

Town of Bristol, Rhode Island Zoning Board of Review

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

File #2023-13

PUBLIC HEARING

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

Monday, March 6, 2023

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: Residential R-40

APPLICANT IS REQUESTING A SPECIAL USE PERMIT: to modify a previous approval decision to temporarily maintain four (4) prefabricated relocatable shipping / storage containers on a residential property with screening to be provided by a combination of a solid wood gate and evergreen tree plantings.

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, March 2, 2023.

Town of Bristol, Rhode Island



Department of Community Development DEV. Zoning Board of Review

2023 FEB 10 PM 3: 50

APPLICATION | File

File No: 2023 - 13

Accepted by ZEO: E alio/2023

APPLICANT	Name: THE MALVERNE TRUST c/	o BART KAVANAUGH AND	BETTY SAKS	
	Address: 619 SOUTH BEACH			
	City: JUPITER ISLAND	State: FL	Zin	33//60
	Telephone #:	Home: 772-224-796	4 Work/Coll:	33409
PROPERTY	Name: DELEWARE TRUST COMPAN	Y, CO TRUSTEE OF THE	MAI.VERNE TRUCT	
OWNER	Address:		THE TRUBE	
	City:	State:	710.	
	Telephone #:	Home:	ZIP:	
		rionie.	vvork/Cell:	
1. Location of s	subject property: 0 LOW LANE			
Assessor	r's Plat(s)#:166	Lot(s) #: _	16	
2. Zoning distri	ct in which property is located:	R-40		
3. Zoning Appr	oval(s) required (check all that apply)	:		
I	Dimensional Variance(s)	XSpecial Use Permit		**
Special U	ular provisions of the Zoning Ordinan onal Variance Section(s): Use Permit Section(s): Lance Section(s):	nce is applicable to this app	*	
Т т т т т т т т т т т т т т т т т т т т	written statement, please describe the proposal will meet the standards found	in Section 28-409 of the Z	oning Ordinance.	al use permit
6. How long hav	e you owned the property?:			
	property:VACANT RESIDENTI			
8. Is there a buil	ding on the property at present?:	NO	*	
9. Dimensions of	existing building (size in feet, area in	square feet, height of exter	ior in feet):	
0. Proposed use	of property:PLEASE SEE ATTA	CHED EXHIBIT "A".		

11. Give extent of proposed alterations:	
12. Dimensions of proposed building/addition (size in feet, ar	ea in square feet, height of exterior in feet):
13. If dimensional relief is being sought, please state the requ between the proposed building/addition and each lot line:	ired and proposed dimensions and setback distances
Front lot line(s): Left side lot line: Required Setback: Right side lot line: Required Setback: Rear lot line: Required Setback: Required Setback: Required Setback: Other dimensions (building size, lot coverage, lot area, par Required:	Proposed Setback: Proposed Setback: Proposed Setback: Proposed Setback: Proposed: Proposed:
13. Number of families before/after proposed alterations: 14. Have you submitted plans for the above alterations to the liftyes, has be refused a powerit?	7 11101
If yes, has he refused a permit? If refused	Building Official?d, on what grounds?
5. Are there any easements on your property?:6. Which public utilities service the property?: Water:7. Is the property located in the Bristol Historic District or is an example.	(If yes, their location must be shown on site plan
8. Is the property located in a flood zone?	If yes, which one?:
the undersigned, attest that all the information provided on the nowledge: pplicant's Signature: Luckly, Emerint Name:THE MALVERNE TRUST	nis application is true and accurate to the best of my Date: 2/0/23
int Name: THE DELEWARE TRUST COMPANY	Esa Date: 2/10/23
me of attorney or agent (engineer, architect, etc.), if any, who	is authorized to represent the applicant: Telephone #:401-437-1100
dress: 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.

Previously the Applicant proposed a simple opaque fence to shield the intermodal containers from views from the access driveway of 15 Low Lane and Low Lane itself. After demonstrating the impossibility of placing them on the construction site of 13 Low Lane the Zoning Board rendered a favorable decision but required a fence, which while intended as a temporary fence, was far more substantial than a simple opaque fence. The owner of 15 Low Lane desired shrubbery. After investigating and finding the cost of the fence that the Board required the cost of shrubbery was investigated and while it was found to be half again the cost of the fence as required by the Board but at least it would not be wasted as the fence would be. The builder approached the owner of 15 Low Lane and the other member of the public that attended and walks his dog from Money Wrench onto Low Lane with the proposal of the installation of a permeant wooden gate on the Low Lane entrance and trees as were planted on the western sided of the access driveway of 15 Low Lane all as shown on the attached Exhibit of a series of pictures. Both remonstrators were in agreement that this would be the far more reasonable and desired solution. Thus it is asked that the Board grant this new petition for a Special Use Permit.

For clarity on the record the facts of the petition are repeated below.

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 ankle 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 shielding 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.

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 with the placement of the proposed trees and gate. Once the construction is complete the containers will be removed, the lot graded, the trees allowed to grow and entry gate will remain.

EXHIBIT A ELECTRIC EASEMENT AS DESCRIBED IN VOLUME 1800, PAGE 255 BRISTOL MOUNT HOPE BAY - WATER, TELEPHONE & CABLE EASEMENT VOLUME 1800, PAGE 262 LOCUS N/F A.P. 166, LOT 7 ROGER WILLIAMS UNIVERSITY VOLUME 1918, PAGE 307 DENSE WOODS 5 24'12'22' E (F IRON ROD 24 40 COPTHINET N/F A.P. 166, LOT 13 THE MALVERNE TRUST VOLUME 1996, PAGE 190 N/F A.P. 166, LOT 16 THE MALVERNE TRUST YOLUME 1996, PAGE 218 & VOLUME 1996, PAGE 222 A=18*19'30* R=247.88' L=79.28' CB=S 22*43'30* E CH=78.94' T=39.98' 2 × 46 CONTRIPER COLORDO DE POLE LOW LANE LEGEND & ABBREVIATIONS NOTES / REFERENCES - PROPERTY LINE
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- L REFERENCE IS MADE TO THE FOLLOWING MAPS AND PLANS OF RECORD; 6. THESE PREMISES ARE SITUATED IN AN 'R-40 ZONE A.) PLAN ENTITLED 'BOUNDARY & TOPOGRAPHIC SURVEY PLAN & P. 165, LOTS \$, 13 & 16 LOW LANE BRISTOL, RHODE ISLAND PREPARED FOR BART KAVANAGH & BETTY SAKS, PREPARED BY: WATERMAN FINGINFERING COMPANY, DATED: 1001/18, REVISED: 1205/1 SCALE: 1" = 40, PROJECT No.: 18-451; = 40,000 SQ.FT. = 150 FT. = 40 FT. = 40 FT. = 25 FT. = 35 FT. REFERENCE IS MADE TO THE FOLLOWING TOWN OF BRISTOL LAND EVIDENCE RECORDS REGARDING RECORDED TITLE TO THE PREMISES SURVEYED; TOWN OF BRISTOL SUBMISSION THESE PREMISES MAY BE SUBJECT TO AND/OR BENEFITED BY THE FOLLOWING EAS RIGHTS OF WAY OR AGREEMENTS OF RECORD: NOTE - ZONING INFORMATION IS FROM CURRENT ZONING AND MAY NOT REFLECT THE CONDITIONS AT THE TIME OF CONSTRUCTION OR ANY VARIANCES GRANTED. - MASONRY NAIL - FLARED END - REINFORCED CONCRETE PIPE A.) RIGHTS TO THE DEEP WATER DOCK (NORTHERLY AND ADJACENT TO THE SUBJECT PROPERTY) AS DESCRIBED IN VOLUME 120, PAGES 398 & 301 AND DOCK FASEMEN AGREEMENT AS DESCRIBED IN VOLUME 1800, PAGE 229 CHECKED BY - CHAIN LINK FENGE - INVERT - EXISTING SPOT GRADE - NEW SPOT GRADE 18.051 EXISTING CONDITIONS PLAN A.P. 166, LOT 5 LOW LANE B.) WATER, TELEPHONE & CABLE EASEMENT AS DESCRIBED IN VOLUME 1800, PAGE 262 TYPE OF BYUN ARY SURVEY: MEASUREMENT / ACCURACY SPECIFICATION 1- - 40 C.) BENEFITED BY A SEWER EASEMENT AS DESCRIBED IN VOLUME 1800, PAGE 236 5/27/2021 BRISTOL, RHODE ISLAND D.) ACCESS EASEMENT FOR DRIVEWAY ACROSS A.P. 166, LOT 15 AS DESCRIBED IN VOLUME 1800, PAGE 300 EBP/BJT/MS GRAPHIC SCALE THE MALVERNE TRUST C/O BART KAVANAGH & BETTY SAKS 619 SOUTH BEACH ROAD JUPITER ISLAND, FLORIDA 33469 RSL/BJT R. THE HORIZONTAL DATUM FOR THIS PROCEST IS THE FIG FR.C.S. (NAD 83) AND THE VERTICAL DATUM IS NAVO 88: THE PROJECT DATUMS WERE ESTABLISHED FROM REFERENCE STATIONS AND ONSE CORRE-RECEIVED FROM THE LEICA SMARTHET NORTH AMERICA RTK NETWORK WA CARLSON BRIS GNSS ANT RECEIVERS. THE PURPOSE FOR CONDUCTING THIS SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: 71. EMARE: 1801 | 201 | 202 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | DETERMINE THE LOCATION OF THE BOUNDARY FOR THE SUBJECT PROPERTY IN RELATION TO THE EXISTING IMPROVEMENTS AND PREPARE A PLAN SHOWING THE RESULTS OF THESURYEY. TOPOGRAPHY FROM AERIAL PHOTOGRAMMETRIC MAPPING WITH AERIAL PHOTOS EXPOSED SEPTEMBER 17, 2019, SUPPLEMENTED BY FIELD EDITS. THE FLOODPLAIN BOUNDARY'S DEPICTED HAVE BEEN OVERLAYED & APPROXIMATED USING FEMA'S ONLINE NATIONAL FLOOD HAZARD LAYER (NFHL) DATASET. 1 INCH EQUALS 40 FEET SOIL EVALUATIONS PERFORMED BY ECOTONES, INC. ENVIRONMENTAL CONSULTANTS, 1130 TEN ROD ROAD, D-101C, NORTH KINGSTOWN, RHODE ISLAND 02852 AND FIELD LOCATED BY WATERMAN ENGINEERING COMPANY. Waterman ENGINEERING COMPANY 12. COASTAL FEATURE DELINEATED BY NATURAL RESOURCE SERVICES, INC., P.O. BOX 311 - 180 TINKHAM LANE, HARRISVILLE, RHODE ISLAND 02830 IN JULY, 2021 AND FIELD LOCATED BY WATERMAN ENGINEERING COMPAN RICHARD S. LIPSITZ, P.L.S.







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Disclaimer - This Information is believed to be correct, but is subject to change and is not warranteed.

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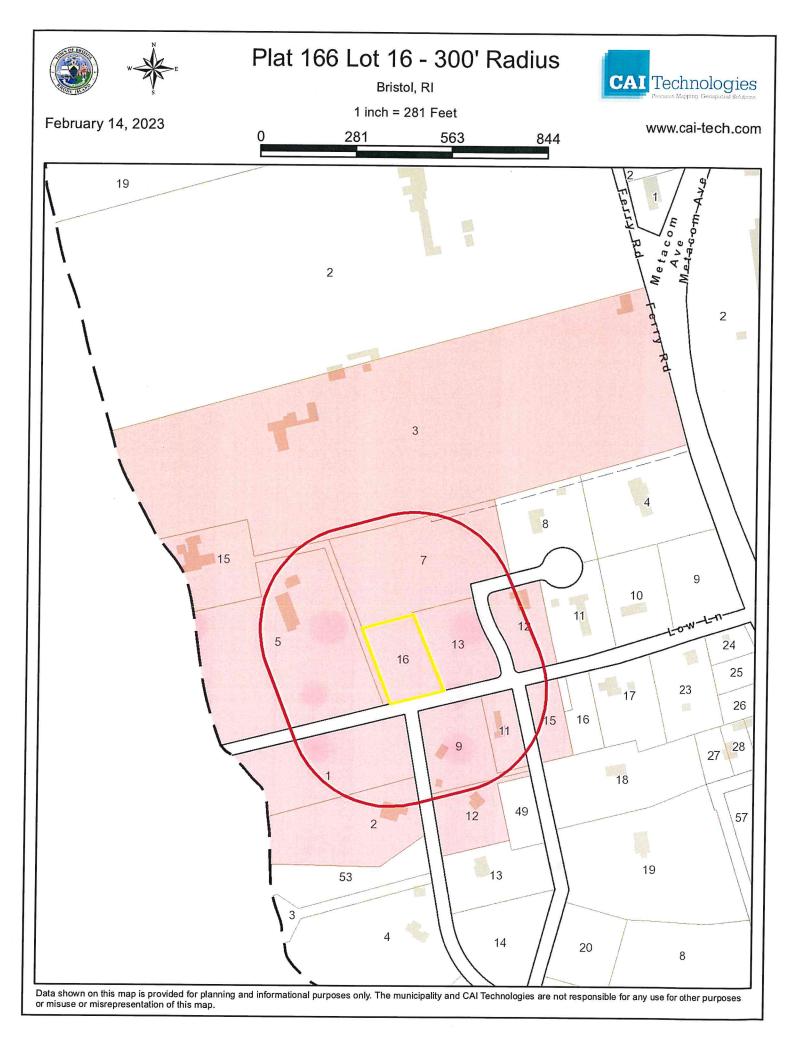
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Year ID: 2022

Print Date = 2/13/2023 Printed By = Counter





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

FULTON, FRANK T. II

Parcel Number:

166-13 **CAMA Number:**

166-13

Property Address: LOW LN

Parcel Number: CAMA Number:

166-15 166-15

Property Address: 15 LOW LN

Parcel Number: CAMA Number: 166-16 166-16

Property Address: LOW LN

Parcel Number: CAMA Number:

166-3

Property Address: 55 FERRY RD

166-3

Parcel Number:

166-5 166-5

CAMA Number: Property Address: 13 LOW LN

Parcel Number:

166-7 166-7

CAMA Number: Property Address:

FERRY RD

Parcel Number:

167-1

CAMA Number:

167-1

Property Address:

LOW LN

Parcel Number:

167-11 167-11

CAMA Number: Property Address: 14 LOW LN

Parcel Number:

167-12

CAMA Number: Property Address:

167-12

3 MONKEY WRENCH LN

Mailing Address:

7 FISH HAWK LN

BRISTOL, RI 02809

Mailing Address: MALVERNE TRUST

C/O BART KAVANAUGH & BETTY SAKS

619 SOUTH BEACH RD JUPITER, FL 33469

Mailing Address:

CAMPAGNA, VINCENT M & CAROLINE

TRUSTEES 15 LOW LN

BRISTOL, RI 02809

Mailing Address: MALVERNE TRUST C/O BART

KAVANAUGH &

619 SOUTH BEACH RD JUPITER, FL 33469

Mailing Address:

ROGER WILLIAMS UNIVERSITY

1 OLD FERRY RD BRISTOL, RI 02809

Mailing Address: MALVERNE TRUST DELAWARE TRUST

> CO -CO-TRUSTEE 619 SOUTH BEACH RD

JUPITER, FL 33469

Mailing Address: ROGER WILLIAMS UNIVERSITY

1 OLD FERRY RD BRISTOL, RI 02809

Mailing Address: LOW DOCK, LLC

C/O KATHRYN LOW 63 HILL CREST ST

AUBURN, ME 04210

Mailing Address:

LOW, J. GILMAN TRUST (75%) LOW,

NICHOLAS E & HARRIET P (25%) 3758 TALKING CIR

LANGLEY, WA 98260

Mailing Address:

SPARROW KATHERINE FULTON TRUSTEE1

3 MONKEY WRENCH LN BRISTOL, RI 02809



2/14/2023



Parcel Number: CAMA Number:

Property Address: LOW LN

167-15

167-15

Mailing Address: LOW, J. GILMAN TRUST (75%) LOW,

NICHOLAS E & HARRIET P (25%)

3758 TALKING CIR

LANGLEY, WA 98260

Parcel Number:

167-2

Mailing Address:

MCCLAVE, WILKES

PO BOX 247 LYME, NH 03768

CAMA Number:

167-2

Property Address: 30 MONKEY WRENCH LN

Mailing Address: LOW, WILLIAM H

63 HILL CREST ST

Parcel Number: CAMA Number: Property Address: 20 LOW LN

167-9 167-9

AUBURN, ME 04210

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