W. Lawless, 5 Captain Street. Dimensional  
16 Variance: To construct a 12-foot by 16-foot  
17 attached shed addition to an existing single-family  
18 dwelling with less than the required left side  
19 yard.

20 Anyone here from Lawless?

21 (Diane Lawless steps up)

22 MR. ASCIOLA: There we go. Good evening.  
23 You can step right up to the microphone. Just  
24 state your name and address for us, please.

25 MS. LAWLESS: Diane Francis Lawless, 5

1 Captain Street, Bristol, Rhode Island.

2 MR. ASCIOLA: Raise your right hand.

3 **D I A N E F R A N C I S L A W L E S S,**  
4 first having been sworn by Mr. Asciola, testified  
5 as follows:

6 MR. ASCIOLA: Just tell us what you would  
7 like to do, ma'am.

8 MS. LAWLESS: I want to add a shed to the  
9 existing garage just to be a bigger part of the  
10 house, make it a little easier for us so we can  
11 take back use of our second-car garage without  
12 putting all these tools and accessories in there  
13 and equipment.

14 MR. ASCIOLA: What is the reason that you  
15 really want to have it attached? Not many people  
16 come here and attach a shed to their house. Now  
17 you're making that part of your house --

18 MS. LAWLESS: Right.

19 MR. ASCIOLA: -- and you're making your --

20 MS. LAWLESS: Right.

21 MR. ASCIOLA: Because if you had just a  
22 shed, it could be six feet from the property line.

23 MS. LAWLESS: Correct. Well, to have it  
24 detached, it wouldn't serve its purpose. It would  
25 have to be way back in the yard. And then in the

1 winter, we would have to take the snow blower, the  
2 generator, put it back in the garage so that we  
3 could get it out for the driveway. So, really, we  
4 wouldn't be able to have use of the garage in the  
5 winter. And then being older, it's easier for us  
6 to make a door from the garage to the shed so that  
7 we can just get in and out of the shed without  
8 having to go into the back yard.

9 MR. ASCIOLA: It's basically making your  
10 garage bigger theoretically. If you have a door  
11 from the garage --

12 MS. LAWLESS: It's only to be a door to  
13 walk inside the garage. It's not going to be, you  
14 know, it would be from the inside of the garage to  
15 get into the side of the shed. It's not going to  
16 be from the outside. It's only a door.

17 MR. SIMOES: Is this a regular shed, one  
18 already made or --

19 MR. LAWLESS: No. No. It's going to be  
20 an extension, so it will look exact same as the  
21 house.

22 MS. WHITE: Can I ask a question?

23 MR. ASCIOLA: Sure.

24 MS. WHITE: Is the picture that you  
25 sent --

1 MS. LAWLESS: That's just -- it's going to  
2 look like the house.

3 MS. WHITE: So it's not going to be like  
4 this. This looks like a shed that you would buy at  
5 Snell's or something.

6 MS. LAWLESS: Yeah, no. It's going to  
7 match the same shingles on the house.

8 MR. ASCIOLA: Do you have a picture of  
9 that?

10 MS. LAWLESS: No, I don't. The contractor  
11 didn't give me one.

12 MS. WHITE: Okay.

13 MR. TEITZ: There's a photo of the house.

14 MS. WHITE: No. I know that, but I  
15 just --

16 MS. LAWLESS: It's going to look just like  
17 the house.

18 MS. WHITE: It's going to look like the  
19 house, but this picture doesn't look like the  
20 house.

21 MS. LAWLESS: No. No. I'm hoping it  
22 doesn't look like that.

23 (Off the record)

24 MS. LAWLESS: Same color, same shingles.

25 MR. ASCIOLA: So the picture you show,

1       it's going to be 13 feet from the property line?  
2       I thought it was closer than that.

3               MS. LAWLESS: It's only to have, I think,  
4       a 7-foot setback.

5               MR. ASCIOLA: It shows 15 feet on here,  
6       right?

7               MR. KERN: Right.

8               MR. TANNER: It's an R-15 Zone, so it's a  
9       20-foot side yard setback required.

10              MR. ASCIOLA: So it should be a 20-foot  
11       side yard, but it's going to have 13, but I  
12       remember seeing shorter than that.

13              MS. LAWLESS: That's going to be what's  
14       left, 7 feet.

15              MR. TANNER: Seven feet is the variance.

16              MS. LAWLESS: It's the variance.

17              MR. ASCIOLA: She wants 7 feet of  
18       variance.

19              MS. LAWLESS: Yeah. Sorry if I worded it  
20       wrong.

21              MR. ASCIOLA: I thought you meant put it  
22       five feet from the property line. I would say  
23       that's absurd but --

24              MS. LAWLESS: No.

25              MR. ASCIOLA: I'm just confused because



1       everybody I know has a shed, and my shed is in my  
2       back yard and everybody's shed is in their back  
3       yard. So I don't know -- I've never seen a shed  
4       attached to the house before in the 12 years I've  
5       been doing this. It's an addition to the house,  
6       isn't it?

7               MR. TANNER: You can call it what you  
8       want.

9               MR. TEITZ: That's why she's here for the  
10      variance. It's effectively being an addition to  
11      the house itself, so that's why she's here for the  
12      relief, wants it connected.

13              MR. ASCIOLA: And the hardship is you  
14      don't feel like walking in the snow with the  
15      snowblower? I'm --

16              MS. LAWLESS: I --

17              MR. TEITZ: I think if you look at the  
18      photo, the driveway is already wider than the  
19      existing garage, so the shed will line up with the  
20      driveway.

21              MS. LAWLESS: Yeah. We had that done  
22      years ago, put an extra --

23              MR. SIMOES: The generator you've got is  
24      one of those portable ones?

25              MS. LAWLESS: Yeah.

1                   MS. WHITE: I think what's confusing with  
2 me, anyway, was the picture that looks like it was  
3 a shed. But she's saying it's going to look like  
4 the garage. It's going to be an extension.

5                   MS. LAWLESS: If that was the case, I  
6 would put a shed up. I want it to look like it's  
7 part of the house. And it's more like some people  
8 have a two-car garage and they have like a third  
9 but it's like a small, it's not enough for a car,  
10 but it's just enough for --

11                  MS. WHITE: It's like an addendum to the  
12 garage.

13                  MS. LAWLESS: Yes.

14                  MR. TEITZ: It will become a two-and-half  
15 car garage.

16                  MR. ASCIOLA: It kind of threw me off  
17 because you called it a shed. If you would have  
18 just said I'm going to put a little addition to my  
19 house --

20                  MS. LAWLESS: Okay. It was worded wrong.  
21 This is the first time --

22                  MR. ASCIOLA: It's only for me. It didn't  
23 sound proper.

24                  MS. LAWLESS: I plan on being there  
25 another 30 years, so we're not moving.

1 MR. BURKE: I don't have any questions  
2 because the applicant explained what she considers  
3 to be the hardship, and that's where I'm going to  
4 go when we talk about it. Is it a hardship? Is it  
5 an inconvenience? Is it the least relief  
6 necessary? That's where I'm going to go with the  
7 deliberation. So I know what she put in the  
8 application, and I know what she testified to. So  
9 I don't have any questions.

10 MR. ASCIOLA: Do you guys have any  
11 questions?

12 (No questions from the Board)

13 MR. ASCIOLA: Anyone want to speak in  
14 favor? Anyone in the audience want to speak in  
15 favor? Would anyone like to speak against?

16 (No voices heard)

17 MR. ASCIOLA: Okay, guys, what are you  
18 thinking?

19 MR. BURKE: Well, I know why it would be  
20 desirable to do what they're asking. I don't know  
21 if it will meet our standard, if it's the least  
22 relief necessary, and I don't know if it's more  
23 than a mere convenience and it's actually a  
24 hardship. I mean, I could be convinced that it is,  
25 but --

1 MR. ASCIOLA: I think if you take the shed  
2 equation out and say they want to put a small  
3 addition on the house, then it's not even a --

4 MS. LAWLESS: Then I want to put a small  
5 addition to the house.

6 MR. ASCIOLA: And I thought it was going  
7 to be 5 feet from the property line.

8 MR. BURKE: Yeah. It's 7 feet of relief.  
9 Like I said, that would be my concern, is that is  
10 it a hardship?

11 MR. ASCIOLA: Getting older, they don't  
12 want to be running out.

13 MR. BURKE: Yeah. It's been pointed out  
14 to me that sometimes I'm insensitive to the snow.

15 MR. ASCIOLA: Okay. So do you want to  
16 make a motion? Anyone want to make a motion? Are  
17 you guys all set?

18 MR. TIPTON: All set.

19 MR. ASCIOLA: All right. Let's see what  
20 we've got. I think we can make a motion here.

21 MR. BURKE: We could.

22 MS. LAWLESS: This is painful.

23 MR. BURKE: Mr. Chairman, give me one  
24 second. I'm going to make a motion to approve the  
25 application of Diane F. and Francis W. Lawless, 5

1 Captain Street, Application File No. 2022-30: To  
2 construct a 12-foot by 16-foot addition to their  
3 garage. And the reason that I'm making a motion  
4 for approval is the hardship from which the  
5 Applicant seeks relief is due to the unique  
6 characteristics of the subject land or structure,  
7 and not for the general characteristics of the  
8 surrounding area or to an economic disability of  
9 the applicant. We reviewed the site plan, and I  
10 believe we've all actually reviewed the site. And  
11 in order to expand the usefulness of the garage,  
12 that is the location based on the location of the  
13 existing structure. The hardship is not the result  
14 of a prior action of the Applicant and does not  
15 result primarily from a desire of the Applicant to  
16 realize greater financial gain. We've heard  
17 testimony that it's to utilize storage in the shed  
18 and free up room in the garage for actual vehicles.  
19 The granting of the requested dimensional variance  
20 will not alter the general characteristics of the  
21 surrounding area or impair the intent or purpose of  
22 the Zoning Ordinance or the Comprehensive Plan of  
23 the Town of Bristol. It's a residential use in a  
24 residential area. And in that neighborhood with  
25 the number of streets and corner lots, we have

1 granted similar relief in the past. That the  
2 relief requested to be granted is the least relief  
3 necessary. The Applicant has provided testimony  
4 that in order for them to utilize the hardtop that  
5 currently exists necessitates the location as they  
6 proposed. The hardship that will be suffered by  
7 the owner of the subject property if the  
8 dimensional variance is not granted will amount to  
9 more than a mere convenience because a shed in  
10 another location would require them to either pave  
11 additional parts of their property or to transport  
12 wheeled units over their lawn. I so move.

13 MR. SIMOES: I'll second that motion.

14 MR. ASCIOLA: All in favor? Opposed?

15 (Motion passed 5-0) Voting in favor of the  
16 motion were: Mr. David Simoes, Mr. Donald Kern,  
17 Mr. Joseph Asciola, Mr. Derek Tipton, and  
18 Mr. Charles Burke.

19 MR. ASCIOLA: You're all set, ma'am.

20 MS. LAWLESS: Thank you.

21 MR. ASCIOLA: Okay. Next petition,  
22 2022-31 Frederick T. and Patti A. Nenna, 12 Greg  
23 Drive. Dimensional variance to install  
24 approximately 24 linear feet of six-foot-high  
25 privacy fencing at a height greater than permitted

1 in the front yard on a corner lot. Anyone?

2 Nothing?

3 (No voices heard)

4 MR. TEITZ: I suggest you hold this, take  
5 the next one and --

6 MR. ASCIOLA: We're going to hold this.

7 MR. TEITZ: Maybe they didn't expect you  
8 to move this quickly.

9 MR. ASCIOLA: Next petition will be  
10 2022-32, Jennifer and David Bissonnette, 56 Sherman  
11 Avenue. Dimensional variance to construct an  
12 approximate 24-foot by 35-foot two-story garage  
13 addition to an existing single-family dwelling with  
14 less than the required left side yard. You want to  
15 come up?

16 MS. WHITE: I'm going to recuse myself from  
17 this even though I'm an alternate because of my  
18 relationship.

19 MR. ASCIOLA: Can you give your name and  
20 address for us.

21 MR. BISSONNETTE: David Bissonnette, 56  
22 Sherman Ave.

23 MS. BISSONNETTE: And Jennifer  
24 Bissonnette, 56 Sherman Ave.

25 MR. ASCIOLA: Okay. Could you raise your

1 right hands, please.

2 JENNIFER BISSONNETTE,  
3 first having been duly sworn by Mr. Asciola,  
4 testified as follows:

5 DAVID BISSONNETTE, first  
6 having been duly sworn by Mr. Asciola, testified as  
7 follows:

8 MR. ASCIOLA: Tell us what you want to do  
9 and why you want to do it.

10 MR. BISSONNETTE: So we want to put the  
11 garage -- back in June we moved to Sherman Ave. We  
12 moved from a very large house to a house that's  
13 probably one-third the size. With the old house we  
14 had a three-car garage, and the new house has none.  
15 We kind of thought we were going to be okay, but we  
16 didn't realize with three teenagers, two of which  
17 are driving right now, that this was going to be a  
18 problem parking, plus a mother-in-law that visits  
19 every single day. Yeah, I know, right? So we -- I  
20 didn't realize Sherman Avenue was kind of like a  
21 racetrack. There's cars coming down this street.  
22 My third child will have her license and a car  
23 within the next six months. And right now we have  
24 the mother-in-law, my two kids and, soon-to-be, my  
25 third daughter, parking on the street. I'm also a



1 police lieutenant in Middletown, and there are  
2 occasions where I will take the cruiser home. And  
3 I do not want the cruiser sitting wide open in my  
4 driveway. I would rather not take the chance of  
5 getting eggs thrown at it or having, just more  
6 along the lines of having anybody knowing that  
7 there's a police officer living there. My last  
8 concern -- and this is more of a safety thing --  
9 it's stated we have three kids. We have my oldest  
10 -- our oldest daughter and my son and my youngest  
11 daughter. My son is high-functioning autistic. He  
12 is able to drive. He just got his license. He is  
13 able to drive. And, again, I never realized the  
14 raceway that that street is. I mean, I can stand  
15 out there -- and part of my job I can estimate  
16 speed -- and I've seen cars coming down that hill  
17 50, 60 miles an hour where to the point one day I  
18 stood out there with a hair dryer and held it at  
19 them. I'm not sure if you're familiar with autism,  
20 but people with autism don't know exactly what's  
21 safe and what's not. And there have been occasions  
22 when Mike before he got his license would throw  
23 eggs at my vehicle after it was parallel parked and  
24 walked into the street. I've literally grabbed  
25 this kid by the collar more than once. Now he's

1       parking on the street, I'm afraid he's going to do  
2       it again where we have cars coming down there. In  
3       addition, we have a similar issue to the lady that  
4       was before us where we have a shed way at the back  
5       of the property that houses a snow blower and, you  
6       know, different types of driveway shovels and stuff  
7       like that where we'll have to walk 150 feet with  
8       the snow blower to get it up to the driveway. And,  
9       again, I work overnights, so there's going to be  
10      times when Jen is going to have to plow the  
11      driveway, and it's just the way it is. And I don't  
12      want my wife walking 150 feet in the snow pushing a  
13      snow blower. Anything else?

14               MS. BISSONNETTE: No.

15               MR. ASCIOLA: So the rest of the house  
16      you're -- it's going to make your house bigger?  
17      Is that what you're saying? Because it's pretty  
18      big.

19               MR. BISSONNETTE: The house is not going  
20      to change. There's nothing -- we're just adding a  
21      garage.

22               MR. ASCIOLA: The actual living space  
23      upstairs is going to be for you guys to have extra  
24      room in your house to live, correct?

25               MS. BISSONNETTE: We have -- no, no, no,

1       no.

2               MR. BISSONNETTE: That's not going to be  
3       living space. There's going to be storage up  
4       there.

5               MR. ASCIOLA: Any reason? Just wondering.  
6       You wouldn't want it to be part of your living  
7       space in your house?

8               MR. BISSONNETTE: If we do someday, if  
9       it's there. But we just -- you know, I can't, I  
10      can't -- I'm a cop. I can't afford to be shelling  
11      out another hundred grand to put heat up there and  
12      put, you know, all that, you know, everything else  
13      that needs to be up there. So for now, it would be  
14      some storage. She'll probably store a lot of her  
15      stuff up there. So right now, you know, I'm not  
16      going to rule it out. Someday. But, truthfully,  
17      we can't afford that right now.

18              MR. SIMOES: Are you going to have a  
19      regular roof on the garage? Over here this shows  
20      two windows upstairs like a second floor.

21              MR. BISSONNETTE: I think we had put  
22      windows in there with the hopes --

23              MS. BISSONNETTE: To match the house.

24              MR. BISSONNETTE: Someday. And, in  
25      addition, there are windows on the front of the

1 house, so it's more of an esthetic type of thing.

2 MR. ASCIOLA: Yeah, definitely.

3 MR. KERN: How wide is your mud room? How  
4 wide is that?

5 MS. BISSONNETTE: We have, I think, 5  
6 feet, 6 feet, 7 feet, 10? I don't think it's 10.

7 MR. BISSONNETTE: I thought we were going  
8 to drop that back. I thought the mud room would be  
9 8 feet.

10 MS. BISSONNETTE: I thought it was. I  
11 don't think it's 10. I don't know what the average  
12 size of a mud room would be. Is there an average  
13 size?

14 MR. KERN: My question is, if you didn't  
15 add the mud room, then you wouldn't need a  
16 variance.

17 MS. BISSONNETTE: True.

18 MR. BISSONNETTE: You don't know my wife.

19 MS. BISSONNETTE: I'm Portuguese and I do  
20 not want the shoes as what they're doing right now.  
21 So that I'm being very honest. The shoes don't go  
22 in the house, and right now they're in my kitchen.  
23 We downsized on purpose. My oldest just went to  
24 college, so it was like a decision made because  
25 she's going for her Ph.D. and will be away for a

1 long time. So we were going to sell and go  
2 smaller. We had no idea how fast those cars go up  
3 and down. That definitely would have deterred us.

4 MR. BISSONNETTE: We probably wouldn't  
5 have bought this house.

6 MS. BISSONNETTE: Yeah. But we were used  
7 to a garage. We like downsized and the house did  
8 not have a garage, obviously, when we purchased it.  
9 We were, yeah, fine. We're downsizing for a  
10 reason. But now with like the whole situation --  
11 even last night, last night we were, it was at ten  
12 o'clock at night and I swear that thing must have  
13 been going 60.

14 MR. BISSONNETTE: A car came out of Norman  
15 Street, took a right up, and just flying up there.

16 MS. BISSONNETTE: Yeah. So, of course we  
17 want to have the garage. And, honestly, with him  
18 bringing the cruiser home, I, you know, it's not  
19 the safest for people to know that there's a police  
20 officer living there. We always tried to hide it  
21 from, you know, from the people driving by. I'm  
22 not worried about eggs. I'm more worried about  
23 other things.

24 MR. BISSONNETTE: I've had some issues in  
25 the past where I've been harassed, so both mail and

1 phone calls and things of that nature. And so I  
2 do, I do get a little nervous when I have to take  
3 the car home. When we did it at the other house, I  
4 hid it in the garage. It doesn't happen often.  
5 But when it happens, I hate leaving it out.

6 MR. BURKE: Mr. Tanner, I didn't see a  
7 field card in this package. I don't think there is  
8 one. And I could look it up real quickly. What is  
9 the square footage of the existing home?

10 MR. BISSONNETTE: I think it's like just  
11 under, between 1,900 and 2,000.

12 MS. BISSONNETTE: No, I don't think it's  
13 that. It's not 2,000. Livable space? Livable  
14 space I think is about 19.

15 MR. BURKE: Well, that would be what's on  
16 the Tax Assessor records.

17 MS. BISSONNETTE: Yeah.

18 MR. BURKE: And you have three children?

19 MS. BISSONNETTE: Yeah.

20 MR. BURKE: And a mother-in-law that  
21 visits every day?

22 MS. BISSONNETTE: Yes.

23 (Comments off the record)

24 MR. ASCIOLA: Anyone like to speak in  
25 favor of this? Would you like to speak in favor?

1 Come on up. Do you want to speak? You have to  
2 come up.

3 MR. VEVILLIER: We live in the same --

4 MR. ASCIOLA: Give us your name. You  
5 don't have to be too fancy. Just give us your  
6 name.

7 MR. VEVILLIER: Francis Vevillier.

8 MR. ASCIOLA: Okay. And you live where?

9 MR. VEVILLIER: I live on Everett Avenue,  
10 which is not far from them. I'm not here for that.  
11 I have an application in, and I wanted to see the  
12 process.

13 MR. ASCIOLA: So you're in favor? You are  
14 in favor of this application?

15 MR. VEVILLIER: Yes, I am.

16 MR. BURKE: Why?

17 MR. VEVILLIER: Because they're my  
18 neighbors. I want peace in the neighborhood.

19 MR. ASCIOLA: That's a good reason. Okay.  
20 Thank you very much, sir.

21 MR. VEVILLIER: Thank you.

22 MR. ASCIOLA: So what are you guys  
23 thinking?

24 MR. BURKE: Before we get started, I just  
25 want to clear, I don't believe that being

1 Portuguese is a standard for relief.

2 MR. ASCIOLA: In Bristol it is.

3 MR. BISSONNETTE: Do you live with a  
4 Portuguese woman?

5 MR. BURKE: But I understand what they  
6 want to do. I think the structure is only 24, it's  
7 24 feet high. It's a typical two-car garage with  
8 storage. I live off of Hope Street, and it's,  
9 speeding is, I've actually had the traffic control  
10 coordinator, he's a sergeant and he's been in my  
11 dining room talking about that, and I know it's an  
12 issue. It's an oblong house, you know, the way  
13 that it's structured and everything where it's  
14 placed, and it's kind of begging for a garage.

15 MR. ASCIOLA: I think the pictures are  
16 wonderful, very nice.

17 MS. BISSONNETTE: The architecture.

18 MR. ASCIOLA: Anything from you guys?

19 MR. TIPTON: None.

20 MR. ASCIOLA: Okay. Whoever wants to make  
21 a motion.

22 MR. BURKE: We can --

23 MR. ASCIOLA: It's up to you.

24 MR. BURKE: Let me -- give me just one  
25 second. So we're looking at a nine-and-a-half-foot



1       variance, I believe, 9.5 in the side yard.

2       Mr. Chairman, I'm going to make a motion to approve  
3       the application, File No. 2022-32, Jennifer and  
4       David Bissonnette, 56 Sherman Avenue, to construct  
5       a 24 by 35-foot two-story garage addition without  
6       the required left side yard setback. And this  
7       application requires, would result in a 5-foot  
8       5-inch side yard versus 15, so what they're asking  
9       for is 9 feet and 7 inches of relief.

10             The unique hardship from -- the hardship  
11       from which the Applicant -- I'm sorry -- the  
12       hardship from which the Applicant seeks relief is  
13       due to the unique characteristics of the subject  
14       land and structure and not for the general  
15       characteristics of the surrounding area or due to  
16       an economic disability of the applicant. The  
17       location of the garage is predicated based on the  
18       current location of a house. And we heard  
19       testimony that the living space is under 2,000  
20       square feet. That the hardship is not the result  
21       of prior action of the applicant and does not  
22       result primarily from a desire of the applicant to  
23       realize greater financial gain. They cited safety  
24       issues leaving and entering their driveway and the  
25       need for indoor storage for vehicles. That the

1       granting of the request for dimensional variance  
2       will not alter the general characteristics of the  
3       surrounding area or impair the intent or purpose of  
4       the Zoning Ordinance or the Comprehensive Plan of  
5       the Town of Bristol. It's a garage addition to a  
6       residence use in an R-15 Zone, so it is an allowed  
7       use. That the relief requested to be granted is  
8       the least relief necessary because of the location  
9       of the home and the dimensions for a two-car garage  
10      and 8-foot mud room. That the hardship that will  
11      be suffered by the owner of the subject property if  
12      the dimensional variance is not granted will amount  
13      to more than a mere inconvenience. As mentioned  
14      earlier, it actually represents a safety issue to  
15      the Applicant, so I so move.

16               MR. SIMOES: I second that motion.

17               MR. ASCIOLA: All in favor? Opposed?

18      (Motion passed 5-0) Voting in favor of the motion  
19      were: Mr. David Simoes, Mr. Donald Kern,  
20      Mr. Joseph Asciola, Mr. Derek Tipton, and  
21      Mr. Charles Burke.

22               MR. ASCIOLA: You guys are all set. Good  
23      luck.

24               MR. TANNER: Mr. Chairman, if you're going  
25      to discuss that other one, could I make a

1 suggestion?

2 MR. ASCIOLA: Oh, definitely.

3 MR. TANNER: This particular application  
4 might be one of the simplest applications that I've  
5 seen. And he had applied for a fence permit online  
6 and then I flagged it as needing zoning relief.  
7 And I just conferred with the solicitor. If the  
8 Board so chooses, I think he gave quite a bit of  
9 information and you might be able to approve it, if  
10 you are inclined to approve it, without him here.  
11 It may have been a miscommunication of him not  
12 coming here, but if you think there's enough  
13 evidence in the application. But if you're not  
14 comfortable with that, we can just continue it.

15 MR. BURKE: I would rather not set that  
16 precedent because we have to make a determination  
17 on a case-by-case basis when people don't come.  
18 That would be my position, that I wouldn't want to  
19 do that. I don't know how the rest of the Board  
20 feels about that.

21 MR. ASCIOLA: So one thing we don't have,  
22 we don't have in this packet, he's giving us  
23 15 feet from the street. We don't know where his  
24 property line is, right?

25 MR. TANNER: He measured it from the

1 property line.

2 MR. SIMOES: I don't know. It's only  
3 showing the street there.

4 MR. ASCIOLA: A lot of people think that's  
5 their property. It gets tricky in that spot.

6 MR. BURKE: I certainly appreciate your  
7 points, but I don't want to get into, well, they  
8 didn't show up, but it's an easy one so let's do it  
9 without the applicant here. I'm just not  
10 comfortable with that.

11 MR. SIMOES: I took a ride by there and I  
12 could see he doesn't have any privacy in the back  
13 yard because he lost a couple of trees.

14 MR. TANNER: They had a couple of pines.

15 MR. SIMOES: I go along with Charlie.  
16 Then we'll have everybody doing the same thing.

17 (Comments off the record)

18 MR. KERN: When you do talk to him, the  
19 drawing and his picture shows 15 feet from the  
20 road.

21 MR. BURKE: And we will need it from the  
22 property line, don't we, Mr. Kern?

23 MR. KERN: Yes.

24 MR. TANNER: You got it.

25 MR. ASCIOLA: So we're going to --

1 MR. TEITZ: Motion to continue?

2 MR. BURKE: Yeah, I'll do that.

3 MR. SIMOES: Mr. Chairman, I'm make a  
4 motion that we continue -- where is it?

5 MR. TEITZ: 2022-31.

6 MR. SIMOES: -- 2022-31, Frederick and  
7 Patti Nenna on 12 Greg Drive, to continue their  
8 application to the November 14th date.

9 MR. TANNER: The November meeting is  
10 delayed a week because of the election this room is  
11 not available. None of the rooms are available.  
12 That's on our annual calendar.

13 MR. ASCIOLA: Anyone second it?

14 MR. KERN: I'll second.

15 MR. ASCIOLA: All in favor? Opposed?

16 (Motion passed 5-0) Voting in favor of the motion  
17 were: Mr. David Simoes, Mr. Donald Kern,  
18 Mr. Joseph Asciola, Mr. Derek Tipton, and  
19 Mr. Charles Burke.

20 MR. ASCIOLA: Okay. Very good. Motion to  
21 end the meeting.

22 MR. BURKE: Motion to adjourn.

23 MR. TIPTON: Second.

24 MR. ASCIOLA: All in favor?

25 (Motion passed 5-0) Voting in favor of the motion

1       were: Mr. David Simoes, Mr. Donald Kern,  
2       Mr. Joseph Asciola, Mr. Derek Tipton, and  
3       Mr. Charles Burke.

4               MR. ASCIOLA: Okay. We're off the record.

5               (Proceedings adjourned at 8:45 p.m.)  
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## C E R T I F I C A T I O N

I, Susan J. LeBlanc-Rockcliffe, RPR, do  
hereby certify that I correctly reported the  
within-entitled matter and that the foregoing is a  
full, true and correct transcription of my  
shorthand notes of the proceedings.

Susan J. LeBlanc-Rockcliffe  
Registered Professional Reporter

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October 19, 2022

RESPECTFULLY SUBMITTED,

*Susan LeBlanc Rockcliffe*  
Susan LeBlanc Rockcliffe

TOWN OF BRISTOL ZONING BOARD OF REVIEW  
MEETING HELD ON OCTOBER 3, 2022

Date Accepted: 11-14-22

Chairman: 

