



## Town of Bristol, Rhode Island *Zoning Board of Review*

### STAFF REPORT FOR:

FILE NO. 2022-36

APPLICANT: Joshua Syska  
LOCATION: 1 Jane Lane  
PLAT: 51 LOT: 12 ZONE: R-15

### APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:

Install approximately 270 linear feet of six foot high privacy fencing, portions of which are at a height greater than permitted in the front yard on a corner lot.

### COMPREHENSIVE PLAN REVIEW:

As this application is for a dimensional variance, it does not require review by the Planning Board per Section 28-409(b) of the Zoning Ordinance.

### FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a dimensional variances to install several lengths of six-foot-high vinyl privacy fencing within the front yard setback on this corner lot located on the southerly side of Chestnut Street and easterly side of Jane Lane. The proposed fence would extend along an approximate 109 foot length of the northerly front property line at Chestnut Street. The fence would then turn southerly with additional fencing running along the easterly rear property line and with a gated section running to the northwest corner of the existing dwelling. Portions of the proposed fence, including the entire northerly section and approximately 30 foot portions of the easterly and westerly sections, would be located within the 35 foot front yard setback from Chestnut Street. The zoning ordinance permits fencing within the front yard to a maximum height of four feet.

11/29/2022

Edward M. Tanner, Zoning Officer



## Town of Bristol, Rhode Island Zoning Board of Review

### STAFF REPORT FOR:

FILE NO. 2022-37

APPLICANT: The Malverne Trust c/o Bart Kavanaugh and Betty Saks  
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.

#### COMPREHENSIVE PLAN REVIEW:

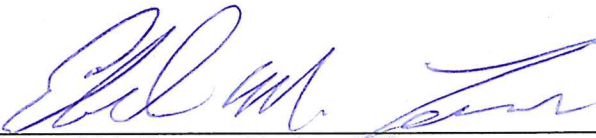
As this application is for a special use permit, it requires review by the Planning Board or the Technical Review Committee (TRC) per Section 28-409(b) of the Zoning Ordinance. The TRC reviewed this application at a meeting on November 28, 2022, and they made a recommendation to approve the request for a special use permit subject to conditions (see attached memorandum from Diane Williamson).

#### FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a special use permit to temporarily maintain four (4) metal storage / shipping containers on this property located on the northerly side of Low Lane. Lot 16 is a primarily undeveloped parcel that is currently being utilized as a staging area for construction of a new residential dwelling at the nearby 13 Low Lane property to the west. The applicant's proposal is to maintain four 40-foot long containers for use in storing building supplies during house construction. These containers are currently located on the property. Lot 16 is separated from the 13 Low Lane parcel (lot 5) by an approximate 20 foot wide strip of land that provides driveway access to the property at 15 Low Lane.

The applicant recently submitted additional information, identified as Exhibit B (see attached), which depicts the location of the storage containers and notes the location of proposed "green opaque fencing". This fencing is to be located along the westerly property line of lot 16 as well as along portions of the northerly and southerly property lines to shield view of the containers from the public street and from neighboring properties. During the TRC meeting noted above, the applicant was asked to provide additional information on the design and style of proposed fencing.

The Zoning Ordinance permits the keeping of "prefabricated relocatable steel buildings, box trailers, or shipping or cargo containers" as an accessory in the R-40 zone only with a special use permit. In addition to the standards for relief for a special use permit found in Section 28-409(c)(2) of the Zoning Ordinance, the proposed use is also subject to the four specific standards found in Section 28-150(i).

  
Edward M. Tanner, Zoning Officer 11/29/2022



# Town of Bristol, Rhode Island

## *Department of Community Development*

10 Court Street  
Bristol, RI 02809  
[www.bristolri.us](http://www.bristolri.us)  
401-253-7000

November 29, 2022

TO: Zoning Board of Review Members

FROM: Diane M. Williamson, Administrative Officer  
Technical Review Committee

RE: **Special Use Permit Application, File No. 2022-37**  
**Low Lane, Plat 166, Lot 16**  
**Temporary Use of four (4) Storage / Shipping Containers**

*Diane M. Williamson*

The Technical Review Committee (TRC) met on November 28, 2022 to review the above application and provide a recommendation to the Board on the Special Use Permit.

After review of the application materials, and discussions with the applicant's representatives, a motion was unanimously passed to recommend approval of the Special Use Permit subject to the applicant presenting a detailed design of the proposed fencing / screening to the Board. Representatives for the applicant were present at the TRC meeting and described the proposed location and design of fencing and screening to block view of the storage containers from Low Lane and neighboring properties. The TRC recommended that the applicant submit detailed sketches and photos of the site to the Board for review at the public hearing.

This recommendation is advisory, and is in no way binding on the Zoning Board in their decision making.

Thank you.



**Ed Tanner**

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**From:** Christina Vieira <christina@slepkowlaw.com>  
**Sent:** Monday, November 28, 2022 3:14 PM  
**To:** Ed Tanner  
**Subject:** Bart Kavanaugh and Better Saks  
**Attachments:** ed tanner.pdf

**Caution:** CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,  
Attached please find a copy of Exhibit B for the Malverne Trust Application

Thank you

Christina A. Vieira for Bruce H.

Cox

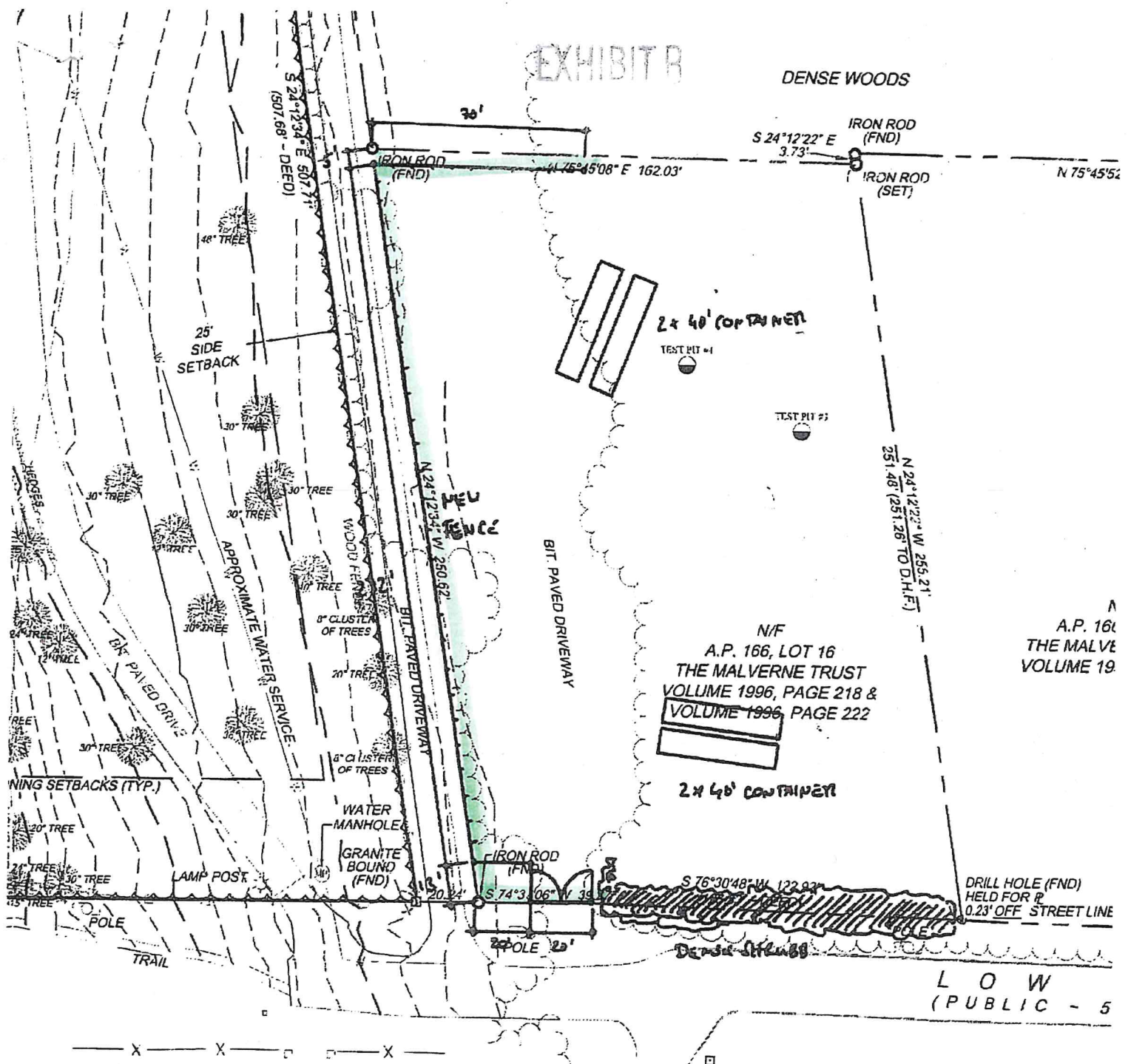
Slepkow, Slepkow & Associates, Inc.  
1481 Wampanoag Trail  
East Providence, RI 02915  
T: (401) 437-1100  
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[christina@slepkowlaw.com](mailto:christina@slepkowlaw.com)

**Welcome back! We are now allowing real estate agents and loan originators to attend closings. We look forward to seeing you soon.**

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**EXHIBIT "B"**  
**OF THE MALVERNE TRUST APPLICATION**  
**c/o BART KAVANAUGH AND BETTER SAKS**  
**Special Use Permit Application 0 Low Lane AP166 AL 16**

Attached as Exhibit "B" is an enlargement of the lot in question as shown on Exhibit "A" to the application. It locates the current containers and the proposed positioning of the green opaque fencing that will be installed to shield the offending view.



= 40,000 SQ.FT.  
 = 150 FT.  
 = 40 FT.  
 = 40 FT.  
 = 25 FT.  
 = 35 FT.  
 = 20%

FROM CURRENT ZONING AND MAY NOT REFLECT THE  
'OF CONSTRUCTION OR ANY VARIANCES GRANTED.

**SITUATED IN A ZONE "VE" (EL. 15), AND ZONE "X" (AREAS  
2% ANNUAL CHANCE FLOODPLAIN) AS DESIGNATED  
CE PROGRAM, FIRM FLOOD INSURANCE RATE MAP BRISTOL  
DICTIONS) PANEL 18 OF 18 TOWN OF BRISTOL MAP NUMBER  
2014. FEDERAL EMERGENCY MANAGEMENT AGENCY".**

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## Town of Bristol, Rhode Island Zoning Board of Review

### STAFF REPORT FOR:

FILE NO. 2022-38

APPLICANT: NPT Healthworks / Dr. Daniel Hatch  
LOCATION: 413 High Street  
PLAT: 12 LOT: 94 ZONE: R-6

#### APPLICANT IS REQUESTING A SPECIAL USE PERMIT TO:

Convert an existing nonconforming commercial music school use to a nonconforming medical clinic (physical therapy, mental health counseling, and massage therapy) use in a residential zoning district.

#### COMPREHENSIVE PLAN REVIEW:

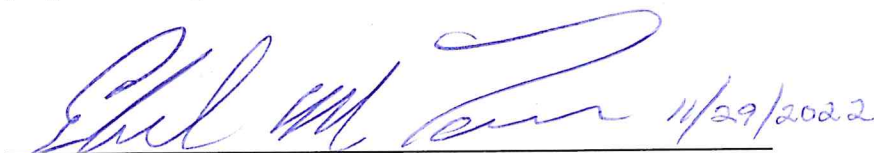
As this application is for a special use permit, it requires review by the Planning Board or the Technical Review Committee (TRC) per Section 28-409(b) of the Zoning Ordinance. The TRC reviewed this application at a meeting on November 28, 2022, and they made a recommendation to approve the request for a special use permit (see attached memorandum from Diane Williamson).

#### FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a special use permit to change an existing legal nonconforming commercial use to another nonconforming commercial use on this property located on the westerly side of High Street and southerly side of Bay Street. This property is located within the Residential R-6 zoning district, and it is improved with a single-story block building that has historically been occupied by commercial businesses.

Section 28-218 regulates buildings and structures that are nonconforming by use. Section 28-218(8)(a) specifically addresses the change of nonconforming use in residential zones. This section states that an existing nonconforming use may be changed to another nonconforming use within the same use code of the Permitted Use Table, or it may be changed to another nonconforming use by special use permit from the zoning board. I have determined that the existing music school is a "recreational school" under the Recreation category of the Permitted Use Table. The proposed use of a physical therapy/mental health counseling/massage therapy facility appears to most closely fit the "medical clinic" use within the Institutional and Governmental Services category of the Permitted Use Table. Thus, a special use permit is required to change from the existing to proposed nonconforming use. Please note that existing music school received a special use permit from the zoning board in 2006 (File #2006-62), as the use was changed from a previous nonconforming fish market retail use.

The proposed change of use is subject to the general standards for a special use permit found in Section 28-409(c)(2) of the Zoning Ordinance. There are no specific standards in Section 28-150 for this proposed change of use.

  
Edward M. Tanner, Zoning Officer



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401-253-7000

November 29, 2022

TO: Zoning Board of Review Members

FROM: Diane M. Williamson, Administrative Officer  
Technical Review Committee

RE: **Special Use Permit Application, File No. 2022-38**  
**413 High Street**  
**Nonconforming Medical Clinic Use in the R-6 Zone**

*Diane*

The Technical Review Committee (TRC) met on November 28, 2022 to review the above application and provide a recommendation to the Board on the Special Use Permit.

After review of the application materials, and discussions with the applicant, a motion was unanimously passed to recommend approval of the Special Use Permit.

The TRC noted that the proposed medical clinic / physical therapy office use would likely have less impact on the surrounding neighborhood from clients and traffic than the existing music school use.

This recommendation is advisory, and is in no way binding on the Zoning Board in their decision making.

Thank you.