

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

02 JUNE 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 KERN
MR. TONY BRUM
MR. GEORGE D. DUARTE, JR.

ALSO PRESENT:

ATTORNEY ANDREW TEITZ, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Officer

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 Acting Chairman Burke at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the May 5, 2025 minutes

MR. DUARTE: I'll make a motion to approve.

MR. BRUM: Second.

MR. ASCIOLA: All in favor:

MR. BUKRE: Aye.

MR. DUARTE: Aye.

MR. KERN: 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:

NEW PETITIONS:

**2. 2025-15
KATHLEEN HUNT**

**80 Charles St.: R-10
Pl. 32, Lot 48**

Dimensional Variances to construct a 22' x 24' free-standing accessory dwelling unit (ADU) structure with less than the required lot area for an ADU within a new structure; and with less than the required front yard from Fox Hill Avenue on a corner lot.

Ms. Kathleen Hunt, 80 Charles Street, presented the Petition to the Board; and confirmed 80 Charles Street is her legal address. She explained that she was requesting approval for a modest well integrated ADU that supports local and State goals for expanding housing options, while remaining in harmony with the neighborhood's character and integrity of her lot. Her lot is legally nonconforming, as it falls below the 20,000 square thresholds now required for detached ADU. However, this dimensional deficiency represents a pre-existing hardship; one that she did not create and cannot reasonably rectify. The lot size is typical of the area and several nearby properties of comparable size that support multi-family dwellings or detached structures; many of which are grandfathered under prior zoning ordinances. This creates a clear burden of unfair treatment, while similarly situated neighbors have been afforded continued or intensified residential use through legal nonconformity. She is currently barred from the same opportunity due to the timing of more restrictive building standards. She is not looking to seeking to introduce more density or alter the neighborhood character, but rather to make reasonable and customary use of her property in a way that is in line with the established development pattern. Because her lot is located at the corner of Charles Street and Fox Hill Avenue, she was also requesting a variance

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from the front setback requirement along Fox Hill Ave. The proposed ADU will replace an existing garage that currently encroaches on the lot line. The new structure will be setback further from the street, built to code and thoughtfully designed to enhance both property values and neighborhood appearance. She understands that some neighbors may have questions about traffic or noise; but this ADU is intended as a quiet single-family unit, either for herself or for a modest long-term rental. It will include ample off-street parking and meet all applicable requirements. It is not intended for short-term rental or commercial use. She is currently living with her fiancé to save for its construction, 80 Charles Street remains her primary residence, and she intends to occupy either the main home or the ADU, depending on her future family needs. She designed this building modeled after a recently approved ADU on Metacom Avenue, which was reviewed and granted by this Board. The requested relief is comparable in scope, and she remains open to any architectural input from the Board to ensure that the final result blends seamlessly with the surrounding homes. The relief requested represents the least deviation necessary to allow reasonable use of the property and it arises from a pre-existing condition she did not create. The proposed ADU will not cause any substantial detriment to the public good, will not impair the intent or purpose of the Zoning Ordinance and is fully in line with the goals of responsible incremental housing growth. The proposal requests a practical, reasonable and forward looking investment in both her property and the Town's shared housing goals. She respectfully requested the Board's favorable consideration of the relief requested, especially in light of the existing precedent, the burden of nonconformity and the need to afford similar housing opportunities to all residents of Bristol.

In response to questioning by Chairman Asciola and what his allowed, Attorney Teitz responded that the big thing is the 20,000 square feet. If you have 20,000 square feet of lot

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area, yes, you are allowed, as of right, to build an ADU, if you can comply with the setback requirements. That's what the General Assembly said, if you have 20,000 square feet, then you have the right. And backing up a little bit, he wanted to make clear that everybody realizes that the way the General Assembly has written it, the law is contradictory, but it seems that the way the law is now, any ADU the Board grants, no matter how much people say it's for my mother or family members; no matter what, there is no way to restrict that. The law now says that that can be changed. Tomorrow they can be planning to put their mother in and a month from now it can be anyone. So, the Board essentially creates a separate dwelling unit, which is what the law intends. Then you have the 20,000 square foot; if they had a 20,000 square-foot lot they wouldn't be coming to the Board at all. If this was a 20,000 square-foot lot and they had issues with setbacks, they could come to the Board for setback relief. The setback relief would be treated just as any other kind of dimensional variance. He's actually given it a lot of thought about the question of the 20,000 square feet. Because, they did have the one referred to on Metacom Avenue. He thinks that's really a different kind of thing. He questions the thing that just because you're just below 20,000 square feet, that it's a hardship. It's really kind of like setting a Standard, like a Special Use Standard; here are the minimum requirements that you need to apply for this. If someone had a 19,000 square-foot lot, he'd say that it would be different. However, there is one very important distinction between this application and the Metacom one. Metacom Avenue is an R-10 zone, and it had 10,000 square feet; it was legally conforming. It didn't have 20, but it was legally conforming. This one is R-10, but it's already nonconforming at only 6,000 square feet. So that's really the question the Board has to look at; is there a hardship. If the Board says just because it's a small lot it's a hardship, then you're basically saying that for any lot that's below 20,000 square feet. He thinks the Board has to look at the individual circumstances. And they have to look at

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the neighborhood around it too. Just because something is in a small zone, sometimes there are large lots around it, it might be more appropriate; they simply have to look at the area. They do need to treat that 20,000 as more of a darker line; not a black line, but it's more of a darker line than some of the other stuff that they are looking at like the setbacks for the yard and things like that.

Chairman Asciola speaking to the applicant explained that after hearing Mr. Teitz, she has 6,000 and she needs 20,000 by State Law; so, it's not even close.

Ms. Hunt stated that she realizes that, however, in her neighborhood it is comparable to the other sized lots that also have multi family and is in line with the character of her particular neighborhood, even though it is nonconforming.

Mr. Duarte stated that he understands what she is saying, however those other multi-family units on smaller lots, but they are also only one structure. So now she was looking to have an additional structure on a nonconforming lot and looking for over 14,000 square feet of variance, and to include front yard variance. The 14,000 is where he is on the fence, because of the size of the variance being sought.

Ms. Hunt asked if they would consider coverage, because as her house is only 20% lot coverage with the existing structures and the maximum is 25%, and she's asking for 21.7% with the small addition. So, even though it has two structures, it's only 1.7% more lot coverage than what she currently has.

Mr. Burke asked if she was saying that would offset the request for 6,0000 versus 20,000? Ms. Hunt stated she was more referring to the fact that Mr. Duarte was saying that the other properties are one structure versus two. Mr. Burke stated that also the other properties were constructed before the Zoning Ordinances were in place; that's not justification or rational. The

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Board can't say, well geez the house was built in 1900, but its got a two-family on a 6,000 square-foot lot, because the Ordinance wasn't in effect then. The Board's responsibility is to look at the existing Ordinance and provide a reasonable minimal amount of relief. So, the fact that there are other lots isn't really considered. They look at the whole neighborhood if she was close to the 20,000 square feet. But, in this case its not a justification for granting relief on her particular lot. There are other properties that have two-families on small lots.

Ms. Hunt stated, just to be sure, the 20,000 square-foot requirement, even though there are other properties that are comparable in size and with multi-families on similar lot coverage; the main focus the Board is saying is that because its not justifiable. Mr. Burke state that they are pre-existing and that she is using it as a reason why it should be granted the relief, because other people have houses on lots under 20,000 square feet and are multi-family. And he was saying that they were constructed before the Zoning Ordinance in almost every case.

Ms. Hunt said she completely understands that most of those homes have been there for many many years, she was just trying to keep her property in line with the rest of the neighborhood.

In response to questioning by Mr. Burke about the current use of the property, Ms. Hunt explained that right now she is renting it out as she is saving money for the construction. She has owned the property since 2021. Its been her primary residence the whole time, but if she go away she had rented it before. Over the course of the last couple of years she has rented for at least two years; not full time, but yes she has rented it. She confirmed that she would either live in the main house or the proposed ADU, depending on what she is able to accommodate at that time, if she has renters. They would both be two bedrooms; currently there are people living at

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the Charles Street home; and if they wanted to continue their lease, she would live in the ADU. If she can't build a two-bedroom ADU she would have to move into the main house.

Mr. Brum asked if she gave any consideration to connecting the two structures after giving a detailed description of her lot and the surrounding area. Ms. Hunt did not respond.

Mr. Teitz asked what the basement use of the property is at this time. Ms. Hunt stated its used for Laundry and two closets, there are no bedrooms. Mr. Teiz then continued and stated that there is also a problem with the State Law that says that the ADU can't be more than 60% of the size of the principal unit. And it's going to actually be more than 100% of it. The existing unit is 830 square feet, one story and the proposed is 528 with a two-story footprint, so it's actually going to be even more than 100%. He thinks there is more relief there that wasn't advertised and there is a problem there, meaning to at the very least to continue it or if the applicant wants to withdraw. He would also just say that Ms. Hunt or anybody else applying, they need evidence. If they say there are a lot of other multi-family buildings in the area, you need a plan, drawn by some sort of professional that shows the radius map and gets the records from the Town to identify the area. As it is not clear, other than the one next to her, what other houses within her radius are multi-family.

After more detailed discussion on the Standards that have already been discussed, Ms. Hunt agreed to withdraw her application without prejudice.

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MR. BURKE: Mr. Chairman, I'll make a motion that we accept the applicant's request to withdraw without prejudice.

MR. KERN: I'll second that.

MR. ASCIOLA: All in favor:

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MR. BUKRE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Withdrawn Without Prejudice)

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3. 2025-16

BENJAMIN & KATELYN CANTONE

**222 Wood St.: LB
Pl. 25, Lot 75**

Special Use Permit to operate a mobile food establishment restaurant, and to store a mobile food truck overnight on a residential property within the Limited Business zoning district.

Mr. Teitz stated that again they have an intersection of local zoning law and also the State Law has partially pre-empted local zoning on mobile food trucks, they are called MFE, and part of the problem is that the State, with its usual lack of toughness, when they changed the regulations, they lumped everything in together. Whether you're cooking food, or have a lemonade truck or ice cream truck, it's all a mobile food establishment, but there are certain State Regulations as well. So, in any case, in looking at this the question was, would this be allowed as a mobile food truck irrespective of the local zoning. The local zoning would actually allow a restaurant in this zone as a Special Use Permit. When looking at it, it would also allow it if it were just here occasionally as a mobile unit. If someone was having a party and having them come for the party, it would be allowed. But it's not allowed to be permitted as a local food truck and its not allowed to be a permanent restaurant without a Special Use Permit. So, it was his recommendation that it would need a Special Use Permit in order to operate. It's a mobile food truck but instructed the Board to think of it here as its acting basically as a restaurant in this Limited Business Zone, which does allow restaurants pursuant to a Special Use Permit.

Mr. and Mrs. Cantone presented the Petition to the Board. Mr. Cantone explained that they were applying for a Special Use Permit to operate a mobile food establishment and/or restaurant on their property. The property is on the corner of Wood and Richmond Street, east side of Wood and north side of Richmond. They will be selling at Wood Street on Thursday and Friday from 4:00 to 9:00 p.m., seasonally, around April to October. They do have lighting that is

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attached to the trailer, they are LED lights that have columns that point downwards, not shining in the direction of neighboring properties, running off battery power. They have an A-frame sign that is 27 x 40 in their yard with hours of operation in the southwest corner. The trailer would be parked in the driveway, which is entered on the Richmond Street side of the property. The garage that will be blocking the trailer to the neighbor to the north. The entire property is enclosed with a 4-foot chain-link fence, with one gate on the west side entrance of the front door on the Wood Street side. And two on the south side. One is the gate to the walkway to the side door and the second is the gate to the driveway, which is where the trailer will be parked. They have 7-foot arborvitae on the south side of the property, starting 57 feet from the west property line going 38 feet, stopping at the driveway; that is 27 feet wide and continue the remaining 53 feet of the property. They will be parked on the eastern side of the driveway and they have four 6-person picnic tables that they would like to put out. And they also have a removable fence that they put up on the west side of the driveway to block it from their property that they own in the back. The trailer is a 22-foot trailer. So, it's a fully equipped, approved by the D.O.H., has a three-basin hand washing sink, running hot water and on the back end of it they have a wood fired pizza oven. It's an Empire Cargo trailer, very similar to that would be pulled around for a landscaping company, but the back end is open for the oven. The oven is propane and wood. No motors would be running when making the pizzas, just the oven. If they are running the propane there is a small motor, but you can only hear it when standing at the oven itself.

Mr. Cantone stated that he knows one of the reasons they are before the Board is to really just park the trailer there when not in use. In talks with the Town Clerk, she had said that in the LB zone that they are legally allowed to sell on the property from a certain time frame and that they own the property and they are a small business starting off and that extra expense of having

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to move the trailer every night is something that isn't necessarily in their budget or something that they would like to pay for and that's the biggest reasoning of why they applied.

Ms. Cantone explained they have all the other permissions, but the main thing is leaving it there permanently, selling and leaving it there overnight. If they were not selling, they could leave it there on their property. The same day sale in addition to leaving it there overnight is what brought them before the Board.

Detailed discussion was held on the unique situation presented in the application, along with the other uses in the surrounding neighborhood, which was also reviewed in detail with the applicants. It was also mentioned that the applicant is in discussion with the Cup Defenders to see if they can potentially lease a few spaces from them if needed, placing signs saying it is reserved for their business.

In regard to the TRC meeting, Mr. Tanner stated that they did meet with the applicants the prior week and they passed a motion to recommend approval. The applicants went through their entire business plan and generally speaking the TRC felt that this was an interesting and unique idea, and it would be a good neighborhood. They didn't see anything really negative about the plan.

Mr. Teitz stated that the applicant referred to Thursdays and Fridays, but he saw in the TRC Saturdays. Mr. Cantone stated that they are a mobile food establishment, they will be having events, but they would be able to open up on some Saturdays at the Wood Street location. Mr. Teitz stated that then it should be Thursday through Saturday.

Mr. Burke asked which table this application would be referenced. Mr. Tanner explained it in the Table Use Regulations under Service Business, Restaurant Use, either with or without alcohol sales; a restaurant use in general is a Special Use Permit in an LB zone.

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Ms. Rayona Clemens asked if there would be any bathroom facilities. Because she knows that they're mobile, what do they do for bathroom facilities. She knows that ADA Code for permanent structure's, anything done after 1992 has to comply. What do they do for bathroom structures with mobile. Mr. Asciola stated that mobile trucks don't have bathroom facilities. Ms. Clemens asked then where one would go. Mr. Asciola stated back home.

Mr. Teitz stated it was a question for the applicants to address and its up to the Board to decide if it's something necessary or not.

Mr. Cantone stated they will have no bathrooms for public use. Mr. Asciola asked if that was allowed. Mr. Teitz stated that an MFE does not require bathroom facilities. And, according to the other Code that would require a bathroom would be building codes and things like that. They're not quite a restaurant. Under zoning they're a restaurant, under State MFE they're not, under building or rehab code they're not. So, he would say that they are not legally required to have a restroom.

Mr. Tanner stated that he did receive an e-mail from Mr. Kevin O'Rourke, 232 Wood Street, which was read by Mr. Burke. Mr. O'Rourke disapproved of the application, as it will be running a good part of the day creating extra noise from the generator and/or the exhaust fumes from the truck. The takeout food will result in more trash along the streets; cars will treat the street like a drive thru creating a traffic hazard. There's already tight to no parking and will result in double parking with hazard lights flashing and creating a bottleneck on a busy street.

Mr. Cantone explained they will have trash receptacles, and they work out of Hope and Main in Warren who have trash disposal that they will utilize; they will not be storing trash at the site, they will be removing it nightly. They go to Hope and Main every day to retrieve their dough to come to Bristol. Ms. Cantone stated that they also won't be operating a good part of the

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day, only between the hours of 5:00 and 8:00. Mr. Cantone stated that they do have a generator to charge the battery for the lights that only run for maybe an hour, from the time from between 2:00 and 4:00. They also have plans to connect directly to the home for electrical.

Mr. Burke stated that he believes some of the concerns have been addressed and some may still be a bit of a concern, and that would be a reason that they would grant a Special Use Permit for a period of time and then review it. His recommendation would be maybe a six-month period.

Mr. Tanner asked that just to be clear that there's two pieces to the application; operating the restaurant use out of the food truck trailer for on occasion for those three days. And, also, to store the unit there every night.

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MR. BURKE: Mr. Chairman I'll make a motion that we approve application 2025-16, Benjamin and Katelyn Cantone, 222 Wood Street for the storage of a mobile food truck on the property and to operate a food business from that truck on specified days and times of the week. The Special Use Permit is specifically authorized by the Zoning Ordinance per Section Table under the Service Business, Restaurants, Café or Deli, with or without liquor sales. In this case, because it's Limited Business, a Special Use Permit is required. The Special Use Permit meets all the Standards set forth in the subsection of the Zoning Ordinance, which is Section 28-150, authorizing such Special Use, which includes the buffer from the existing business, the signage that cannot fall point to adjacent homes, the hours of operation, which is allowed from 7:00 a.m. to 10:00 p.m. In this case it will be 4:00 p.m. to 9:00 p.m.,

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Thursday through Saturday, with lighting shielded. The granting of the Special Use Permit will 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. This is a Limited Business zone, with a high commercial content, very busy with adjacent businesses and based on the testimony and the application, it appears to be a good fit in this particular neighborhood. As I mentioned earlier, the hours of operation will be Thursday through Saturday, 4:00 p.m. to 9:00 p.m. and this Special Use Permit is effective until 12/31/2025. And before that date the applicants will return to the Zoning Board to conduct a review of the performance in the neighborhood in compliance to the Special Use Permit.

I so move.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor:

MR. BUKRE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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**4. 2025-17
SCOTT M. DAVIS**

**5 Barbara Dr.: R-15
Pl. 150, Lot 111**

Dimensional Variances to construct additions to an existing single-family dwelling, including a 30' x 48' two-story garage and accessory dwelling unit (ADU) addition, with less than the required lot area for an ADU within a new structure, greater than permitted size for a two-bedroom ADU, less than the required rear yard, and less than the required right-side yard.

Mr. Scott Davis presented the Petition to the Board and explained that his proposal is to construct the ADU; it's a mudroom with a garage and on the second floor of the garage would be an apartment for his aging parents, who are 87 and 72. The plan is for them to sell their home in Lincoln RI, move in with him. Mobility is starting to become an issue, so one of the things that we've taken into account with this ADU is the installation of an elevator that is accessible through the garage and then also they've taken into account all of the ADA recommendations for wheelchair clearances inside of the building, which he described in detail to accommodate wheelchairs. He is looking to move his parents into his house into a comfortable environment where they can maintain their independence and he can be steps away to assist them. What he is proposing is on the large side, but most of what he did is driven by the things to take into account to make it accessible. He is using an architect in Town, Specific Visions Architect, who understands the community and understands the style that fits and have made purposeful choices when it comes to materials. The house now is cedar shake; the proposed addition will be cedar shake; they're trying to make it look like it fits into the neighborhood. It is an R-15 lot, and he understands R-20 is required and he does violate the back setback by just a foot or two and the side yard setback violates at 6 feet. He does have fantastic relationships with his neighbors. He discussed this with them and showed them plans, with no significant push back. There is proposed

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some live screening for the one neighbor that he would be closest to, who is a landscape architect and has proposed some arborvitae or similar, which he is happy to do.

In response to a question from Mr. Teitz, Mr. Davis stated there is not a garage on the house currently and he is the only house on the block without one. He also noted that right now his lot coverage is 6%. In an R-15, 25 is the maximum and with the proposed addition he would be at 21.3%. The size of the proposed ADU is 1,400 square feet, which would be larger than the existing structure, but they are doing a kitchen addition along with this construction, do it all at the same time and is also included in the architectural plans. However, it will be over the 60% allowable due to the accessibility issues that he wants to address for his parents.

Mr. Duarte expressed concern over the number of variances being requested in these proposals, which are looking for four separate variances. His recommendation would be to scale it down a little bit.

Mr. Brum asked if the project couldn't be done without making it a second dwelling unit. Mr. Davis stated that he thinks it's important for both him and his parents that there is some distinction in living space. It is connected to the house through the garage. And he thinks it's important for everyone's sanity that there is a little bit of a distinction. Mr. Brum stated that it would be creating a two-family and if Mr. Davis were to move it would still be two-family. Mr. Davis explained that he has been a resident of Bristol since 2010, he owns a couple of properties here in the Town, he intends to raise a family here. Obviously good intentions, they love Bristol and want to stay here. They also have a house on Hog Island that he has been going to since he was two years old, so he obviously has a lot of connections to the Town and would like to stay in Bristol.

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To follow up on Mr. Brum's question, Mr. Burke again asked why Mr. Davis couldn't just expand on his existing dwelling to make space, making privacy, it just wouldn't be an ADU. Mr. Davis stated that he was not completely familiar with; what he saw as an addition to his house was adding a garage and a mudroom. The house directly across from him, they're like 3,200 square feet, kind of the same profile, it will look exactly the same. They have a bonus room above, but that bonus room above for him would be a place for mom and dad. He didn't really understand the difference.

In response to Mr. Asciola on expanding but not an ADU Mr. Teitz explained they would have to leave out essentially the kitchen, or have a separate entrance, so that it doesn't become a separate dwelling unit. Mr. Davis explained there is only one entrance to this, there isn't a separate entrance. The elevator is inside the garage.

Mr. Teitz stated that it is a very large size unit and above what is allowed. The unit itself, not including the garage, is going to be 1,400 square feet. Mr. Davis said he was correct. On the first floor is the garage and because he is a hobbyist woodworker behind the garage is a place for him to do his woodworking.

A detailed discussion was held on what determines a separate dwelling unit.

Mr. Burke stated that he does think that it's great what he wants to do for his parents, however, his concern is that it's clearly a single-family zone and when he leaves somebody can, whether they live there or not, can use it as a multi-family in a single-family zone. He believes Mr. Davis can take the plans and do anything with the setbacks and not have to go before zoning and wouldn't need any relief. He thinks Mr. Davis could achieve what he's trying to achieve without getting the Board to agree that he needs relief significantly beyond the size of the unit. He would recommend that he find a way to do that, since its new constriction. Because he would be

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reluctant to approve the plan as it is at this size with the number of variance that are needed in order to achieve what he thinks is a reasonable addition.

Mr. Burke suggested that Mr. Davis take a look at the plan, listen to what the Board's concerns are, reissue the plan and come in and ask for the dimensional variance for setback dimensions and he would be inclined to support that.

Mr. Asciola noted that the proposal doesn't meet the ADU criteria with all of the requested variances.

Mr. Davis noted that the 20,000 square foot lot requirement only covers about 5% of Bristol. When asked where he came up with that number, he explained it was off of the GIS website, which can be sorted to supply the information.

Mr. Tanner asked the Board not to go down the path of saying that just leaving the kitchen out if, because that's not going to fly with the Building Official and it would be setting it up for something illegal and doesn't want to go that way. He thinks of some modest reduction in the size of that addition to get him inside the setbacks and building a two-car garage with a bonus room upstairs like the neighbor across the street and he wouldn't even need to be before the Board.

Mr. Joseph Silva, 19 Center Street spoke in favor and stated that he has a good plan and for a good purpose.

After further discussion with the Board, Mr. Davis requested continuance to work on the proposed plans.

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MR. BURKE: I'll make a motion to continue file 2025-17, Scott M. Davis, 5 Barbara Drive, to our July 14, 2025 Zoning Board of Review meeting.

MR. BRUM: I'll second.

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MR. ASCIOLA: All in favor:

MR. BUKRE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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5. 2025-18

**JUSTIN FERREIRA/
Ferreira Electric, Inc.**

**14 Reservoir Ave.: R-6
Pl. 33, Lots 158 & 159**

Use Variance and Dimensional Variance to expand a legal nonconforming contract construction service business use within a residential zoning district by constructing a 5' x 25' front and roof dormer addition to an existing 20' x 20' accessory garage building connecting two existing commercial structures with less than the required rear yard.

Mr. Justin Ferreira, 3 Adelaide Avenue, Warren and the property address is 14 Reservoir Avenue in Bristol and currently under contract to purchase, provided everything goes well with this Board.

Mr. Ferreira explained he's second generation of Ferreira Electric right in Bristol; just recently took the business over from his father. He's been looking at this property for years with the hopes of being able to run his small business out of it, getting the current owners on board to sell has been nothing but a task. So, with that being said, he finally got them to agree to sell. After speaking with the neighbors and telling them all what his plans were and what the business is along with hours and such. The addition is really just to get his trucks inside; he'd rather not have any equipment at all outside; to keep everything out of the weather safe and not have to load trucks in the rain and snow. The hours of operation are 7:30 a.m. to 4:00 p.m., three days the week there is someone in the office that will be there until 5:00. They are there usually for about 15 minutes in the morning to load trucks, getting ready to go and off for the day. They're back by 3:30 and usually out the door by 4:00. They don't have deliveries at night, they usually come around lunchtime, sometimes around 10:30 a.m. He didn't seem to think that his being there would really affect the neighborhood so much. The plans are put together rather loosely because he didn't know if it is even feasible and didn't want to spend money if it isn't. He's hoping that

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they can revitalize the property, if seen one would agree that it hasn't been well cared for in a number of years. The two-car garage on parcel 258 is where the horse barn was and its in pretty significant disrepair. So, the damage to the front of that building, due to the way the run-ff had come down will mitigate a lot of that and tying the two buildings together would just make passing through from one building to the other easier, keeping everything out of the weather and such.

In response to the questioning Mr. Ferreira confirmed they do not do any fabrication in the building, no manufacturing, its strictly an on-site service company.

The Board reviewed the Petition in detail with the applicant.

Mr. Burke noted that they are increasing the size of the building and are already a legal nonconforming use, they need the Board to grant another Special Use Permit, because they're expanding the building?

Mr. Tanner explained that this is an application for a Use variance, and, out of an abundance of caution, a dimensional variance. A contract construction service e business use is not permitted in the R-6 zoning district. However, the property has been used as a contract construction service for many many years. So, it's a grandfathered legal nonconforming contract construction service business. Mr. Ferreira could move in there tomorrow and operate his electrical business. But the fact that he wants to expand the garage building and make that connection, he views that as he's expanding the use of it. So, consulting with the Solicitor the only way that he would be allowed to make those improvements; he could improve the building as they are. But to make that expansion he would need a Use Variance.

Mr. Burke stated that then they should treat it as if he never had a Use Variance.

Mr. Tanner said he was correct. This is a new application. It is a legal nonconforming Use. He's asking for his permission to do the addition, to raise the roof a bit and

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add the connection to the two buildings; but otherwise, they would stay the same by granting a Use Variance, allowing him to expand a non-conforming Use. He also needs a dimensional variance for the back yard. Mr. Ferreira came in with some slightly better sketch plans with better dimensions on there. By taking the front of the roof of the garage and raising it a bit, he may have been overly cautious, but he thinks the back of the garage is only ten feet from the rear lot line and he's supposed to be 20.

The Board reviewed the plans and applications in detail.

Mr. Ferreira explained that he all the intentions to be able to get trucks inside. The 8-foot doors that are there currently can't get any of the vehicles inside and the truck themselves are 20 feet long. So, to put a 20-foot truck in a 20-foot garage, he doesn't think would work. He is in a purchase and sales agreement, set to close in the end of June, provided everything goes well. As soon as he closes, he's going to have a survey done and going to have architectural drawings drawn up, so he can submit for a building permit.

Mr. Burke noted that the property looks like there hasn't been any activity at this location for a long time and it will be an improvement when he acquires the property and completes the renovations.

Mr. Joe Silva, 19 Center Street spoke in favor of the Petition and stated that he lives on the opposite side of this property. The neighborhood kids used to play ball before they put houses over there. He has known Louie Nappi for many years, and he thinks this will be a big improvement. It's been vacant and dilapidated for the last 20 years; so it would be a good improvement on the reservoir side.

Mr. Scott Davis, 5 Overdrive spoke in favor. The Ferreira family has been a institution in the Town of Bristol for a long time. He knows Justin personally and the biggest thing

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here is the improvement of that property. He has a house on DeWolf not far from it. Mr. Ferreira keeps his single-family home where he lives in beautiful condition, and it will only improve the neighborhood, and it allows a Bristol boy to flourish in Town of Bristol and continue to work. He wholeheartedly approves.

During discussions the Board agreed that this would be a big improvement to the property and the neighborhood.

Mr. Tanner noted that the TRC reviewed this application and after discussing it with Mr. Ferreira also made a motion to recommend approval.

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MR. BURKE: Mr. Chairman, I can make a motion to approve application 2025-18, Justin Ferreira doing business as Ferreira Electric, Inc. on 14 Reservoir Avenue. This application requires a Use Permit for an electrical contracting business that is not allowed in the R-6 zone. The reason that I'm making the motion for approval is because there is an existing business there, a plumbing business that's been there for many decades and although this requires expansion of the building, and therefore the applicant is before us seeking a Use Variance. 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 heard testimony that the applicant is acquiring the property from the current owners, and he's going to renovate it and convert it to an electrical contracting business. The hardship is not the result of any prior action of the applicant. As we have heard from

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testimony and the application, there is an executed Purchase and Sales Agreement with a closing scheduled for the end of June. That the granting of the Special Use Variance will not alter the general character of the surrounding area or impede the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. It's already an existing legal nonconforming Use. And this acquisition and conversion will enhance the neighborhood. The subject land or structure cannot yield any beneficial use if it is required to follow the provisions of the Zoning Ordinance, because the current buildings would have to be demolished and returned to residential, which is not economically feasible. In addition, my motion will include a rear yard variance of 10 feet, primarily because the existing building is 10 feet, versus a 20-foot setback requirement. And because the applicant is going to expand a building, a Dimensional Variance is required. I so move.

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BUKRE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

6. **2025-19**

**MARK ESTRELLA & SARAH BOTELHO;
CHRISTIAN & ALYSSA FERREIRA
MANUEL & JENNIFER MENEZES**

**11, 15 & 17 St. Theresa Ave
R-8
P. 120, Lots 61, 63 & 65**

Dimensional Variances to install approximately 210 feet of six-foot-high stockade fence along the westerly property line of three lots at a height greater than permitted for a fence in the front yard from Metacom Avenue.

All parties were present to present the petition to the Board. Mr. Menezes explained that they had some trees in that area, and they fell over and were removed by the State. The Town only allows a 4-foot fence in that area. Currently there is a 4-foot fence, but it's covered with chicken wire fence, so stuff can get through it and they are constantly cleaning out debris from that area that is a drainage easement, which should be kept from debris. People driving on Metacom Avenue throwing cigarette packs, trash bags and stuff like that. They would like to put up a six-foot fence, which would be a vinyl fence, 3 feet in the ground with 80 to 100 pounds of cement; so, it's going to be sturdy enough. It is taking the place of 40-foot trees that were there. They are only 12 feet away from Metacom and according to the Town they should be 30 feet away.

The Board reviewed the application in detail with all the applicants. The Board noted that there is a detention pond in the area and it's great that the three neighbors are doing it together. They also noted that it would stop debris from entering the retention pond.

Mr. Teitz stated that he would recommend to the Board that there be at least a gate, so that in this as well, so that if it does have to be accessed for any kind of maintenance, it can be accessed that way as well. Mr. Menezes said the access would be through Butterworth and it's

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right into the pond that way, it's all open from Butterworth. They all agreed that there would be access to the pond.

Ms. Mary John, 3 St. Theresa stated she has no problem with the fence at all. She's just concerned about coming out of Butterworth because of the trees that stick out so much and you have to pull your car way out in order to see. She just wondered who takes care of those trees and the fence would be behind the trees.

Mr. Tanner stated those trees were put in as by the Developer as a requirement of the Planning Board. So, if they're causing a visual issue, he can see if DPW can trim them back.

After reviewing the plans again with Mr. Tanner, it was determined that the fence would be far enough back not to create a visual issue, as it is outside the visual triangle.

During the Board's discussion it was again noted that it is necessary to have access to the pond if maintenance is needed, the applicants agreed that they would remove a panel if needed, but it should not be a problem as access is from Butterworth; there definitely would be access. They also confirmed that the other fences behind the proposed fence will stay up.

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MR. BURKE: Mr. Chairman, I'm going to make a motion to approve application 2025-19, Mark Estrella, Sarh Botelho, Christian and Alyssa Ferreira and Manuel and Jennifer Menzes, located 11, 15 and 17 St. Theresa Avenue to construct approximately 210 feet of 6-foot high vinyl stockade fence along the westerly property line of the three referenced properties at a height greater than permitted for a fence in the front yard from Metacom Avenue. The Ordinance limits fence height technically what is a front yard to 4 feet; so

this requires a 2-foot height variance. The testimony that we heard is that there was vegetation that was a buffer, actually a mandated buffer by the Planning Board when the development was permitted. That buffer has now been removed, and this fence will substitute for the natural buffer and vegetation that was previously removed. The hardship from which the applicants seek relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area. These properties, they're actually through lots from St. Theresa to Metacom Avenue; so, they actually have two front yards. The hardship is not the result of prior action of the applicants. The lots were not plotted by them; they acquired the property. The granting of the requested Dimensional Variance will 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. Fences are allowed in a residential zone, and this is actually replacing at less height than the natural buffer that was originally there. The hardship that will be suffered by the owners of the subject properties if the Dimensional Variance is not granted would amount to more than a mere inconvenience. They will have no buffer between their properties and Metacom Avenue and protection for the retention pond will not exist. I so move.

MR. KERN: Second.

MR. ASCIOLA: All in favor:

MR. BUKRE: Aye.

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MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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7. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. DUARTE: Motion to adjourn.

MR. BRUM: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

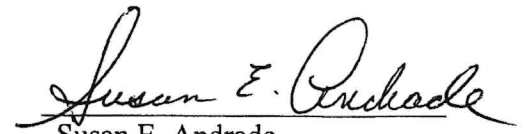
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:00 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 02 JUNE 2025

Date Accepted: 7/14/25

Chairman: 