

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

*03 JUNE 2024*  
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. DAVID SIMOES  
MR. TONY BRUM  
MR. DONALD S. KERN  
MR. GOERGE D. DUARTE, JR., Alternate

ALSO PRESENT:

MR. EDWARD TANNER, Zoning Officer

Susan E. Andrade  
91 Sherry Ave.  
Bristol, RI 02809  
401-253-5570

I N D E X

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

**1. APPROVAL OF MINUTES:**

Chairman Asciola called for approval of the May 6, 2024, minutes.

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Chairman Asciola called for approval of the April 1, 2024, minutes.

X X X X X X

MR. BURKE: Mr. Chairman, I need more time to review.

MR. SIMOES: I make a motion that we continue until July 15<sup>th</sup> for approval

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were continued)

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**CONTINUED PETITIONS:**

**2. 2024-18  
KEVIN MORAN**

**7 Ansonia Ave.: R-10  
Pl. 44 Lot 62**

Dimensional Variances to construct a 14' x 29' two-story addition to an existing 25' x 30' accessory structure at a size and height greater than permitted for accessory structures in the R-10 zone; and to create an accessory dwelling unit (ADU) within the proposed structure that is not located within a principal single-family dwelling.

Chairman Asciola stated that the Applicant has requested to withdraw without prejudice.

Mr. Tanner stated that he was correct, the Board should have received an e-mail from Mr. Moran and that he did confirm with them.

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MR. BRUM: I'll make a motion to withdraw without prejudice.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition withdrawn)

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**NEW PETITIONS:**

**3. 2024-21**

**ISAAC C. HOLMSTROM**

**2 Church Cove Rd.: R-40  
Pl. 160 Lot 7**

Dimensional Variance to construct approximately 100 linear feet of 5ft. high picket fence at a height greater than permitted in the front yard.

Mr. Isaac Holmstrom, accompanied by his fiancé Emma Garcia, presented the Petition to the Board. Mr. Holmstrom explained that he purchased the home in 2020. After some years in the Navy, he moved back home where he was raised. They are trying to finish a project to put a five-foot tall fence in front of their house. The main goal being to construct a garden fence that's also able to keep some deer out. Probably not 100% perfect solution, deer can jump. But, they want to at least be able to provide some reasonable ability to keep them out of their yard; so that they can have a better garden, grow more vegetables and such. They've been trying it for years and they decimate every last thing that they've planted. It's a matter of protecting what they've planted and also keeping ticks out of the yard. They've damaged downspouts and other items on their house, knocked off shingles from the siding and they are talking about dozens of deer per day in their yard. It's a very high deer population in this part of Bristol; they just transit the yard all day every day. The fence that they are proposing is a picket style fence, you can see right through it. It's a nice white style, there is no restriction of visibility, and it doesn't impose on the visibility of the driveway either.

The Board reviewed the Petition in detail. Mr. Asciola stated that the proposed fence is totally see-through, and it won't bother anyone, and he doesn't see a problem with it.

Mr. Burke noted that he noticed that a lot of it is up and, in the back, where the stone wall is he wondered if that was also Mr. Holmstrom's property.

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Mr. Holmstrom stated, yes, the stone wall is the back of their yard. Along that portion of the property, they will be installing an invisible deer barrier there, not fencing; it's like a metal hex mesh that you can't see once you're about ten feet back.

In response to Mr. Burke if any deer have jumped over the portion of fence already installed, Mr. Holmstrom stated that he had not seen any; however, there are no gates on the fence yet, so they would have been able to walk right through.

Mr. Burke noted that his only concern, and that it isn't going to affect the application, as it isn't a zoning issue, is deer can jump over five feet and sometimes they don't make it. He thinks the Petitioner may be into it too late, but that might be something that they want to talk to somebody at DEM or someone. It won't be pleasant if one gets impaled. The Board usually allows an 8-foot fence. Not necessarily in that neighborhood, but in some neighborhoods 8 feet, because that's a deterrent.

Mr. Brum noted that he thinks that the fence, in its design and layout, is very aesthetically pleasing. He thinks its functionality could have been improved, as Mr. Burke stated, with more stockade like. But he also understands that would create sort of a fortress within the back yard and wouldn't be able to enjoy the area where they live in.

Mr. Holmstrom stated that they had already ordered the fence and actually started putting it up and afterwards realized that they needed a permit.

Mr. Tanner explained that they do have a valid permit for the back portion of the fence installation.

Ms. Kristina Palmer, 7 Church Cove Road, stated that she did not get notice of this hearing and after Mr. Tanner checked the abutters list, it was determined that Ms. Palmer was not in the notification radius, but certainly she could be heard.

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Mr. Palmer stated that she has seen the fence and that she feels that the fence in the front of the house is very high, and the fence dwarfs the size of the property. She's concerned that it doesn't fit in with the rest of the street. There are only 10 homes in that neighborhood. When asked if she realized the rest of the fence is 6 feet, she stated that the only fence that she had an issue with is the one that's right in front of the house and goes along the driveway. She's worried about obstruction of view. She knows it's a picket and you can see through it, but she thinks there is planting along some of the fence, which looks great, but if there's planting along that fence it could obstruct it. But anyway the fence is very high compared to the house, in the front of the house. And it's not keeping deer out.

Chairman Asciola explained that they allow a four-foot fence and if they had to take down the one-foot, it would not make that much of a difference.

Ms. Palmer stated that a four-foot fence would be fine. The Board all confirmed that they had all viewed the property prior to the meeting.

Ms. Palmer stated that on the hardship of deer, this would only be in front of the house, the deer can walk right around the back and get in. Mr. Holmstrom stated that they will be enclosing the whole property. Ms Palmer stated that everyone lives with the deer in Bristol and doesn't necessarily see it as a hardship. She is also concerned that it sets a precedent for later people coming into the Town and coming in and asking for higher fences in front of their houses.

Chairman Asciola explained that each case is looked at individually. Mr. Burke again noted that they have allowed as high as 8-foot fences for deer protection, which is what recommended to keep deer fence out of the property.

Mr. Burke stated that he thinks it is a reasonable request and sensitive to the neighborhood. The issues that were brought up, he doesn't see any vision issues and it's pretty straightforward regardless of the input they got from the public.

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MR. BURKE: I'm going to make a motion to approve application 2024-21, Isaac C. Holmstrom, 2 church Cove Road to install 100 feet of a five-foot I believe aluminum fencing with pickets along the front yard section, in the front yard section of the residence. We heard testimony regarding the need to protect their property from a large amount of deer damage and this is the hardship from which they seek relief. The hardship with the applicant seeking relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, or to an economic disability of the applicant. As stated, the hardship is the existence of a large number of deer in Bristol; and until we come up with a solution, if ever, people will try to mitigate the issue. The hardship is not the result of prior action of the applicant. As stated, the deer exist. The granting of the requested Dimensionl Variance will not alter the general characteristics of the surrounding area or impair the intent of purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. We do allow fences and, as pointed out in our deliberations, we allow a four-foot fence in the front setback area and the applicant is requesting one additional foot, or a five-foot fence. 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; he will continue to have to deal with the deer damage; and this has been extensive on his property. I so move.

MR. SIMOES: I second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

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4. 2024-22  
AMANDA L. VALENTINO

20 Beach Rd.: R-10  
Pl. 64 Lots 90 & 91

Dimensional Variances to construct a 16' x 24' accessory garage structure with less than the required front yard and less than the required right-side yard.

Mr. Burke stated that the Board received correspondence because they require a bigger lot coverage variance also, so they have requested to move the Petition to July 15<sup>th</sup>.

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MR. BURKE: I'll make a motion that we move application 2024-22 to July 15<sup>th</sup>.

MR. SIMOES: I second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition continued)

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**5. ADJOURNMENT:**

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 7:30 P.M.)

03 JUNE 2024

RESPECTFULLY SUBMITTED,

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Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 03 JUNE 2024

Date Accepted: 7/15/24

Chairman: CA Burke