

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

07 APRIL 2025
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 S. KERN
MR. TONY BRUM
MR. GEORGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY PETER SKWIRZ, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Officer
MS. DIANE WILLIAMSON, Director of Community Development
Mr. Steve Greenleaf, Building Official

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

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

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the February 10, 2025 minutes

X X X X X X

MR. KERN: Mr. Chairman, I'll make a motion that we accept the minutes, as written.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

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SITTING AS BOARD OF REVIEW:

CONTINUED PETITIONS:

2. 2025-02

BRANDON M. & CASSIE M. ANDRADE

**21 Naomi St.: R-15
Pl. 118, Lot 100**

Dimensional Variance to construct a 30' x 34' two-story garage and living area addition to an existing single-family dwelling with less than the required right-side yard.

Chairman Asciola explained that the applicant is asking for a one-month continuance to get the required paperwork in order.

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MR. BRUM: I'll make a motion that we continue Petition 2025-02, as requested by the applicant, to the May 5th meeting.

MR. KERN: I'll second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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NEW PETITIONS:

3. 2025-08

MARISSA CABRAL/

Wicked Awesome Pet Care & Spa, Inc.

1282 Hope St.: R-10

Pl. 92, Lot 16

Special Use Permit to continue use of a conditionally approved pet grooming service business use within a residential zoning district.

Ms. Marissa Cabral, 431 Chestnut Street, Bristol, owner of Wicked Awesome Pet Care & Spa, Inc., was present for her review. Ms. Cabral explained that she has not had any problems since starting up her business. She knows her landlord had asked people in the neighborhood to make sure everybody was happy and there were no complaints. People are actually happy that local business is doing very well in that location, where previously other businesses were doing so well in that location. She's happy there and business is doing very well.

Mr. Tanner noted that the Board issued Conditional approval one year ago and asked that the applicant return in one year, because there was some concern about potential impacts to the neighborhood. If the Board is satisfied, they can issue an unconditional permit.

Mr. Paul Feeney, Landlord at 1282 Hope Street, stated he owns the property and has spoken to all the neighbors to make sure there were no issues, because he's been there a long time and wanted to be sure that they're all happy. He's had no complaints whatsoever and no one from the Town knocked on the door to say anything had to be fixed; there were no issues at all. For that reason, he doesn't see why her request should be granted.

No one spoke against.

The Board noted that if there were any issues with the neighbors, they would be present at the meeting, as they were at the first meeting one year ago.

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MR. BURKE: I will go with the Solicitor's recommendation and make a motion that we by reference incorporate into the motion the Findings of the 2024 decision. Which also includes the conditions under which the Special Use Permit was granted. Those are now memorialized and will stay until another hearing in the future if another Petition comes in and changes the conditions. So, I'm going to, once again, make a motion that we lift the one-year conditional restriction and grant the Special Use Permit for application 2025-08. I so move

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Special Use Permit granted)

4. 2025-09

KRISTIN E. & JEREMY COUTO

**6 Rego Ave.: R-10
Pl. 47, Lot 17**

Dimensional Variances to construct a 12' x 16' accessory shed structure with less than the required front yard from the Holly Lane property line; and to install a 6' high stockade fence along the Holly Lane property line at a height greater than permitted for a fence in the front yard.

Mr. Jeremy Couto and Ms. Kristin Couto presented the Petition to the Board. Mr. Couto explained that they are asking for variance to construct an accessory shed structure. Essentially, they are at the end of Holly Lane and their back yard is now bound by a road, with a recently approved sub-division. They want to put the shed in the back yard six foot from the property line, six feet from Holly Lane, which encroaches on the 35-foot requirement and also to install a 6-foot fence, instead of a 4-foot fence. The location of the proposed shed is at the end of a dead end, furthest away from all of the neighboring properties; and to the south property line he believes is Town property between them and the Franklin Storage further south.

In response to questioning by Mr. Burke, Mr. Couto confirmed the shed would be used just for storage and this lot is a through lot that abuts Holly. Mr. Couto also explained that they just acquired and gained a third of their property and they would like to consider that their back lot line.

Mr. Burke explained this was a bit of a research project and asked the Enforcement Office to figure out everything, because the change hasn't been included on the maps yet. So, basically, this property abuts what looks like a manufacturing zone to the south. Mr. Couto stated the shed would be closest to the south and furthest away from anyone else. Mr. Couto confirmed

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that they feel this fence would be an enhancement, considering that there is a lot of equipment on Holly Lane. Mr. Couto added that the neighbors directly to the east were in favor, which it impacts the most.

The Board reviewed the plans in detail. No one spoke in favor or against the Petition. During discussion by the Board, it was agreed that this is a unique property, as is the whole neighborhood and that this is not an excessive request.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion that we approve application 2025-09, Kristin E. and Jeremy Couto, 6 Rego Avenue to construct a 12' x 16' accessory shed, which will be compliant both in size and to the distance from the property line and a 6-foot-high stockade fence along the Holly Lane property line. Typically, there would be a front and a rear yard requirement, but this, as discussed, is a unique lot, a through lot and there is no impact on the surrounding properties; either residential or industrial. 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 not due to an economic disability of the applicant. It's a through lot that was recently created by a subdivision and an approved merger by the Planning Board. So, the fact that it's a through lot means that it has two front yards and the requirements for that are onerous for this particular property. The handicap is not the result of prior action of the applicant. The lot existed as planned prior to their acquisition. The granting of the requested Dimensional Variance will

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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. As already stated, this was approved by the Planning Board as a lot merger; and, in fact, will enhance the neighborhood and the neighboring properties. 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. Placing the shed in another location would mean that it would be literally in the middle of their property, which would be a hardship, not only an inconvenience. 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.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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**5. 2025-10
GEOFFREY M. VICENTE**

**Tilbury Drive: R-10
Pl. 153, Lot 439**

Dimensional Variance to construct a 28' x 40' single family dwelling with less than the required front yard.

Mr. Geoffrey Vicente, 11 Waterview Lane, Warren, presented the Petition to the Board. Mr. Vicente explained that after he purchased the property, he found out that there are wetlands, a good amount of it. He's going through the process with R.I.D.E.M., pending approval. One part has already been approved and he's waiting for the final approval. To fit the house that he designed, he had to shift the house forward towards the front setback. He believes he needs 21 feet, and he would like to set back at 11 feet.

Mr. Burke stated that there is a wetlands disclosure that is required in Rhode Island and asked if this disclosure was made and has, he spoken to the person who sold it to him. Mr. Vicente stated that he has tried going as far back as they could go with the realtors and apparently the person who owned it before also never got a permit and he assumes that's why it wasn't found out. He continued to explain that the person before the seller didn't know, according to what the realtor said. He purchased the property from somebody who already knew it was. He owned the lot before. He kept it during a divorce, after the divorce he had to sell it; he sold it to a friend of his. When his friend went to go pull the permit, they found out that it had wetlands, so he purchased it back.

Mr. Burke stated that the transaction between Mr. Vicente and his friend looks like there was an agreement to sell it and didn't seem to be recorded. Mr. Vicente stated that it was recorded and confirmed that \$150,000 is the transaction. As a matter of fact, the deed still listed the other person as the owner, and he bought it back and that was recorded.

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Mr. Vicente stated that he and his wife assumed they could build, the property is in between two other houses in a built-up neighborhood; so, he had no reason to believe he couldn't build on the lot.

Mr. Burke explained that the Board usually tries to work with the applicant that is also trying to work with DEM. The application states that DEM has been approached. Mr. Vicente stated he's probably a good four or five months into the process of working with DEM. They have all the engineering, the erosion control and now he's just waiting to hear from them. He heard from them about a month ago, one division has already approved it, but the main decision has not been made; DEM said it could last anywhere from 8 months to a year.

Mr. Burke stated that he was uncomfortable providing a variance without knowing what the DEM decision is going to be. He would prefer that the applicant gets the DEM approval, identifies the building envelope and then comes before the Board with what he actually can build. It wouldn't be holding him up; he needs their approval first.

Mr. Vicente stated he was only following what his engineer told him to do. The building envelope and footprint have already been determined.

Mr. Asciola explained that DEM will determine the building envelope and that is the information the Board needs in order to make any decisions.

The Board recommended that Mr. Vicente continue his application until he receives final approval from RIDEM; that he contacts the Town and move forward with any information at that time.

Mr. Tanner also explained that it will be helpful to get some correspondence from DEM saying that they want the structure moved forward. They have these issues with others down near the water where CRMC has asked the applicant to come to the Board to ask for a variance,

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the same with wetlands. The other thing is that if it is going to be continued, and it might take several months to get a permit, the Board should continue to a date certain so that the public knows when it will be heard again.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion that we continue application 2025-10 to the July 14th meeting.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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6. 2025-11

AIRES H. MEDEIROS, JR.

8 Villa Drive: R-10SW
Pl. 154, Lot 112

Dimensional Variances to construct an approximate 864 square foot single-story garage and living area addition to an existing single-family dwelling with less than the required front yard and less than the required right-side yard.

Mr. Aires Medeiros presented the Petition to the Board. Mr. Medeiros explained that in 2022 he was before the Board and presented his plans for a big, beautiful home and the variance was approved. However, work couldn't come to fruition because of changing times and financial strains. Time allotted for the variance had expired and a secondary, much smaller plan began to develop. His growing family and he are now requesting a Dimensional Variance for much smaller renovations and in addition to improving their living conditions and allowing them to remain in Bristol. His growing family is in need of additional space and an additional bedroom. They are looking at a much-needed dining room, mud entry way and looking to add a garage with a master bedroom behind the garage. The design and layout of their residence will be like those already in existence on the street. With cost and materials and interest rates fluctuating, this seems to be the best for their family at this time. They are looking for a side and front variance.

Mr. Burke stated that he had Mr. Tanner check the previous approval, as he is obviously concerned about the 4-foot side yard. The Board previously granted a 6-foot plus side yard; so now they're looking at a couple more feet of relief. He's not particularly comfortable with four; six is the distance for an accessory structure.

Mr. Duarte asked Mr. Medeiros to explain a little more about how the plan has been scaled down.

Mr. Medeiros explained that the previous plan was for a two-story building with an additional mud room and small garage on the south side of the residence. The second story was to additional bedrooms. They are expecting a second child, and his wife works from home. So, their 920 square foot 1960's ranch; they're growing out of it. In order to accommodate their growing family, they still need a dining room. They don't have any dining room. In addition, that mudroom is not attached to the dining room, it will be just in front of the dining room, like an entry way, which will allow access in and out of the residence. The garage will be a one-car garage. To maximize the space instead of going up, they would be adding the bedroom to the back side. Keeping it just one level, which will accommodate their family staying in Bristol and also as they age: having easy one-level living.

The Board reviewed the Petition in detail with the applicant, discussing possible reduction of the entry way, which is only a needed access and leads into an 8' x 10' dining room area. Also, discussion on the existing layout of the dwelling, which impedes other areas for addition.

Mr. Kevin Sheets, 10 Villa Ave, abutting property owner spoke in favor of the Petition. After looking at the plans he feels this is the best thing he can do in the situation. It's a nice house and will fit well.

Ms. Nicole Nadeau, 5 Villa Ave., spoke in favor of the Petition. She lives across the street, and she would be looking directly at whatever changes are made. She would like to keep Medeiros as her neighbor and approve of the plans.

No one spoke against the Petition.

The Board discussed the differences between the original two-story plan and the present one-story plan, which would fit into the area.

X X X X X X

MR. BRUM: Mr. Chairman, I'll make a motion to approve application 2025-11, Aires H. Medeiros, Jr. for a Dimensional Variance to construct an approximate 864 square foot single-story garage and living area addition to an existing single-family dwelling with less than the required front yard and less than the required right side yard setbacks. The Dimensional Variance in which the applicant is requesting is due to the need for relief on the right-side yard setback of 4' 2" and proposed 23 feet, with a required front yard setback of 30 feet, relief of 7 feet. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not to the general characteristics of the surrounding area. Not due to any economic disability of the applicant. Because, as previously stated, the applicant did purchase the home in a manner in which it is presently constructed and has not been changed since its construction by the applicant. The hardship is not the result of any prior action of the applicant. As stated, he had not constructed the home, and he hasn't divided the property or created any situation where the lot lines would have changed to create the need for this dimensional relief. The granting of the 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 of Bristol. Additions to these size homes in the Hopeworth area, and in surrounding areas throughout Bristol; we have commonly seen additions of this sort which require relief, having been previously built in

times where households were maybe of equal size in number of people, appliances and necessities have grown quite a bit; making a need for a larger home greater today than previously when this property was constructed. The hardship that will be suffered by the owner of the subject property if the Dimensional Variances are not granted would amount to more than a mere inconvenience. In this particular case, as the applicant has testified to, his growing family requires more space and with the increase in property values it would be to his advantage to possibly sell this property and move out of Town, where he would be able to purchase a larger property for an equal value. For those reasons I make a motion to approve.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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7. 2025-12

VIRGINIA M. & JOHN T. CAIRRAO

**8 Colt Ave.: R-10
Pl. 118, Lot 62**

Dimensional Variance to construct a 26' x 28' single-story accessory dwelling unit (ADU) and 5' x 6' basement bulkhead addition to an existing single-family dwelling with less than the required rear yard; less than the required left side yard; and with less than the required lot area for an ADU within a new structure.

Virginia and John Cairrao presented the Petition to the Board. Ms. Cairrao explained that their application tells a story of their family connection. The house was originally built by John's father in 1960, and John grew up in that home and they had their family there for 22 years. As they seek retirement age they are looking to construct an Accessory Dwelling Unit on the property. Their eldest daughter would live in the main house with her husband and two children. And, if they had the ADU they would be involved in their grandchildren's life and also be connected to the home that they have raised their children in. The lot is 11,040 square feet, which presents challenges for the construction, requiring variances from the standard 20,000 square feet. They are also requesting side and rear setback modifications, which consist of the left side relief of five feet, placing the structure ten feet off of the neighboring property line; and rear relief of twelve feet, placing the structure eighteen feet off of the neighboring property line. They've intentionally positioned it flush with the existing rear property to allow possibly for a garage in the future.

Mr. Burke noted that Mr. Cairrao's father was the best man at his father's wedding, just to disclose and that he has no financial interest and feel there is no reason to not sit on the application. The applicants said they had no problem with Mr. Burke hearing the application.

Mr. Tanner explained that under the new State Legislature that came out in 2024 and noted that the Zoning Ordinance has not been updated to reflect the new State Law for ADU. The Law says you need at least 20,000 square feet of land in order to build an ADU in a new structure. You can build an ADU in an existing structure. So, if they put it inside their house or in the footprint of an existing structure, they could do that without a variance. But, since they're proposing a new structure, they need a variance for lot area to build a new ADU. They have 11,040 square feet; so they need an 8,960 square foot variance. And the proposed addition is partially in the rear setback, so they need a rear setback variance. And, just to be cautious, he advertised the left side yard variance as well, because they're putting a basement with a bulkhead doghouse addition off the side, which is slightly in the left side yard. So, they need two setback variances and a lot area variance. He knows this is new territory for the Board, they haven't seen a lot of applications like this. The Solicitors have advised that people can still come to the Board. If they built a living room and then converted it into an ADU a year from now, it would be an existing structure. So, the Solicitors have advised that every new addition that comes forward has the potential, probably, to become an ADU at some point. The Cairraos are being straight forward in saying what they're doing now and it's up to the Board to decide. It's still the same Standards for relief.

Discussion on the new Law and the changes were discussed by the Board. Mr. Burke stated he didn't know if conditions, such in the past with ADU's being disassembled if a family member did not live in the unit and then it becomes a two-family, for example, could be put in place. Mr. Skwirz stated that they cannot do that anymore under the new State Law.

Mr. Tanner noted that if the Petition is approved, it would technically still be a single-family dwelling with an Accessory Dwelling Unit. There are rules on how big the ADU

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can be, a percentage relative to the square footage of the house. It could be rented out; it's a two-family, but one is much smaller than the other.

Mr. Brum noted that there are many homes in Bristol that have two kitchens, and all of those homes could potentially be two families in extremely residential areas.

Mr. Duarte noted that weight should be given on historical fact, it was built by Mr. Cairrao's father, they have lived in the house, raised their family there; they want to stay there. Ten years from now anything can happen. Credibility should be given to the applicants.

No one spoke in favor or against the Petition.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to approve file number 2025-12, Virginia M. and John T. Cairrao, 8 Colt Avenue to construct a Accessory Family Dwelling Unit on a 11,040 square foot lot, when the current requirement is 20,000 square feet; for a relief of 8,960 square feet in lot area. And, also, a side yard variance of 5' on the left side for a left side variance, where 15 feet is required. 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 not due to an economic disability of the applicant. We've heard testimony and seen in the application that the desire here is to create a multi-generational home; and that's what the ADU is for. The lot size and the placement of the structure was previously established in 1960. The hardship is not the result of prior action on the part of the applicant. It's actually his father's fault; they did not construct the house, and they certainly didn't plat out the lot size. The

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granting of the required Dimensional Variances 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. It will actually try to establish more housing, quite typical of this application in the Town of Bristol. The hardship that would be suffered by the owner of the subject property, if the Dimensional Variances are not granted, would amount to more than a mere inconvenience. They will not be able to expand their property and make a home for a home for their children, grandchildren and themselves. 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.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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8. 2025-13

LARRY OLIVER/ L&R PROPERTIES, LLC

92 King Phillip Ave.: R-10
Pl. 147, Lot 77

Special Use Permit to construct a 28' x 46' single-family dwelling at a height over 25 feet above grade in the flood zone.

Chairman Asciola explained that this Petition has been withdrawn, per applicant's request.

X X X X X X

MR. BURKE: I'll make a motion that we grant the request to withdraw without prejudice.

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Withdrawn without Prejudice)

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SITTING AS THE BOARD OF APPEAL:

9. 2025-14

**DAVID J. RAMOS/
Ramos Landscaping, LLC**

**670 Metacom Ave.: GB &
Metacom Avenue Overlay
Pl. 128, Lot 15**

Appeal of a Notice of Zoning Violation issued by the Zoning Enforcement Officer for the intensification of a nonconforming landscaping contract construct business without first obtaining a special use permit in the General Business zoning district; the construction of commercial structures without first obtaining building permits; and the construction of commercial structures without first obtaining Planning Board approval for a Land Development Project in the Metacom Avenue Overlay zoning district.

Mr. David Ramos presented his appeal to the Board. Mr. Ramos explained he is the owner of Ramos Landscaping and excavating and his reason before the Board was to appeal a zoning violation on one of his properties, known as Lot 15 and Plat 126, formally 670 Metacom Avenue. He asked the Town of Bristol and the Zoning Board as to what a realistic way is to move forward. He has not changed the Use or made any changes in the site footprint from what it has been for the last 50 years. His family has run and operated an excavating and construction business on the property for decades, long before the Town allowed residential properties to be built abutting General Business real estate on Metacom Avenue. He understands his temporary tent, which is not the first to be on the property, has raised some concerns and he was present to address those concerns as necessary. But he will not fold to the pressure of Town Officials when neighbors who bought or built in an undesirable location. He has every intent of obtaining all permits, including a Special Use Permit once he has decided to move forward with developing the property from its current state. For now, the Use site plan existing layout is not changing. He has applied

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for a building permit, as requested by the Town Building Official. However, based on the results of this appeal, he will be requesting to see similar permits obtained for other tents around Town. He also wanted to sincerely apologize for not first applying for a building permit, as he did not realize a tent required one. If the Town is going to fight him on this issue further than this appeal hearing, he would like the opportunity to have a lawyer present but would like nothing more than to come to a common ground at this hearing. He enjoys being in Bristol, he enjoys contributing to the Town, its economy and the community, and asked that he not be pushed away. He looks forward to working with all of the Town and working on various projects for years to come.

Mr. Burke stated that he was not sure what Mr. Ramos is appealing and what the scope of the Board's responsibility would be.

Mr. Skwirz explained that the review at this hearing will be limited to just looking at the Notice of Violation; he's appealed to it. That's just looking at whether the Zoning Enforcement Officer had a legal basis to issue the violation. It sounds like building permits were applied for; so, there may be a concession that that is appropriately cited. And if that's the case, there's really nothing much for the Board to decide in that respect. The other aspect of the application is that this Use existed as a non-conforming in the zone and didn't require a Special Use Permit. But when it was created it didn't have a Special Use Permit. The Notice of Violation stated that because it expanded that that needs a Special Use Permit.

Mr. Ramos stated that the property itself has not been expanded. The existing silt fencings that were there when he met with Mr. Tanner when he purchased the property; they're all still intact. The only thing that has intensified over there is that his business has grown, he's moved out of the Bayview Avenue location. He's moved to his family's location and maybe what's going on on the property, as far as the amount of employees and the amount of trucks might have

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intensified a little bit. But, as far as the layout, the grading, the drainage; when he's ready to do all that and invest in that part of the development, he will go to the Town and get any permits he needs. But right now, he doesn't see why he needs a Special Use Permit. A building permit for a tent, if that is what he needs to get, he's not worried about that. It's more the Special Use Permit that's going to drive him to spend money on a sidewalk, drainage, engineering and he's just not financially ready to do that. He is planning to do that in the future. There are also two different properties there. He's not trying to conjoint the properties in any way; they're totally different lots and he's going to keep them that way. The lot being discussed at this hearing is never going to be developed under his ownership.

Mr. Skwirz stated that on that aspect of the review. If the Board finds that the Town was correct, and that there was an expansion of what was out there; they need to conclude that he needs to get a Special Use Permit for that, which would also entail going to the Planning Board for land development review. If the Board agrees with the applicant, they would have to find that was no expansion and that he was within exactly what has been done under the non-conforming Use. Just from looking at it, the one thing that jumped out to him, and he hasn't been out to the site, is that if structures were built out there it would require a building permit, and it wasn't part of what the original Use was, it's an expansion. It's really a legal issue of whether the Town correctly cited the Code. It's not a variance where you have a lot of discretion.

Mr. Tanner explained that the Zoning Violation was cited on the December 10th and doesn't believe it uses the work expansion; it's intensification. The Zoning Ordinance says that a non-conforming use, that's basically it's a grandfathered use; and Mr. Ramos is correct, because everyone knows that there's been construction work at that property for many years. And he's also correct that he did go the site with Mr. Ramos before he moved his operation up there.

They walked to the site and was told that if he stayed in a designated area; it has previously had piles of loam and stone and some equipment. At first that's what he put there and that was fine. However, he used the word intensified because Mr. Ramos created structures; he's intensified the use out there. It was a lot smaller operation, and one can look back at aerial photographs, it was never as big and intense as what is there today, with the structures. He, Mr. Greenleaf, Building Official and Diane Williamson all went out to inspect the structures with Mr. Ramos. They found that there was a rather thick concrete commercial slab was poured; put two 40-foot storage trailers on the sides of the slab and next welded framing structure to it. Mr. Ramos presented paperwork to the Building Official and Mr. Greenleaf determined that it does in fact need a building permit, because it meets the requirement for a permit under the Building Code. If that's the case, it needs to be engineered, it needs to meet wind loads and snow loads, etc. and the fact that it needs a Building Permit, in the Zoning Ordinance for work in the Metacom Avenue Overlay, it triggers the Metacom Avenue Overlay. So, whether he's building a metal building or a fabric tent building; if it's a structure, it needs a building permit, under the Rhode Island Building Code. In his opinion it triggers that section of the Zoning Ordinance that requires development review, minor land development it is today under the new Law, and it needs a Special Use Permit from the Zoning Board. If he kept the use the way it's been for the last 30 years or so, he could keep doing that. But he's intensified the use and now requires a Special Use Permit. They have had multiple meetings with Mr. Ramos and with the Solicitors' office and he's pretty comfortable with the letter of violation as written. There are three codes that are laid out in the letter, working without a building permit, putting up a structure without getting Planning Board approval for development review and the Special Use Permit for intensifying the Use. And now under recently adopted Land Use Legislation that has come down from the State; they have combined review with the Planning

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Board. So, even though he would need a Special Use Permit, because he needs development review as well, he can do it all before the Planning Board and would not need to come back to the Zoning Board.

Mr. Asciola stated that then basically its just Law. Mr. Skwirz stated he was correct and if and when Mr. Ramos comes back for a Special Use Permit there will be discretion there, certain things like hardship, if he wants waivers; there is discretion there. But there is a process to follow.

Mr. Asciola then asked how the Town can get the process moving without burying the business. Mr. Tanner explained that they have had multiple conversations with Mr. Ramos and the Staff. They actually had a TRC meeting and Mr. Ramos did submit last June or July, a pre-application concept review for a development review before the Planning Board; but has not come back in since then. He needs to file an application that is spelled out in the violation letter. The violation asks him to remove the buildings that don't have permits and to file an application with the Planning Board for development review and Special Use Permit.

Mr. Greenleaf, Building Office, explained that in some ways, there are certain things about it that are clear; it's a building, and it's only temporary if its under 180 days. So, the intent is not to have it be temporary; it's not considered a tent under the Building Code, it's a membrane structure, it needs a foundation. According to the Building Code, it needs a foundation of cross bind, which he's sure it doesn't have at the moment. It may be able to be rectified with engineering. It has a construction trailer in a permanent capacity next door to it, which does not meet any building codes in that use. He doesn't know what toilet facilities for permanent building structure it needs toilet facilities, it needs water. It has a deck on the front side of the construction trailer, which is built as to residential standards and it probably can't stary there without

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reinforcing, again engineering might help. He has a problem with the container buildings sitting right on a concrete floor, because they're metal, if they're permanent, they should be up on blocks. If they're elevated in proper places the structure could be acceptable; but there's things that need to be worked out in terms of they may need engineering in order to accept it, because it doesn't meet the Code exactly the way it is. A Building Code violation has been issued because all of this was done without a permit.

Mr. Duarte wanted to confirm that the issue really is the additional structures that have been placed on the property and not the amount of business going in and out of the property. Mr. Tanner stated that would be true and his 20 years as the Zoning Officer and speaking with the Solicitor about various non-conforming uses, if you have a non-conforming business that only had four trucks and now you have the same exact business, and it has eight trucks: it's still the same business. Absolutely Mr. Ramos has a more thriving business than what we're used to seeing there for the last ten years; but it is the structures that triggered the need for a building permit, the need for development review by the Planning Board and triggers the need for a Special Use Permit.

Mr. Burke asked Mr. Ramos if it would not be easier to try to work with the Town to go through the process of expanding what looks like will be a very successful business.

Mr. Ramos stated that back in July they were actually looking at developing and expanding on lot 16, engineering costs are up, there's a lot of variances that need to get approved. So, at the time he said he owns the property and put a tent there, not realizing it needed a building permit. He applied for the building permit after the tent was up, he's okay with getting the building permit, but he's not okay with getting a Special Use Permit for a grandfathered location. For a Special Use Permit he would have to put a sidewalk on Metacom Avenue, traffic studies done, a lot of those things, kind of ahead of time. Anything he's doing right now, he didn't realize there

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would be this problem. The reason he's getting complaints is because the neighbors are calling complaining to the Town Hall, because he does have more trucks there. When he had the TRC meeting, one of the concerns was what kind of business would be there and where the employees are going to park; and to him that's not right. He should be able to develop a property in this Town, regardless of what type of business he's in, whether he's a developer, a landscaper, electrician, or whatever. That's why he said in his mind he just thought he was prolonging the time to really develop the property. He put the tent up, he's trying to make ends meet. The tent itself comes from a company; TNG has full blueprints. As far as having it engineered, he doesn't know what the people on Franklin Street did to get those tents engineered. He'd be interested to see what type of engineering they had done and base the way he moves forward off of that. As far as the Special Use Permit is concerned, the building is not coming down, concrete slab is not going in. It's just how they're going to move forward, what fines if any they want him to pay. What permits are needed, aside from the Special Use Permit, unless there was some kind of agreement where he doesn't have to do the drainage and the sidewalks and everything like that right now, because financially it's just not the time.

Mr. Burke stated that Mr. Ramos was before the wrong Board, he needs to be in front of the Planning Board. Mr. Ramos stated he's not ready to plan anything right now. Mr. Burke stated that Mr. Ramos was asking this Board to look at what the Town professionals have been working on for several months and say that what they did was incorrect.

Mr. Ramos stated that he just appealed and was sent to Zoning, they should have sent him to the other Board.

Mr. Skwirz stated that there are aspects of applying for a Special Use Permit that Mr. Ramos may think are a little bit too onerous, he can go to the Planning Board and ask for

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variances, he can ask for waivers, try to slim down the application; they can agree to those requests if they think it should be streamlined or may ask for certain things; that's part of the back and forth. He thinks the best thing would be to just get the application in, start the conversation with the Planning Board and see where he ends up.

Mr. Ramos agreed to meet with the Planning Department, as long as everyone agrees that lot 15 and lot 16 are separate. Lot 15 and Lot 16 share an easement, but if down the line he wants to put two buildings up, once he makes them one lot he could only put one building on that lot and the setbacks change. He doesn't know right now what he wants to put there.

Mr. Skwirz explained that he doesn't have to combine those two lots.

Mr. Ramos stated that if he's going to move forward with a Special Use Permit, as long as the site plan is for Lot 15, he has no problem doing a site plan and Special Use, based on the existing conditions and showing that they're not going to change. But, as far as taking down a tent and containers, that's unrealistic, unless we start going around Town and doing that everywhere.

Mr. Asciola stated that they are trying to come to a good conclusion so that he can keep his business going while this is all happening, try to keep everyone happy and keep the business going.

Mr. Skwirz stated that he just spoke with Ms. Williamson and wanted to clarify that he doesn't need to combine the two lots. If he had a use that goes on both lots, he might need to get a review on what the uses are; but that doesn't mean he has to combine the two lots into one. But if the use is on two lots, he could bring it in for review but still keep them as two lots.

Mr. Ramos stated that it then seemed that he should go before the Planning Board.

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Mr. Tanner stated he didn't want Mr. Ramos to leave this hearing thinking of anything other than what was already said. He needs to follow everything that was noted in the letter of violation. What needs to go, what can stay, that's going to be up to the Planning Board. There's nothing to decide here, other than whether the violation stands or not. Mr. Ramos is either going to go to the Planning Board and try to get his development reviewed and a Special Use Permit. Or he's not going to, and they will go to Court.

The Board agreed with Mr. Ramos that he should be before Planning and suggested he withdraw his appeal, because all the violations are still effect.

Mr. Burke stated that if Mr. Ramos applies to the Planning Board, as recommended, then he is pretty sure that the Town may not enact enforcement while he's working with the Planning Board.

Mr. Skwirz stated that the quickest and simplest thing to do, if he wants to withdraw the appeal, he can get the paperwork he needs to gather for a Special Use Permit application and land development application for the Planning Board. If there are certain things he thinks are to onerous in the application, just flag it; that will be a request for a waiver. Then get before the Planning Board; that's the quickest way forward. If he goes through that process and keeps on track the Town can work with him.

Ms. William explained that the Planning Board meets every month and there are due dates when the application has to be submitted to be heard on the agenda. From her perspective, if perhaps there could be some sort of a deadline or a file by date, she wouldn't have any problem.

Mr. Tanner stated that he issued the violation on December 10th, they asked that Mr. Ramos file by February 10th, or appeal within 20 days and he chose to appeal. So, he was

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given two months to answer the violation by filing with the Planning Board or moving forward. So, he would suggest that Mr. Ramos be given two months from this hearing to file his application with the Planning Board.

Mr. Ramos confirmed that he is aware of the check list for the application. He also stated that if he goes forward with a Special Use Permit and a development plan for that lot, can we know that this is a temporary tent, it is coming down and forego the process of doing something on lot 15. Because, in all honesty, if the Town can work with me and get me approved and get the metal building, I want on Lot 16, this tent is coming down, it's a temporary thing.

The Board agreed that it must be worked out with the Planning Board.

During discussion between the Board and Solicitor, it was discussed that if Mr. Ramos doesn't apply to the Planning Board in a timely manner, then it will go to Municipal Court.

Mr. Ramos stated that he is going to decide if he's going to put in a Special Use Permit for either 16 or 15; and if he puts it in for 16 and the Town has to bring it to Municipal Court, he'd probably be willing to take that risk with the tent and explain to the Judge at that point, listen I'm going forward with development on lot 16. He doesn't want to have to put a development plan on this lot that's just going to be a dirt storage area. Right now, it has a temporary tent on it, but in time that lot is going to go right back to what it was, with probably a screener on it, a pile of mulch, a pile of dirt. If anything, he's cleaned up the lot, it's not looking like it did before, it's just more stuff there, as far as his business size. So, he would like to proceed with the two-month window, and we'll play it by ear on how he applies. He's going to apply for a Special Use Permit. It's the matter of is he applying for the steel building he wants to put on lot 16 or apply for what he thinks is kind of a useless form for a tent on lot 15, that's only going to be coming down.

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Mr. Skwirz stated that it is obviously Mr. Ramos' choice within that two-month window. He thinks its quicker and easier to avoid going to Municipal Court, because then you just get tied up and probably end up with the same problem you had before. So, even if he talks to Staff and they want a little bit of a different scope of a Special Use Permit to include the tent structure, probably it makes more sense to put the application in, even if he has to ask for certain waivers and variances in order to make it less onerous to put it together. But it's up to Mr. Ramos.

Mr. Greenleaf stated that the Code sets 180 days for a temporary structure, but it is possible to extend that if there is a target date, and he is willing to explore that.

Mr. Ramos agreed to withdraw.

In response to Mr. Burke asking if a motion to withdraw was needed, Mr. Skwirz said it wasn't necessary.

X X X X X X

(The appeal was withdrawn)

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10. Request for extension of variance approval:

**DEVIN P. & MELISSA L. LANNAN
ROSELAND AVNUE; PL. 121, LOT 76
(FILE NO. 2020-41)**

The Board had a detailed discussion where it was decided that this application has been on-going for five years; many things have changed including the calculations on determining the waiver of installing public water versus a well installation. They all agreed that this application must be resubmitted.

X X X X

MR. BURKE: I'm going to make a motion that we reject the request for extension for lot 76 Roseland Avenue.

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Request Denied)

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11. ADJOURNMENT:

X X X X X X

MR. BURKE: Motion to adjourn?

MR. KERN: So moved.

MR. BRUM: Second.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:41 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 07 APRIL 2025

Date Accepted: May 5, 2025

Vice-Chairman: OK Benke