



Town of Bristol, Rhode Island
Zoning Board of Review

10 Court Street
Bristol, RI 02809
401-253-7000
www.bristolri.gov

File #2022-37

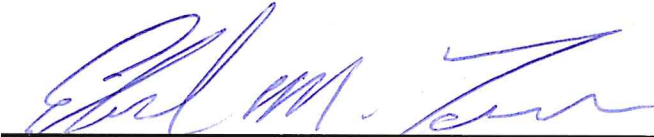
PUBLIC HEARING

Notice is hereby given by the Zoning Board of Review
that a public hearing will be held on the following application:

Monday, December 5, 2022
at 7:00 P.M.
Bristol Town Hall
10 Court Street

APPLICANT: **The Malverne Trust c/o Bart Kavanaugh and Betty Saks**
PROPERTY OWNER: **The Malverne Trust**
LOCATION: **Low Lane**
PLAT: 166 LOT: 16
ZONE: **R-40**

APPLICANT IS REQUESTING A SPECIAL USE PERMIT: to temporarily maintain four (4) prefabricated relocatable shipping / storage containers on a residential property.



Edward M. Tanner,
Principal Planner / Zoning Enforcement Officer

Scanned copies of all applications and supporting materials will be available on the Town of Bristol web site at <https://www.bristolri.gov/government/boards/zoning-board-of-review/>. If you have any comments regarding this petition, but are unable to attend, you may submit your comments in writing to the Zoning Board via regular mail addressed to: Zoning Board of Review, Bristol Town Hall, 10 Court Street, Bristol, RI 02809 or via email to etanner@bristolri.gov. Written comments should be received no later than 12:00 p.m. on Thursday, December 1, 2022.



Town of Bristol, Rhode Island
Department of Community Development
Zoning Board of Review

APPLICATION

File No: 2022-37
Accepted by ZEO: EMT 11/7/2022

APPLICANT	Name: THE MALVERNE TRUST c/o BART KAVANAUGH AND BETTY SAKS
	Address: 619 SOUTH BEACH
	City: JUPITER ISLAND State: FL Zip: 33469
	Telephone #: Home: 772-224-7964 Work/Cell:
PROPERTY OWNER	Name: DELEWARE TRUST COMPANY, CO TRUSTEE OF THE MALVERNE TRUST
	Address:
	City: State: ZIP:
	Telephone #: Home: Work/Cell:

1. Location of subject property: <u>0 LOW LANE</u>	2022 NOV - 7 PM 1:39 COMMITTEE DECISION
Assessor's Plat(s)#: <u>166</u> Lot(s) #: <u>16</u>	
2. Zoning district in which property is located: <u>R-40</u>	
3. Zoning Approval(s) required (check all that apply): <u> </u> Dimensional Variance(s) <u> X </u> Special Use Permit <u> </u> Use Variance	
4. Which particular provisions of the Zoning Ordinance is applicable to this application?: Dimensional Variance Section(s): _____ Special Use Permit Section(s): _____ Use Variance Section(s): _____	
5. In a separate written statement, please describe the grounds for the requested variance or special use permit and how the proposal will meet the standards found in Section 28-409 of the Zoning Ordinance.	
6. How long have you owned the property?: _____	
7. Present use of property: <u>VACANT RESIDENTIAL LAND</u>	
8. Is there a building on the property at present?: <u>NO</u>	
9. Dimensions of existing building (size in feet, area in square feet, height of exterior in feet): _____ _____ _____	
10. Proposed use of property: <u>PLEASE SEE ATTACHED EXHIBIT "A".</u>	

11. Give extent of proposed alterations: _____
12. Dimensions of proposed building/addition (size in feet, area in square feet, height of exterior in feet): _____
13. If dimensional relief is being sought, please state the required and proposed dimensions and setback distances between the proposed building/addition and each lot line:
- | | | |
|----------------------|-------------------------|-------------------------|
| Front lot line(s): | Required Setback: _____ | Proposed Setback: _____ |
| Left side lot line: | Required Setback: _____ | Proposed Setback: _____ |
| Right side lot line: | Required Setback: _____ | Proposed Setback: _____ |
| Rear lot line: | Required Setback: _____ | Proposed Setback: _____ |
| Building height: | Required: _____ | Proposed: _____ |
- Other dimensions (building size, lot coverage, lot area, parking, sign dimensions, etc.):
 Required: _____ Proposed: _____
13. Number of families before/after proposed alterations: _____ Before _____ After
14. Have you submitted plans for the above alterations to the Building Official? _____
 If yes, has he refused a permit? _____ If refused, on what grounds? _____
15. Are there any easements on your property?: NO (If yes, their location must be shown on site plan)
16. Which public utilities service the property?: Water: YES Sewer: YES
17. Is the property located in the Bristol Historic District or is it an individually listed property?: NO
18. Is the property located in a flood zone? NO If yes, which one?: _____

I, the undersigned, attest that all the information provided on this application is true and accurate to the best of my knowledge:

Applicant's Signature: Bruce H. Fox, Esq. Attorney in Law Date: 11/4/22

Print Name: The Madvenne Trust

Property Owner's Signature: Bruce H. Fox, Attorney in Law Date: 11/4/22

Print Name: The Delaware Trust Company

Name of attorney or agent (engineer, architect, etc.), if any, who is authorized to represent the applicant:

Name: Bruce H. Fox, Esq. Telephone #: 401 437-1100

Address: 1481 Wampanoag Trail, East Providence, RI

Assessor Plat 166 Lot 16

EXHIBIT "A"

The lot in question is Lot 16 on Assessor's Plat 166 and is immediately adjacent to, 13 Low Lane known as Assessor's Plat 166, Lot 5, where the Applicant is constructing a 12,000 sq. ft. residence. These two parcels are bisected by the access driveway of 15 Low Lane.

The intermodal containers on Assessor's Lot 16 are located there to facilitate the construction of the house on Assessor's Lot 5. The containers are located on Lot 16 because of natural existing conditions on the construction site, the extent of which created a hardship. The hardships are twofold. The first is caused by the constraints of use of this site by specimen trees the second being the fall-away a nature of the western topography of the lot which renders that area useless for the purposes intended.

Generally, the construction site has a relatively flat entry on its eastern boundary where the house is being built after which it falls away deeply to the west. The flat area on the eastern boundary contains a number of specimen trees as one enters the lot. The storage of supplies in units, containers and trucks on this land would damage the root system of the trees there and cause the potential loss of a number of specimen trees which would be detrimental to the property and the area. As one progresses further into the property on the upper areas where it is level the house is being constructed, the driveway is being constructed, the accessory building is being constructed and a number of onsite materials are already stored on the northern most end of this upper area.

The area to the west falls away steeply down to the water as can be seen on the topography plan attached as exhibit "A". The pitch of the land to the west is at such an angle it would be impossible to place functioning storage containers and materials on it and have reasonable access. If they were placed on the property in a north-south orientation or parallel to the water, the lower edge of the containers would have to be propped up with considerable construction or regrading in order to make them level and then access would be hampered by the angle of the land relative to the floor of the container. Obviously, if they were placed in an east-west orientation, either all of the materials would slide to the back end of the container to the west or if they were faced with the door facing the west the materials could fall out and onto the work people. The two conditions would not be reasonable.

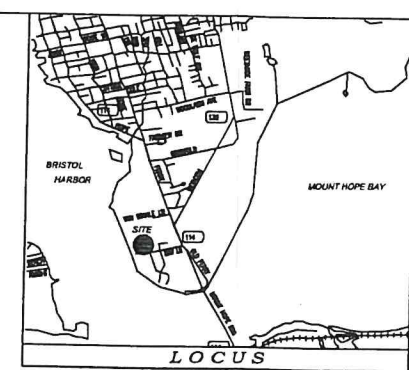
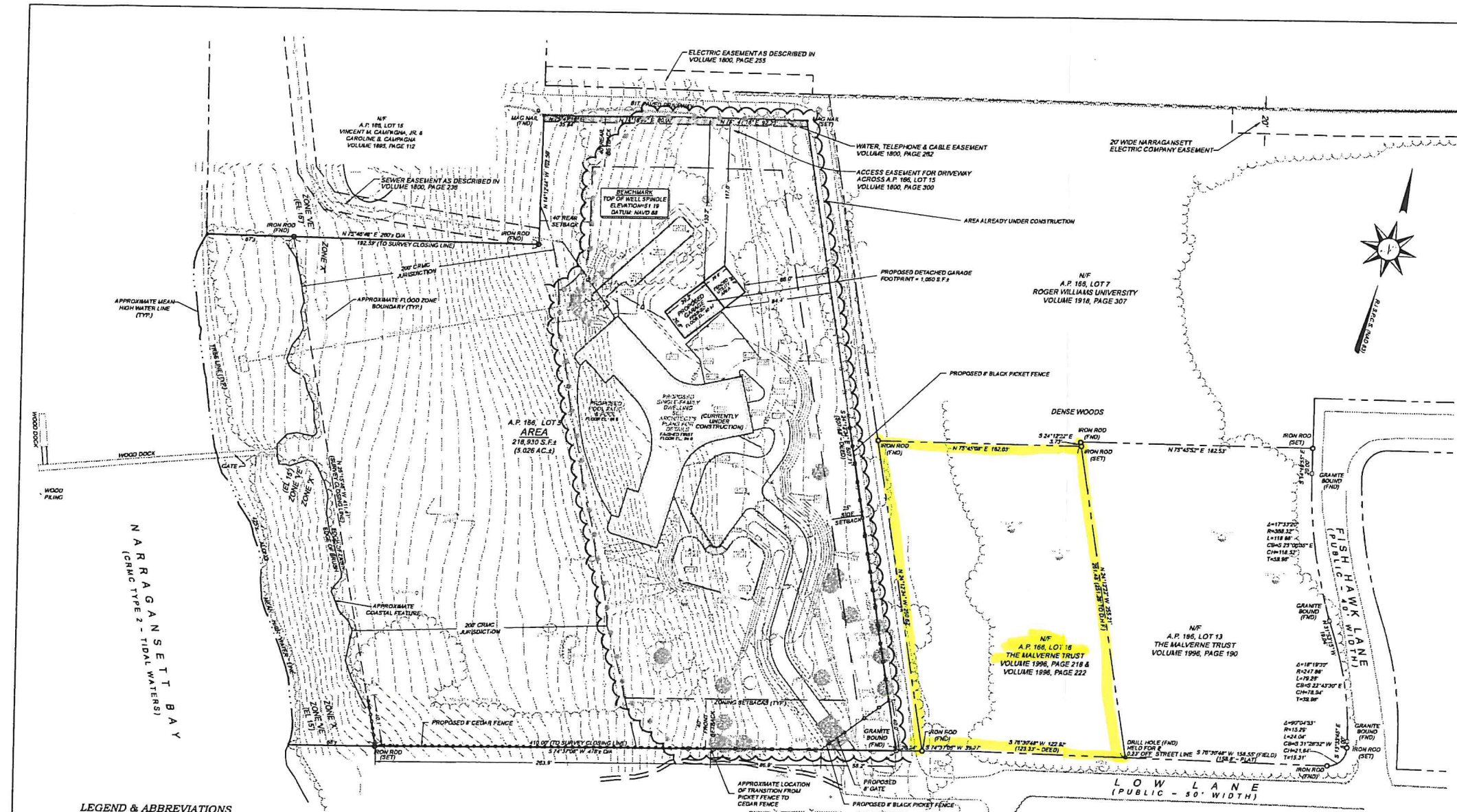
The use of the adjacent lot is the only logical answer. The containers themselves are placed well into back hedges of Assessor's Lot 16. They are (or will be) no closer than 25 feet to a lot line abutting a residential zoned property (2) are not located in the front yard of the property (3) are not reducing the amount of off-street parking required for the principal use of the property (4). It was believed that they were screened by hedge and growth sheilding them from public view from the road. However, an exception has been taken that they're visible from the access drive of 15 Low Lane.

Section 28-148 allows this Board to issue a Special Use permit for storage of

prefabricated, relocatable steel buildings, box trailers or shipping or cargo containers (hereinafter “storage containers”) upon the showing or demonstrated hardship. Section 28-148 allows open storage within a residential zone or adjacent to a residential zone provided an opaque fence or compact evergreens of not less than 6 feet and height is created.

To satisfy these standards, we believe we demonstrated by virtue of the topography of the lot 5, where the construction is ongoing, prevents the placement of temporary storage containers there. It would either be damaging to the property or functionally impossible. The Applicant will in-fact install an opaque fence along the full western boundary of its lots such that the containers can not be seen from the access drive of 15 Low Lane. Additionally, fencing will be placed along the lot as it abuts Low Lane so that containers will not be visible from Low Lane.

With this done, it is respectfully requested that the Zoning Board issue a Special Use Permit to the Applicant allowing the continued placement of the intermodal storage containers on lot 16 during the construction of the house on lot 5. Once the construction is complete the containers and fencing will be removed and the lot graded.

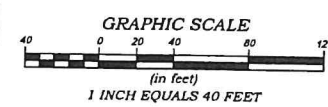


LEGEND & ABBREVIATIONS

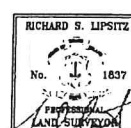
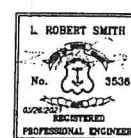
- | | | | |
|---------|----------------------------|-----|--------------------------|
| NF | - NOW OR FORMERLY | --- | - PROPERTY LINE |
| A.P. | - ASSASSIN'S PLAT | --- | - ZONING SETBACK LINE |
| S.F. | - SQUARE FEET | --- | - EXISTING CONTOUR |
| AC | - ACRES | --- | - NEW CONTOUR |
| + | - PLUS OR MINUS | --- | - STONE WALL |
| STY | - STORY | --- | - FENCE |
| W/F | - WOOD FRAMED | --- | - SEWER LINE |
| SH* | - STATE HIGHWAY PLAT | --- | - DRAIN LINE |
| RET | - RETAINING WALL | --- | - WATER LINE |
| PED | - PEDESTRIAN | --- | - GAS LINE |
| (TND) | - TOWN | --- | - ELECTRIC LINE |
| R/RD | - R/HIGHWAY BOUND | --- | - SANITARY SEWER MANHOLE |
| PK NAIL | - MISCELLANEOUS NAIL | --- | - CATCH BASIN |
| FE | - FLEATED END | --- | - STORM DRAIN MANHOLE |
| RCP | - REINFORCED CONCRETE PIPE | --- | - WATER GATE |
| CLF | - CHAIN LINK FENCE | --- | - GAS VALVE |
| HW | - HOLE | --- | - ELECTRIC MANHOLE |
| X 10.00 | - EXISTING SPOT GRADE | --- | - GRANITE BOUND |
| | - NEW SPOT GRADE | --- | - DRILL HOLE |
| | | --- | - IRON PIPE |

NOTES / REFERENCES

- SEE SHEET 1 FOR EXISTING CONDITIONS NOTES & REFERENCES
- THE SITE IS CURRENTLY UNDER CONSTRUCTION. THIS PLAN IS ONLY FOR THE ZONING RELIEF RELATED TO THE PROPOSED GARAGE & FENCE.



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SIGNATURES MUST BE IN BLUE INK TO CONSTITUTE AN ORIGINAL PLAN

CERTIFICATION

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON APRIL 23, 2018, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: COMPREHENSIVE BOUNDARY SURVEY

OTHER TYPE OF SURVEY: DATA ACCUMULATION TOPOGRAPHIC SURVEY

THE PURPOSE FOR CONDUCTING THIS SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

DETERMINE THE LOCATION OF THE BOUNDARY OF THE SUBJECT PROPERTY IN RELATION TO THE EXISTING IMPROVEMENTS AND PREPARE A PLAN SHOWING THE RESULTS OF THE SURVEY.

BY: *[Signature]* 1837 03/26/2021
RICHARD S. LIPSITZ, P.L.S. REG. NO. 1837
WATERMAN ENGINEERING COMPANY (C/O NO. 15 DOWNSIDE)

ZONING SUBMISSION

1	03/26/2021	REVISED PROPOSED FENCE HEIGHT PER CLIENT	ASL
NO	DATE	REVISION	CHECKED BY
ZONING SITE PLAN A.P. 166, LOT 5 LOW LANE BRISTOL, RHODE ISLAND			
THE MALVERNE TRUST C/O BART KAVANAUGH & BETTY SAKS 619 90 BEACH ROAD JUPITER ISLAND, FL 33469			
PROJECT NO. 18-051			
SCALE 1" = 40'			
DATE 3/12/2021			
DRAWN BY CRP/BJT/MJS			
CHECKED BY RSL/LCS			
SHEET 3 OF 3			
DATE 3/12/21			
DRAWN BY 2-1			

Waterman
ENGINEERING COMPANY
619 90 BEACH ROAD
JUPITER ISLAND, FL 33469
TEL: 561.746.2777
WWW.WATERMANENGINEERING.COM

Previous Owners & Sales Information						Deed Type
Grantor	Date	Sale Price	Leq Ref	NAL		
NICHOLSON, PAUL C III & THOMAS H	09/05/2019	125,000	1996-222	B		T
NICHOLSON, PAUL III & THOMAS H	09/05/2019	125,000	1996-218	B		T
NICHOLSON, PAUL C. JR,	07/22/2005	0	1223-301			
NICHOLSON, PAUL C JR	07/22/2005	0	1223-298			Q
NICHOLSON, PAUL C JR	07/22/2005	0	1223-298			

► Previous Assessments								
Year	LUC	Building	SFYI	Land Size	Land	AGR Credit	Appraised Value	Assessed Value
2022	13	0	0	1	649,300	0	649,300	649,300
2021	13	0	0	1	480,100	0	480,100	480,100
2020	13	0	0	1	480,100	0	480,100	480,100
2019	13	0	0	1	480,100	0	480,100	480,100
2018	13	0	0	1	377,900	0	377,900	377,900
2017	13	0	0	1	377,900	0	377,900	377,900

[illegible]



0 Low Lane - 300' Radius

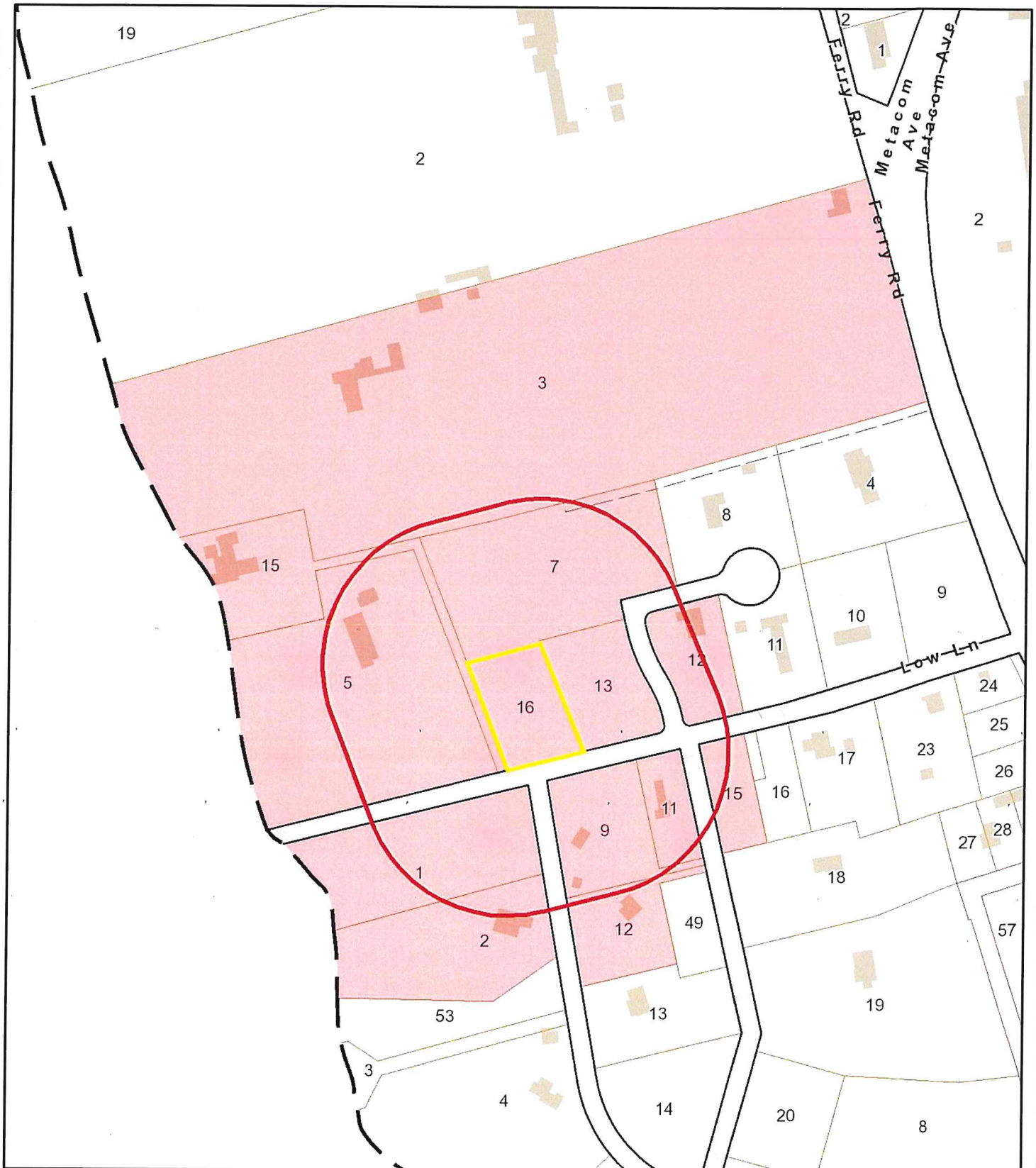
Bristol, RI



November 16, 2022

1 inch = 281 Feet

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



300 foot Abutters List Report

Bristol, RI
November 16, 2022

Subject Property:

Parcel Number: 166-16
CAMA Number: 166-16
Property Address: LOW LN

Mailing Address: MALVERNE TRUST C/O BART
KAVANAUGH &
619 SOUTH BEACH RD
JUPITER, FL 33469

Abutters:

Parcel Number: 166-12
CAMA Number: 166-12
Property Address: 7 FISH HAWK LN

Mailing Address: FULTON, FRANK T. II
7 FISH HAWK LN
BRISTOL, RI 02809

Parcel Number: 166-13
CAMA Number: 166-13
Property Address: LOW LN

Mailing Address: MALVERNE TRUST
C/O BART KAVANAUGH & BETTY SAKS
619 SOUTH BEACH RD
JUPITER, FL 33469

Parcel Number: 166-15
CAMA Number: 166-15
Property Address: 15 LOW LN

Mailing Address: CAMPAGNA, VINCENT M & CAROLINE
TRUSTEES
15 LOW LN
BRISTOL, RI 02809

Parcel Number: 166-16
CAMA Number: 166-16
Property Address: LOW LN

Mailing Address: MALVERNE TRUST C/O BART
KAVANAUGH &
619 SOUTH BEACH RD
JUPITER, FL 33469

Parcel Number: 166-3
CAMA Number: 166-3
Property Address: 55 FERRY RD

Mailing Address: ROGER WILLIAMS UNIVERSITY
1 OLD FERRY RD
BRISTOL, RI 02809

Parcel Number: 166-5
CAMA Number: 166-5
Property Address: 13 LOW LN

Mailing Address: MALVERNE TRUST DELAWARE TRUST
CO -CO-TRUSTEE
619 SOUTH BEACH RD
JUPITER, FL 33469

Parcel Number: 166-7
CAMA Number: 166-7
Property Address: FERRY RD

Mailing Address: ROGER WILLIAMS UNIVERSITY
1 OLD FERRY RD
BRISTOL, RI 02809

Parcel Number: 167-1
CAMA Number: 167-1
Property Address: LOW LN

Mailing Address: LOW DOCK, LLC
C/O KATHRYN LOW 63 HILL CREST ST
AUBURN, ME 04210

Parcel Number: 167-11
CAMA Number: 167-11
Property Address: 14 LOW LN

Mailing Address: LOW, J. GILMAN TRUST (75%) LOW,
NICHOLAS E & HARRIET P (25%)
3758 TALKING CIR
LANGLEY, WA 98260

Parcel Number: 167-12
CAMA Number: 167-12
Property Address: 3 MONKEY WRENCH LN

Mailing Address: SPARROW KATHERINE FULTON
TRUSTEE1
3 MONKEY WRENCH LN
BRISTOL, RI 02809



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11/16/2022

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300 foot Abutters List Report

Bristol, RI
November 16, 2022

Parcel Number: 167-15
CAMA Number: 167-15
Property Address: LOW LN

Mailing Address: LOW, J. GILMAN TRUST (75%) LOW,
NICHOLAS E & HARRIET P (25%)
3758 TALKING CIR
LANGLEY, WA 98260

Parcel Number: 167-2
CAMA Number: 167-2
Property Address: 30 MONKEY WRENCH LN

Mailing Address: MCCLAVE, WILKES
PO BOX 247
LYME, NH 03768

Parcel Number: 167-9
CAMA Number: 167-9
Property Address: 20 LOW LN

Mailing Address: LOW, WILLIAM H
63 HILL CREST ST
AUBURN, ME 04210



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11/16/2022

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CAMPAGNA, VINCENT M &
CAROLINE TRUSTEES
15 LOW LN
BRISTOL, RI 02809

SPARROW KATHERINE FULTON
3 MONKEY WRENCH LN
BRISTOL, RI 02809

FULTON, FRANK T. II
7 FISH HAWK LN
BRISTOL, RI 02809

LOW, J. GILMAN TRUST (75
LOW, NICHOLAS E & HARRIET
3758 TALKING CIR
LANGLEY, WA 98260

LOW DOCK, LLC
C/O KATHRYN LOW
63 HILL CREST ST
AUBURN, ME 04210

LOW, WILLIAM H
63 HILL CREST ST
AUBURN, ME 04210

MALVERNE TRUST
C/O BART KAVANAUGH & BETTY
SAKS
619 SOUTH BEACH RD
JUPITER, FL 33469

MALVERNE TRUST
C/O BART KAVANAUGH &
619 SOUTH BEACH RD
JUPITER, FL 33469

MALVERNE TRUST
DELAWARE TRUST CO -CO-TRU
619 SOUTH BEACH RD
JUPITER, FL 33469

MCCLAVE, WILKES
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