

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

18 SEPTEMBER 2023
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BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

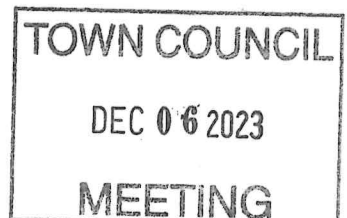
BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. DAVID SIMOES
MR. DONALD S. KERN
MR. TONY BRUM
MR. DEREK TIPTON, Alternate

ALSO PRESENT:

ATTORNEY AMY GOINS, Town Solicitor's Office
MR EDWARD TANNER, Zoning Enforcement Officer

Susan E. Andrade
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Bristol, RI 02809
401-253-5570



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The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:05 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

10 JULY 2023

Chairman Asciola called for approval of the July 10, 2023, meeting.

MR. TIPTON: Mr. Chairman, I'll make a motion that we approve the minutes of the meeting of the 10th of July 2023, as presented.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Approval of minutes)

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CONTINUED PETITIONS

2. **2023-09**

DANIEL L. & LILLIAN C. LEESER

**12 Brookwood Rd.: R-10
Pl. 22, Lot 183**

Dimensional Variances to construct a 24' x 26' accessory garage structure and a freestanding decorative pergola structure with less than the required front yard on a corner lot; and with the garage at an overall size greater than permitted for accessory structures in the R-10 zoning district.

Attorney Bruce Cox, representing Mr. and Mrs. Leeser, presented the Petition to the Board. He noted that an advisory opinion was issued by the Planning Board, relative to the status of Fenmore Road, which is where the applicant was originally proposing to have their garage accessory structure access from. The Planning Board came back with a negative response and they believe they should be filing an appeal to that response, because they feel it might have been an error. There is some confusion on the part of the Chairman as to whether they were in fact trying to take the road, or simply extend the road. They believe there was evidence put in before the TRC indicating that this is not a unique situation in Bristol.

Mr. Asciola reviewed the Planning Board response, which was read aloud, which stated that after reviewing a motion was unanimously passed to recommend to the Zoning Board that the paper road portion of Fenmore be paved before any accessory structure on 12 Brookwood Drive be built.

Mr. Cox confirmed that his clients believe that decision is incorrect; they think there is some confusion, and they also believe there's ample evidence that suggests that it does not have to be fully paved; that there are other sites within the actual area of the west side of

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Town, in the Highlands area, where road extensions do exist and have been allowed. And the think that is an error on the part of the Planning Board. To require an applicant to fully pave a road that has not been paved and one that has been talked about for over 20 years with nothing being done about it. To suggest that this property not be developed at all, based upon something that hasn't been done for 20 years; and there is no indication that it's going to be done in 20 years forward, is clear error.

In response to Mr. Asciola's observation of the plans, Mr. Cox confirmed that the paving actually ends at the Leaser's property line; Fenmore Road stops parallel to the eastern boundary line.

Mr. Cox continued and explained that they had submitted to the Planning Board two estimates from JML Excavation. One was for the extension of the road 15 feet, with a cost of \$6,500.00. Along with another estimate for the full length of the road with a cost of almost \$43,000, plus the engineering, which would be another estimated \$10,000 to \$15,000.

Mr. Cox continued to explain that at the prior meeting, the Solicitor had concerns about the Zoning Board granting authority for somebody to drive on an unapproved Town road. And the applicant was suggesting that they would be more than willing to improve 15 feet of the roadway, which would give them access to this driveway. And the Planning Board feels that the road has to be improved all the way through; and they feel that is a clear error. It would not change the status of the residents of Fenmore any more than their current status; it would not be changing it one scintilla. Currently the road is plowed, and the snow gets plowed on to the unimproved portion of Fenmore and the same would continue. The status of turnarounds and such would not change whatsoever. The site at the end of Fenmore, at the intersection of Brookwood where there is drainage, according to the engineer it could be done; but that requires

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the full paving of Fenmore, which is inappropriate and against the weight of the evidence in their opinion.

Ms. Goins stated that she was not at the original Zoning Board meeting, but she was at the Planning Board meeting last week and there was initially confusion about what was being proposed, but she thinks that was cleared up. And it's not stated as she remembers it. She remembers the Planning Board's motion being more favorable. In other words, recommend approval on the condition that the road is paved. She wouldn't say that the Planning Board recommended denying the application. The Planning Board considered this from a Planning perspective. They were focused on the issue of the road. She thinks the Zoning Board should consider this from the Zoning perspective and just look at the variant standards met and then it will have to go to the Planning Board again for the Board to accept any improvements to the roadway. But ultimately, she thinks it is a conversation that the applicant needs to have with the Administrator and the Council regarding what is the Town's intent with this road.

Mr. Asciola asked then if the Town's intent wouldn't have bearing on the Zoning Board review.

Ms. Goins stated that not that it doesn't have any bearing on it, she thinks that the only thing that the Zoning Board has control over is the ruling on the variance application. As far as what other processes the applicant needs to go through, such as if the applicant is proposing to pave a portion of that roadway, that's going to require acceptance by the Planning Board, it will require another meeting. But the Zoning Board can impose reasonable conditions of approval. Whether or not paving the entire length of Fenmore is reasonable, considering that only a portion of it needs to be accessed; that's up to the Zoning Board to decide. There could be a cost-sharing arrangement between the applicant and the Town. The first thing the Zoning

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Board needs to do is to determine whether the Standards have been met, because if the question is no for a different reason, then the road paving doesn't really come into it.

Mr. Cox stated that he suggested to the Zoning Board that they want to take an appeal to the Planning Board and asked Ms. Goins if she was suggesting that the Zoning Board proceed without that.

Ms. Goins stated that she didn't think that in her opinion there is no right to appeal from the Planning Board's decision, because it was just an advisory recommendation to the Zoning Board who referred it to the Planning Board, which is a little unusual, but it happened; that was just an advisory recommendation. She asked if the applicant wanted the Zoning Board to rule on the Petition at this meeting.

Mr. Cox stated that they would like to have the full opportunity to bring the question of the extension of that road perhaps before the Zoning Board; it is the appellant Board of the Planning Board. It was a master plan review, they had a TRC and conception review before the Planning Board. Therefore, their action is an appealable action.

Ms. Goins stated that it was before the Planning Board as both a recommendation to the Zoning Board on this application and as a concept review for the road. So, no decisions were made which is why she doesn't know what there would be to appeal from.

Mr. Cox stated that then that would have to be remanded for a decision to be made, as opposed to the memorandum, which would constitute a decision, he believes. They have to have a right to appeal. They can agree to disagree; that's the whole administrative process all the way up to the Supreme Court if necessary. Not that he was suggesting they were going that route; but the issue here is that he believes they have a right of appeal to that process to the Zoning Board. They believe there was a clear error, there was confusion on the part of the

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Planning Board on whether or not that was squared away he was not sure; it was obviously confusing at times; that's step one.

Mr. Tanner asked what the applicant would like to do and in response Mr. Cox stated that he would like to make an appeal to the Zoning Board. Mr. Tanner stated that would not happen at this meeting and asked if the applicant wanted to withdraw the application. Mr. Cox stated they would not withdraw the application; this is part by part, step by step and not to continue it indefinitely either. They went to the Planning Board; they disagree with the Planning Board and want to come to the Zoning Board on appeal.

Mr. Asiola asked if they wanted to continue the matter until they appealed to the Planning Board. Mr. Cox, after conferring with his client, asked to proceed with the Petition before the Zoning Board, subject to decision from the Planning Board, or perhaps the Zoning Board could make a decision that may influence people in Town and/or the area, as to the appropriateness of paving Fenmore, or some other step, or perhaps an alternative means of access. Mr. Cox continued and stated that in looking at this site, its clear that it is a corner lot, it's a classic corner lot further handclapped by an unimproved street. So that it is the ultimate in disabilities, if you will. They have reduced the size of the proposed structure to 22' x 24'; so that is already been done; that was an amendment to the application that was submitted to the Zoning Board. The actual height will be the standard height that is allowed, they are not asking for any relief on the height, which will allow for some storage. Mr. Cox explained that there were some questions raised before the Planning Board relative to the idea of an ADU and they have no intent to do that and are more than willing to put that on the record as a condition in perpetuity; this is simply that they have a small house on the front of the lot. They are asking for an

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accessory structure, which was intended to have vehicles in it and hopefully will if they can ever have access to it and storage, because there is no storage within their house, its too small.

Mr. Asciola stated that it was amended to 22' x 24' and 20' high, he doesn't understand why they need relief. Mr. Cox stated that the relief is the front yard setback, because the front yard of the house is 30' deep off of Fenmore, a non-existing road, and they are asking for 10 feet of relief there, which is the only issue before the Board. Mr. Cox confirmed that the house is already closer than the garage would be. Mr. Asciola having confirmed the amended dimensions stated that anybody in Town can build an accessory structure 22' x 24' and 20' high and six feet off each boundary line and 30 feet from the road. Mr. Cox stated that he was correct and looking around in the area there are numerous examples of people not having 30 feet, especially in the areas on the west side of Town. Over on the east side of Town with the Zoning regulations and the Planning regulations were in place when they were built that's not the case; but in the Highlands almost all bets are off.

Mr. Cox explained that he was not present at the prior hearing on this matter but understood that it was extensively presented, the Board has a plan that shows the footprint of the building and that it has been reduced to the allotted size of an accessory structure on a lot, its stepped will back from Fenmore Road now and are ready to move forward.

Mr. Tanner noted the Board members at the March meeting, Mr. Asciola, Mr. Simoes, Mr. Kern, Mr. Tipton, and Ms. White. Ms. White is not present at this meeting; Mr. Brum is here. If the Board says that they don't want to rehash what was presented in March, the Board will have to move forward with four members, or a review of what was presented could be done in order for Mr. Brum to be able to vote.

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Mr. Daniel Leeser explained that they have a relatively small house, they just downsized from a 3,000 square foot house to about a 1,400 square foot house. It's a split and both upstairs and downstairs are finished, so they really have no room for storage, and they would like an accessory structure to be able to do that. It's also in the northeast and it snows, and they would like a place to garage their car, which he doesn't believe is an unreasonable request. They've tried to compromise, they've downsized from the original size of the garage to a more standard structure; all they're asking for is the 10-foot setback, which is consistent with variances within the community and within Bristol. He feels it's a reasonable request and hopes that the Board will approve it.

Mr. Cox asked Mr. Leeser asked that if the Board grants an accessory structure, but not as a garage, would he understand that this is not a storage place for a vehicle. Mr. Leeser stated that he understood that.

In response to questioning by Mr. Cox, Mr. Leeser confirmed again that he was asking for relief 10 feet off Fenmore Road and that it is the least relief he could ask for to make the accessory structure compliant with the regulations of the Town of Bristol.

Mr. Myron Polulak, 16 Brookwood Road spoke in favor, stating that he shares the other side of the no-paved road and right of way. They are very much in favor of the building of the accessory structure. He thinks it's the right thing to do for them; they're downsizing, it's a good move. In fact, he was before the Board a year ago asking for a similar setback, because they put up the shed and they needed storage, which they built the shed in compliance with the requirements. It has helped him out tremendously and knows this request would help out the Leesers. One will notice out at the property that there are tall arborvitaes and to the rear of the property are tall trees. So, frankly the people that would see the accessory structure is his wife

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and himself. They look directly across at the side yard of the Leeser property, as the Lessers shard the south side of the right of way and he shares the north side, which they maintain. They cut the grass, they pick up the leaves and sticks and keep the area very clean. Historical precedence he thinks is important to take a look at, what's been done in the past, so does parody, and they support the request. He does not support the paving of the whole road. He doesn't know why that's all of a sudden, an issue. The 15-foot extension of Fenmore is more than adequate to meet the needs of this request and addresses the requirements that are set forth by the Zoning Board and other Boards. In his opinion it's the right move for them to make their request; they're following the rules and regulations of the Town.

Ms. Judy Cohn, 11 Brookwood Drive spoke in support of the request. When looking at the neighborhood everybody has a garage, and not that far from the roads. Also, they are not in support of the whole Fenmore Road being paved. Right now, Fenmore is a really nice dead-end street where there are children playing, which she believes is a safer environment in the area.

Chairman Asciola mentioned that the Zoning Board has no say on how or which roads get paved; that is the Town Council.

Mr. Paul Jones, 15 Curtis Road stated that he is not an abutter, but is a neighbor. He's not a Rhode Islander by birth but has been here since 1968. The first time he came to Bristol was in 1968. The paper road was in existence in 1968; it was the same road then than it is now. If the Board grants this variance, they will not change anything with respect to this neighborhood. He loves the neighborhood and the neighbors, and he thinks the request is reasonable and within the Ordinance.

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Ms. Virginia Simmons, 17 Loring Road, corner of Fenmore, spoke against the Petition. She stated that the purpose of Zoning laws is to allow local authorities to regulate and control land and property markets to ensure complimentary uses. If Cities and Towns didn't have these laws anyone could build anything they wanted anywhere on their land, regardless of the size or dimensions, which includes height or how close they are to other neighbors. Typically, variances are granted when a property owner can demonstrate that the existing Zoning regulations present a hardship or practical difficulty in making use of their property. The applicant architects, she believes, stated that a hardship existed because the house is small. She believes it stated that the applicant's house has two bedrooms and one bathroom; when according to public property records it has three bedrooms and two full baths. The applicants also added an addition to the front of their house a few years ago. The applicants are requesting a two-car garage with a second floor, which they say they only want for storage. Their land sits on 5,597 square foot lot. The applicants have said there are other houses in that area with 5,600 square feet that have two-car garages. But if there are, she hasn't seen any and would need to see pictures. There are a lot of houses with 10,000 square foot lots with two-car garages, because that's allowed on a 10,000 square foot lot. This land is only 5,597 square feet. She stated that a variance to build a two-car garage and a second floor should not be granted. Also, she understands the Board has no say over the paving of the street; however, the perspective from the other end of the street that is already paved. Rubbish trucks, recycling trucks, delivery trucks cannot go down that road; they have to back down the road, as there is no place for them to turn around. They go down the road and either have to turn around in their neighbor's driveway or back down the road; it's a hazard and they want it to go through. She stated that at the Planning Board meeting the applicant was asked why they didn't want the road paved and want just 15

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paved for the driveway and the attorney said they want to use the land as their own. Maybe she's wrong, but that's what she heard.

Mr. and Mrs. Rinaldi, owners of the abutting property on the east side spoke against the Petition. Mrs. Rinaldi stated that when they were at the March Zoning Board meeting, they took issue with the application language that says that the garage was similar in characteristic in terms of size and scale in the existing neighborhood. As she stated in March, in looking at homes in the area, and they looked all over the area before that meeting, and they found no home on a 50' x 100' foot lot with a two-car garage; it doesn't exist. It appears that the existing character of the neighborhood does not support building a large garage on such a small lot and it is not typical of the neighborhood. They noticed in the minutes of the last meeting, the members planned to visit the area to see its true characteristics; and she's sure that they found that they didn't see any two-car garages on a small lot. The size limits, as documented in the Zoning Ordinances, are there to protect the character of the neighborhood by not allowing overdevelopment of small lots and protecting the description of an R-10 zone. They assumed that the Planning Board was ruling on whether some construction could even happen before the road. And this application actually brought up all kinds of road issues and all of the actual problems that the people on that upper part of Fenmore are having, because of not having a road that was not promised 50 years ago when they first bought their property. Those people are suffering the consequences of that on a daily basis in terms of the dangerous backing up of trucks, people turning around on their grass, no place to park. Also, drainage has been an on-going problem there and that's how this road developed into an outgrowth of this application. Since they don't know what kind of codes and regulations will be in place in the future, because things change all the time, it seems reasonable to delay any approval, since construction,

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according to the Planning Board, could not take place until that road is finished. Because they want to see what's going to happen with the road and how it will affect things. Any regulation changes may conflict with the present language and require modifications. So, that's why they are saying it would be better to wait and see before any decisions are made.

Mr. Rinaldi stated that in 2020 the Leesers applied for a variance to add living space to their home. They needed to have variances for both sides of their corner lot. There was no objection from the neighbors to that variance at all and it was approved. They did a great job of adding to their home; however, as a photo submitted by their architect for this present variance shows there is an indication that their new patio, which abuts the south side of Fenmore Road is out approximately 143 square feet of his property. It was not part of the original plan, and it did not require a building permit. It's not surprising that they are not supportive of the Fenmore Road completion. The Town needs to review this potential infringement. The height and size of this proposed large imposing structure with a full shed dormer on the second floor is significantly out of proportion to the space of which it is to be built. It is too big and invasive for a 50' x 100' foot lot and detracts from the area. Approving it will set the precedent for overbuilding in small spaces and it will be difficult to reject future proposals if this precedent is set. It appears that considering the increased patio size, the garage proposal and their parking habit, the applicant wants the use of more land than they own. The parking on the bottom of Fenmore was originally, back 40 years ago, was said that any cars parking on the bottom of that road had to park over to the right, one in back of the other, with a license to maintain. The license was not transferable to the new people that own it now. The fire hydrants for Fenmore Road and roads above Fenmore are in Brookwood; one on the corner of Fales and one on the corner of Melrose. Those hydrants are the closest hydrants to being able to get water or any

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other problems that are on Fenmore Road. The parking that's going on now is parking in the middle of Fenmore Road, parking all over Fenmore Road; there's four cars at a time sometimes parked on that road. It's very typical of what goes on. The only reason that the Planning Board has finally seen that this road has to be opened is for all the reasons that these people just mentioned, and it can't go on much longer.

Mrs. Rinaldi again spoke and stated that there are genuine safety issues beyond the nice look of this open road that have to be considered.

Chairman Asciola again stated that the road condition has nothing to do with the Zoning Board.

Mrs. Rinaldi stated that she knows that but wants the Board to be aware that this all came to light because of this application and that the road is a dangerous situation at this point.

Chairman Asciola explained the current avenue is for those concerns to be brought up before the Town Council. And also, that the amended application is not for an oversized structure. The new request is for a 22' x 24' with 20 feet high.

Mr. Rinaldi stated that it would be put on a 5,000 square foot lot and it needs 10 feet of variance. Chairman Asciola explained the Board is aware of the lot size, but he wants the neighbors to be aware that the request has been amended to a normal size. Mr. Rinaldi stated that the shed dormer is still on the plans. Mr. Asciola stated that you can't get a full second floor on a 20' high structure.

Mr. Eric Krushnowski, 9 Fenmore Road, stated he has lived on Fenmore Road for 36 years and in the neighborhood for 64 years. He bought the first lot on Fenmore Road when it was all woods, at which time he was told it would be going through as the properties were

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developed. He watched all the properties as it went down the street being developed. Then he moved to his present house, 9 Fenmore Road, and he was also told it would be developed. Then people down the bottom built in the road, which cause water to back up into my yard, into my basement, nothing but problems. Finally, they paved it a little further and now he has trucks and people turning around in his yard all the time; it is a safety issue as he has grandchildren who play on his property. He also believes that the size of the garage is overwhelming and it's imposing on the neighbors. He agrees with the Rinaldis that its too big for a 5,000 square foot lot.

Mr. Chris Kenney, 7 Melrose Road stated that he thought they were making progress; the applicant has lowered the size of the garage, they've made some compromises which are good. From his kitchen window he can watch the water and the heavy rains run down that road where the water has nowhere to go. He sees it as a Civil Engineering issue, and he doesn't think the Zoning Board should rule on this right now until it is solved. And he also doesn't believe that private money should pay for a small little, tiny bit of work on the Town road. It's a public right of way and the public has the right to go down there, and they should make access to the public easier and more respectful to the public. Because sometimes the public will be taxpayers too, even though they may not pay tax money then. He thinks that this should not be approved by the Zoning Board until the road is put in property, with Civil Engineering plans and everything to protect the quahoggers in the Bay and the marine life in the Bay. He has a BA in Marine Biology and he believes that there is more to it than everyone thinks and what they're doing is by not completing Fenmore Road, they're taking a chance with the Tidal environment and that this is not something that should just languish, this is something that should be addressed with drainage, with drainage to the Bay and the water management has

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to be addressed. With climate change and the amount of rainfall that has fallen lately and this is something that has to be addressed, because the water doesn't have a place to go and that means the water is going to go on the Leeser's property, and on the empty lots that aren't developed and eventually with enough water it might reach his house, which is only 60 feet from the garage that's proposed. Right now, he thinks this is an environmental issue, it should be held off until decisions are made on that road, and it should be a Town Council and Planning Board decision and once that's in, give them the garage. In response to questioning by the Chairman on what difference the garage would make, Mr. Kenney responded that it's just not going to be a real road, it's going to be a halfway, it's going to be a patch job. For 15 feet, imagine \$7,000, does anyone think they're really going to get their money's worth; do you think the water is going to be managed, do you think the drainage is going to be right, do you think this cost is realistic? He thinks they have to be realistic; this is their Town, and they have to protect it and first think about the Town and then give.

Attorney Cox stated that Ms. Leeser would like to speak. Mrs. Leeser stated that to the point, it's a ten-foot variance, no matter how you look at the property, whether it's a small property or a large property; a ten-foot variance is not a huge ask. The 15-foot extension would be nothing more than an extension of what it is today. Therefore, if it's not going to interrupt the flow of water or anything else, it's not their piece of property, it's going to be a road, it's just an extension of Fenmore. The notion of waiting until Fenmore gets paved all the way through is not something they can wait for. There was just testimony that it's been 60 years and there's no intention of paving. So, for them to wait 20 years instead of putting in a patch, which would give them the relief to swing in is a crazy notion.

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Attorney Cox stated that there was a comment about a picture that shows a patio that may or may not be in Fenmore; that is a Google Earth snapshot and it's not accurate; there is a survey in the application that shows where things are. Nothing the Zoning Board does, in regard to granting relief, is going to change the status of Fenmore or anything that is going on there; obviously the Chair fully recognizes that. In terms of the height of the building, it's 20 feet; it's a storage loft. They could build a cube, but they've designed a nicely designed colonial structure that an architect design, which not many applications come before this Board with full blown architectural designs for a 22' x 24' garage. They are genuine people who have done the right thing here. He asked the Board for a motion giving the ten-foot relief requested and if the Board feels uncomfortable because it has been captioned as a garage, then it could be a conditional motion that it cannot be used as a garage until they demonstrate access off a paved road. Such that if heaven, the moon and the stars should align correctly and the Town actually paves Fenmore, they can come off of Fenmore. They are also in Brookwood and can access from Brookwood. But the issue is an accessory structure for storage of their stuff. As the chairman pointed out, this the size of an accessory structure, they are not asking for an enlargement, and they would also put on record that it will never be an ADU. The guidelines on that are going to be greatly softened in the coming year; the regulations have been changed in the State. So, what they are giving up is something that they could probably get next year without that being on the record. They are asking for ten feet of relief; this is in fact a Board of permission and relief; that's their job, to look at the situation and grant relief where it's the least necessary and greater than a mere inconvenience if it is not granted.

In response to Mr. Brum asking if they could grant a garage that couldn't be used as a garage, because it's not reasonable to say that the garage can't turn into a garage, Mr.

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Tanner stated that it's the structure to be granted; and he doesn't really know how to answer. You can call it a shed or call it a garage, but you can't say that there's never going to be a vehicle pulled up to it. There are occasions when he has to drive into his backyard, he's not going to stop someone from driving across their backyard; it's not realistic.

Discussion and review were held on whether they could move it on the property to fit without a variance. It seems that after reviewing it, they would have to take about 14 feet off of the structure; but obviously it is not what they were proposing, and they are before the Board for a garage. It was also noted that the original plans for the pergola were an old design and was not part of the application. Attorney Cox asked that the record reflects that the fact that it was shown on the revised plan was an overlook and should not be shown.

Mr. Rinaldi asked if the shed dormer was still included in the plans, as it was too high. Mr. Asciola explained that putting a second floor on a 20' high building would be tricky. Mr. Tanner stated that the original plans that came in with the application show a shed dormer and it says it's 20 feet high, two car garage with a shed dormer. The new revised plan just shows that it's been shrunk to 22' x 24', but they didn't show any new architectural plans, so he would assume that there may be one; it doesn't say that there's not. It just says 1 3/4" story, 22' x 24'. Mr. Rinaldi stated that then it's an accessory structure that's six feet away from the property line with a shed dormer on it, which makes it look like an awfully big building. Mr. Tanner that that was something that was discussed at the March meeting. Some folks didn't like the dormer facing east and the Leesers said that they were willing to flip it so that it was facing west. But he hadn't seen any plans to that effect.

Mr. Asciola asked if that is the biggest problem, because the shed is actually a normal-sized shed. Is the shed dormer the part that's throwing everybody out of it. Mr. Rinaldi

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stated that is the part that makes the structure look very big when you look at the amount of land that it's on.

The Board discussed the issue of whether or not the application depends on the completion of the paving of the roadway. Ms. Goins stated that the Planning Board recommended that it not move forward until the entire roadway was paved. Mr. Tanner explained that the reason this went to the Planning Board back in March in the first place was because you can not just extend the paper road without Planning Board approval. The Planning Board, in their regulations, says that if anybody needs to access their property and extend a paper road, they have to do it through the Planning Board process at their own expense. They have to have an engineering design. There was some question as to whether this applies because it's only a garage, versus if it was a new house lot. That is why it went to the TRC and the Planning Board and he thinks that the Planning Board agreed that it should be paved. Now, whether the Town paves it or whether the applicant, or some kind of combination of the two, if it takes a year, two years or six months, somebody should probably pave that road at some point. If the Board approves the garage, they can't touch that road without the Town's approval. The DPW has something called a street opening permit, or a curb cut permit and they can't go put pavement on a Town right-of-way without the Town approving it. But what is before the Zoning Board is just the garage; if they want to put conditions on it they can.

Mr. Tanner confirmed that the lot coverage would be 34%; this is a non-conforming lot, because it's a single lot of record they get to up to 40% maximum.

Mr. Tipton stated that as he heard from the Solicitor was that if the Board was comfortable with the reduction of frontage, the 10-foot setback, which is really the issue, then condition the whole approval on Planning Board making some decision on the road.

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Mr. Cox stated that was the basis of his prior proposal, if there was going to be a conditional decision, condition onto access to a paved road, either Fenmore or Brookwood, it could be conceivable to find a way in accessing the accessory structure from Brookwood, possibly. So, seeing as testimony has been heard that about the paving of Fenmore having been talked about for the past 20 years, and nothing has happened to date. So, he doesn't think its fair to the applicants to suggest that they wait a conceivable another 20 years. The applicant may have opened the can of worms about paving Fenmore but would ask that if there is going to be a conditional motion that it's not on the paving of Fenmore, but that it's on access to be used as a garage, as opposed to an accessory structure to store golf carts and other items. That it be based upon access to a paved road and used as a garage.

Ms. Virginia Simmons, 17 Loring stated that they want the driveway to come from the east side of Fenmore, but they want to go down her side of the street to park their car, even in the driveway. But they don't want it to continue, because they want to enjoy the rest of the road.

Ms. Judy Cohn, 11 Brookwood Road stated that she understands that many people want Fenmore Road paved, but she thought it was about the structure and the variance for the structure, not the paving of the road. She thinks it's two different issues and she supports the garage, or storage unit, but she thinks they're getting caught up on construction of the road.

Mr. Tipton stated she was correct and whether they approve or deny the application, he doesn't think is going to have any difference in impact as to whether the road gets done or not; that's something that the Planning Board is going to decide one way or the other. He would suggest that the Board gets the variances out of the way and moves on.

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Mr. Kern noted that there is room on the north side between the physical road and the house. But, asked if there was any restriction for the applicant coming out onto Brookwood. Mr. Tanner stated that the only thing he can think of is that any new driveway in the Town of Bristol technically needs a curb cut permit, as even if there's not a physical curb, as you are taking exclusive access rights to that road, which is a permit through DPW. If they were to get a curb-cut permit, they could run a driveway down the side of the house.

Mr. Asciola asked if having access to the garage is a requirement. Ms. Goins stated it's not a requirement of the Zoning Code. You could build an accessory structure, whether they call it a garage or a shed. So, access isn't a legal requirement for practical purposes when talking about it, because access was proposed on the applicant's plan. If the Board were to approve it with the condition that it is not used as a garage until access has been provided, subject to review and approval by the Planning Board, DPW, or anyone else as necessary, she thinks they could put on that condition, just keeping in mind that Mr. Tanner as the Zoning Enforcement Officer would be charged with determining whether it's being used as a garage. To her that means cars not being stored in it.

X X X X X X

MR. TIPTON: Mr. Chairman, I'll make a motion on 2023-09, Daniel L. and Lillian C. Leaser, 12 Brookwood Road are applying for a dimensional variance to construct 22' x 24' accessory garage structure with less than the required front yard on a corner lot. Having reviewed this application, the Zoning Board of Review hereby finds that 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, or

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to an economic disability of the applicant. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. That 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. I find that the relief requested to be granted is the least relief necessary. The hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience, because they would have nowhere to store their belongings and would reduce the size of their residence.

MR. SIMOES: I'll second that motion.

MR. TIPTON: I need to append to that motion the conditions upon which it exists. Conditions shall be imposed upon this approval that its enforcement will be enforced upon the decision of the Planning Board and any other departments of the Town of Bristol.

MS. GOINS: Before you vote, I just want to understand, so we all can understand what that condition means. If it's conditioned on Planning Board approval, which I think it would be whether or not.... Does that mean he can build the structure but not use it as a garage, meaning drive to it and park his cars there? Is that what that's intended to mean.

MR. TIPTON: Yes, that's what it does mean.

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MS. GOINS: Alright, so I would suggest maybe, you know, the structure shall not be used as a garage, unless and until access to the structure is approved by the Planning Board and DPW, as appropriate. I think phrasing it like that leaves room for either the Planning Board to approve any extension of Fenmore, or access from somewhere else on the site.

MR. TIPTON: Yes, so moved.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted, as Conditioned)

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NEW PETITIONS

3. **2023-27**

ROBERT M. KREFT

22 Wall Street: R-6

Pl. 33 Lot 17

Dimensional Variances to construct a 40' x 42' accessory garage structure at a size and height greater than permitted for accessory structures, and with greater than permitted lot coverage by structures in the R-6 zoning district.

Mr. Robert Kreft presented the Petition to the Board and explained that he would like to build the accessory structure. He bought the lot next door and combined the lot to add the accessory structure. It was zoned for a single-family residence and now he would like to convert it to an accessory garage. The reason is that he would like to retire and move into the property and ultimately, he needs a place to store his machinery; his plow, his truck, his tractor, rtv and the equipment that he uses to maintain the building.

The Board expressed concern about the size of the structure.

Mr. Tanner explained that this used to be another lot next door to the 12-unit apartments, it was merged together and is now one lot.

Mr. Kreft confirmed that the garage would have doors on both sides of the structure in order to drive in and out, but he would remove one door if necessary.

The Board reviewed the proposed plans in detail with Mr. Kreft. The proposed height would be 22' 11" to the peak, in order to accommodate the tractor. Mr. Kreft confirmed that the plan shows 4 additional parking spaces for the tenants, as he would remove the equipment from those spaces and convert them to tenant parking; currently there are 25 parking spaces for the 12-unit two-bedroom apartments. Mr. Kreft stated that the area around the structure would be grass. It was noted that the lot coverage would be 53%. Mr. Kreft stated that

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it was at 61 when he bought the building, he then merged and that came down to 46% and now he was asking for a bump to 53%.

After reviewing the plans and the area, the Board noted that they were not to scale, making it difficult to really see how this structure would fit on the property and what impact to the area. The Board requested a revised site plan.

X X X X X X

MR. BRUM: I'll make a motion that we continue File number 2023-27, Mr. Robert Kreft, 22 Wall Street to the next meeting, which is October 2, 2023; where he'll provide a site plan that's to scale.

MR. TANNER: If I might just add, I think a bit of the confusion was also with the site plan, when the Chairman said, what's on that empty lot. I think that empty house lot that's on the site plan, there is a house on it today. So, it might be worthwhile to put a rough footprint of where that existing house is; just so the Board can visualize where it all sits.

MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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4. **2023-28**

RICHARD P. & LYNN LUIZ

**2 Maple Shade Ct.: R-15
Pl. 54 Lot 18**

Dimensional Variance to construct a 13' x 20' garage addition to an existing single-family dwelling with less than the required right-side yard.

Mr. and Mrs. Luiz presented the Petition to the Board. Mr. Luiz explained they would like to put a 13' x 20' garage addition onto a single-family home. Mrs. Luiz explained the variance is being requested because of the irregular shape of the lot. There's a right-of-way that runs on the north side of the lot, which they've maintained for the past 20 years. Mrs. Luiz stated it will be just big enough to squeeze one car in.

The Board reviewed the plans in detail.

Mr. Charlie Dodge, 1389 Hope Street, spoke in favor and stated he is totally supportive. They have a tasteful plan, its going to be nice looking and its not going to bother anybody.

X X X X X X

MR. BRUM: Mr. Chairman, I'll make a motion to approve File number 2023-28, Richard P. and Lynn Luiz, 2 Maple Shade Court. The applicant is requesting a dimensional variance to construct a 13' x 20' garage addition to an existing single-family dwelling with less than the required right yard setback. The applicant is requesting a dimensional variance to construct a 13' x 20' garage addition to the existing single-family dwelling on the property located on the westerly side of Maple Shade Court. The proposed single-story addition will extend off the right side of the existing structure. The proposed garage addition would add a single vehicle stall to the

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existing attached garage and would extend within 10.5 feet of the northerly side property line. The extension of 10.5 feet would require a 9 ½ foot variance to the required side yard setback. I make a motion that we approve the 9 ½ foot variance to the northerly right-side yard. I'm making that motion based upon the following findings. That the hardship that the applicant seeks relief from is due to the unique characteristics of the subject land. As the applicant has testified, there is a paper road that creates an interesting contour to their land. The road is not currently in use, and given the neighboring structure, it doesn't look that the Town would look to complete that road in the near future. The hardship isn't the result of any action by the applicant, and the applicant doesn't stand to realize any true financial gain. By extending on the side of the house by adding a single garage, it will not greatly impact the total value of the home. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent of purpose of the Zoning Ordinances or the Comprehensive Plan of the Town of Bristol. Because the design and the size of this home are not atypical to the surrounding homes, nor are they atypical to homes located in Town. If the relief wasn't granted, then we would be denying the right of the applicant to store an additional vehicle. Given the inclement weather in New England, it's customary to store vehicles indoors. The hardship that would be suffered by the owner if the dimensional variance is not granted would be more than a mere inconvenience, because, as I stated previously, having

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the ability to store your vehicle indoors creates a safer environment,
especially in inclement weather. For those reasons, I so move.

MR. KERN: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Approval of minutes)

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5. **2023-29**
20/20 VISION CARE, INC.

375 Metacom Ave.: M
Pl. 46 Lot 14

Dimensional Variance to renovate and reface an existing freestanding commercial sign with the proposed sign having approximately 42 square feet of sign area, at a size greater than permitted for a freestanding sign in the Manufacturing zoning district.

Mr. William St. Vincent presented the Petition to the Board. He explained he would like to replace the existing sign, which will be boxed in and they would add something to the bottom where plaques with the doctors' names would go.

The Board reviewed the plans in detail. Mr. Tanner confirmed the clearance will meet the standards and a free-standing sign can be as tall as 12 feet, this would be at 10' 8" and would need at least four feet of ground clearance, this would have five feet. The existing sign is already larger than is permitted. Mr. St. Vincent explained that it will be a foot longer than the existing sign.

The Board noted that other signs in the are about the same size, if not bigger.

No one spoke in favor or against the Petition.

X X X X X X

MR. SIMOES: Mr. Chairman, I'll make a motion that we grant file number 2023-29, which is the replacing of the existing sign, but at a larger size. This new sign will be much clearer than the old sign he has. Plus, it will be about a foot higher than the older sign. And being on Metacom Avenue, which is a very fast traffic, this way it's big enough where with somebody going by could see the sign and read it pretty clearly. Plus, underneath it will have the name of any doctors that practice at the building. Also, it will not

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change the general characteristics of the surrounding area. There are other businesses also in the area where their signs are a little larger, so that people driving by can read them more clearly and more precisely. It will not change the general characteristics of the Zoning Ordinance. This relief requested and granted is the least relief necessary. The hardship that will be suffered by the owner of the subject property would be that maybe he would lose some customers and the customers would have a hard time trying to find the place. For those reasons I move that the Dimensional Variance be granted.

MR. TIPTON: Second.
MR. ASCIOLA: All in favor?
MR. SIMOES: Aye.
MR. KERN: Aye.
MR. BRUM: Aye.
MR. TIPTON: Aye.
MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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6. 2023-30

GILBERT L. ALMEIDA

254 Franklin St.: LB
PI 29 Lot 38

Dimensional Variances to construct a 40' x 60' commercial building with less than the required rear yard, and less than the required front yard on a corner lot.

Mr. Gilbert Almeida presented the Petition to the Board. He explained that he was asking for the setback variance in order to get the maximum use of his property, also to help clean up the area that has kind of been an eyesore for years. He spoke to a couple of real estate professionals and was told that small workshops are pretty sought after in Town and are becoming less and less available because of development. He believes that three 20' x 40' workshops should also help the Town's economy. The setbacks he was requesting kind of conform to the neighborhood, both on Franklin Street and Buttonwood, they line up with the existing houses. He will be occupying one for himself, doing small engine repairs such as lawnmowers, no cars; the others will be rented out.

Mr. Tanner stated that this property is a little unique. It has residential uses all around the back and side of it, but across the street in every direction is manufacturing; it's a pretty heavy industrial area. Mr. Almeida used to own an auto repair business across the street and this lot was used for overflow parking. But it's not in a manufacturing zone, it's in a limited business zone. So, small engine repair was determined to be permitted use, not automotive repair, not contract construction services. It couldn't be rented out to landscapers or contractors, but there are other businesses that could be put in there. Just keeping in mind that it will be a three-bay garage building, but the uses that go in there aren't any type of use; it's a limited business zone, less intense commercial uses that are allowed.

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Mr. Almeida confirmed that he had spoken with Mr. Tanner and is aware of what is and isn't allowed in this zone.

Mr. Tanner also noted that Mr. Almeida did submit a full survey plan and it is showing 8 off-street parking spaces, which is what zoning would allow for this size building on this lot. Also, it is on a corner lot, which requires two front yards. It does conform to Franklin Street, but the setback from Buttonwood; he's just at 17 feet and should be at 25; and in the rear its at 15 instead of 30.

No one spoke in favor or against the Petition.

X X X X X X

MR. SIMOES: Mr. Chairman, I'd like to make a motion for file number 2023-30, and this is for a variance of a commercial building of 40' x 60'. And the front yard variance normally requires 25 feet and he's asking for a 16.67' variance. And the left side requires 30' and he's asking for a 15-foot variance. This hardship is not the result of the prior action of the applicant, nor does it result primarily from the desire of the applicant to realize greater financial gain. Granting the requested Dimensional Variance will not alter the general characteristics of the surrounding area. The area is made up of mostly all manufacturing, some commercial, all a mixture in the area. The relief requested is the least relief necessary. Therefore, I move that this Dimensional Variance be granted to the subject property.

MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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7. **2023-31**
DANIEL LACHANCE

20 Highview Dr.: R-15
Pl. 48 Lot 71

Dimensional Variance to construct a 38' 10" x 50' 7" single-family dwelling with less than the required front yard.

Mr. Johnathan Novak, representing Daniel Lachance, presented the Petition to the Board. Mr. Novak explained that the property was purchased last September and due to confusion of the drawing of the site plan, there was a misunderstanding about the power line easement that goes along the back end of the property. Due to the topography of the property, the natural location of the house puts it directly in the middle of that easement, which is a no-build easement. So, the proposal is to move the house to the other side of the property. Based on the angle of the position of the house, the front left corner from the street encroaches the front setback. So, they are requesting a variance on the front left corner of the house.

Mr. Novak explained that its 150-foot wide no build easement, they can landscape it, but no structures, which takes up about 67% of the property.

The Board reviewed the plans in detail, and confirmed they would need a 10-foot variance.

No one spoke in favor of or against the Petition.

X X X X X X

MR. TIPTON: Mr. Chairman, I make a motion to approve application file number 2023-31. The Board has reviewed the documentation presented and it is requesting a Dimensional Variance for 10 feet, in order to be able to locate the house on the lot. The hardship from which the applicant seeks relief is due to the unique, very unique, characteristics of the subject land or

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structure and not to the general characteristics of the surrounding area, or to an economic disability of the applicant. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater gain; but just to be able to locate his house on the only really viable piece of land in the whole lot. That the granting of the requested Dimensional Variance will not alter the general characteristics of the surrounding area or impair the intent of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. The relief requested to be granted is the least relief necessary. As mentioned, this is the only viable location on which to site the house and reduce the amount of relief necessary to a minimum. The hardship that will be suffered by the owner of the subject property, if the Dimensional Variance is not granted, would amount to more than a mere inconvenience, because he would be left with a large plot of land that he could do nothing with.

Therefore, I make that motion.

MR. BRUM: I'll second the motion.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X
(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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8. **2023-32**

**WENDY J. RAAD &
ANDREJS V. GALE**

**5 Adelaide Ave.: R-10
Pl. 84 Lot 47**

Dimensional Variances to construct a 24' x 26' garage addition and 8' x 23' breezeway addition to an existing single-family dwelling with less than the required front yard and with less than the required rear yard.

Mr. Gale and Ms. Raad presented the Petition to the Board. Mr. Gale explained they would like to add a two-car garage to their existing single-family home. They have a very large side yard and when that neighborhood was created their house was very much off center and also its an irregular shaped lot and wasn't measured property off the front of the street. Knowing all that they are working with a planner and designer that recognizes the two-car garage that's being proposed will be the same or two feet less than where the front of the house currently sits and will not go past the back wall of the house and will have the proper distances on both sides. The reason is that when they bought the house there were five trees there, it was a rental, the property maybe wasn't maintained as well as it could have been, and they lost all trees. So, the cars are all sunburned the grass is sunburned, so its shelter, but more importantly his wife broke her hip last year, so they are trying to find a way to get from the kitchen to the garage a little more safely during the winter months and also there's a very steep incline of the driveway, so its safety as well.

The Board reviewed the plans in detail. It was noted that it won't come any closer to the road than the existing structure.

Mr. Tanner stated they mentioned a slope to the driveway and his recollection at looking at the property noticed it's a bit of a step up and asked if they were just going to cut into the hill. Mr. Gales stated that he knows there will be a 4-foot foundation and the driveway will

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be adjusted to fit into the foundation and the slab driveway existing and it may have to level out a bit.

No one spoke in favor or against the Petition.

X X X X X X

MR. SIMOES: Mr. Chairman, I'll make a motion that we grant application file number 2023-32. The applicant wishes to build a 24' x 26' garage and an 8' x 23' open breezeway. The garage will be two feet shorter than the width of the house and he will need a variance on the rear property of the house; he has 26.8' and the required by the zone is 30 feet; so, he needs a 4-foot variance in the rear. And in the front, he's going to have a 17.4' and a 30' front is required; so he's going to need a 13-foot variance in the front of the house. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. The hardship is not the result of any prior action of the applicant. Most of the properties in the area also run into the same problem where it doesn't have enough frontage and not enough in the rear of the house also. By granting the requested Dimensional Variance it 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 relief requested is the least relief necessary. Therefore, I move that this Dimensional Variance be granted to the applicant.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

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MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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9. **2023-33**

LOUIS & JOAN CABRAL

14 Union St: R-6

Pl. 15 Lot 52

Dimensional Variances to modify a previous decision approving the construction of 24' x 36' two-story accessory garage structure at a size and height greater than permitted for accessory structures in the R-6 zoning district by repositioning the proposed structure to the southeastern portion of the lot.

Mr. Louis Cabral presented the Petition to the Board and explained that he was before the Board on February 6th, as well as April 3rd. The Board approved his request to build a 3-car garage on the property and the decision was recorded on the 24th of July. The ink was not dry and some consultants he has working on the project started reviews and he have filed an application to reposition the garage at the southeast corner of the lot, instead of the center of the lot. And at the same time turn the garage in such a way that the 3-car bay doors are facing the interior of the property and not Union Street. The utilization of the lot will be much better by positioning the garage at the southeast corner instead of having it at the back center of the property.

The Board reviewed the plans in detail. Regarding the large tree, Mr. Cabral explained that a large tree is very important to him, and Mr. Simoes noted that the tree will actually hide a good portion of the garage. Mr. Cabral also stated that the other thing they are doing is that by repositioning the garage, they now have a 20-foot exposure to Union Street, versus the 36; and it will remain 7 1/2 feet from the rear lot line, as previously approved. The new roof size is going to be proposed before the HDC is smaller; they are having hip roof,

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instead of having a larger space that was originally approved. If he receives approval of the revised plans, he will then start his formal application with HDC.

No one spoke in favor or against the Petition. Mr. Tanner noted an e-mail from a neighbor on Hope Street, concerned about water runoff. He did take a look at the neighbor's property and the previously approved building would be much closer to her property. By turning it and shifting it, she's to the west, everything slopes towards Hope Street, but this building will actually be further from her property now; and they will have to submit a drainage plan.

X X X X X X

MR. BRUM: Mr. Chairman, I'll make a motion to approve application file number 2023-33, Louis and Joan Cabral, 14 Union Street, Dimensional Variances to modify a previous decision approving the construction of a 24' x 36' two-story accessory structure at a size and height greater than permitted for an accessory structure in the R-6 zoning district by repositioning the proposed structure to the southeaster portion of the lot. The applicant is requesting a Dimensional Variance to construct a 24' x 36' accessory structure on this property located on the southerly side of Union Street. The property contains 13,000 square feet of land space. It's currently improved by an existing single-family dwelling and currently has an existing detached 3-stall accessory garage structure. Previously this Board approved file number 2023-08 a variance by the applicant to construct a similar structure in a different site on the lot. I would like to cite the prior findings of this file and also consider that this new proposed garage structure requires a height variance of 2' 10"; but is, because of the

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modified roof design and revisions to the dormers, has less overall roof space than the previous approval. We would require a Dimensional Variance for the 24' x 36' structure, as the maximum allowed in this district by Ordinance is 22' x 24'. The hardship is the unique structure of the property. I do recall, I think I made the previous motion, but I believe that there is a drainage problem there with the existing dwelling that water will enter the basement, making any storage of anything inside the house very difficult. So, the applicant would require additional room for storage. He purchased the property with an existing 3-stall garage on it that I believe is actually a little bit larger than this proposal and he should be entitled to having a like accessory structure in its place and be permitted to replace that structure for a like accessory structure. We have shown previously that the hardship was not caused by the applicant. Granting this relief, I believe is truly the least amount of relief necessary, as the structure that we're permitting here is placed less intrusively on the subject lot, or farther away from previous dwellings. The hardship by the owner of the subject property, if not granted, is more than a mere inconvenience; he's currently got a 3-stall garage that needs repairing that has doors that are lower than traditional height and with the length of today's cars and makes it difficult. It is more than a mere inconvenience and the applicant should be permitted to have a structure that can safely and adequately provide storage and security. For those reasons I move.

MR. SIMOES:

I'll second that motion.

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MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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10. 2023-34

MICHELLE R. & JEFFREY J. COTE

**192 Poppasquash Rd.: R-40
Pl. 176 Lot 98**

Dimensional Variances to construct a 36' x 42' two-story accessory barn/garage structure at a size and height greater than permitted for accessory structures in the R-40 zoning district.

Ms. Cote presented the Petition to the Board. She explained that they would like to build a barn on the property to be used for storage of her husband's Mustang collection and a workshop area for him. They currently do have three garages and they use them for their cars and a gym. They do have a big house, but they have exhausted all of their storage capability. And right now, her husband is storing his cars outside in Massachusetts and he just really would like them closer to his house and to have a place for his workshop. They are seeking a 36' x 42'; it is two stories, but it's 25 feet in height, but they're not going to use it as a second floor, its just more to be in line with their house and their almost 4-acre lot. The second floor will be like a loft and used for storage; not for usable living or workable space. She said she talked to all of her neighbors who all said they were in favor of the project. They have 3.9 acres, but they are a little bit limited because their septic system is in the front yard. So, where they positioned it is because they don't have a lot of play perse. They are proposing it to be placed six feet from the property line, but she has talked to the neighbor on that side, whose house is further down towards the water and would even see the structure.

The Board reviewed the plans in detail.

Mr. Kenneth P. Bouchard, 25 Reliance Drive spoke against the Petition. He stated that what he would like to do is to postpone the approval of this variance until such time as they could gather more information and then there are two other neighbors that he's not certain

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received the package. One of them, in addition to him and his wife, did not. Their notice was sent to an address they haven't lived at for five years. When he would like more time to perhaps talk to the landowner and there are three landowners that he believes she hadn't talked to.

Ms. Cote stated that she's talked to all the three sides of her house.

Mr. Bouchard stated that she has other neighbors within the 300-foot radius and he knows that there are at least two others that would probably object to the project. He and his wife are open-minded about not objecting at this point, but they need sufficient time to get more information. His concerns could be noise issues, fire protection issues, lighting issues, if the garage is orientated the wrong way, being the types of questions that need to be answered.

Ms. Cote stated she could not attend the next meeting on October 2nd, but would request a continuance until the November 6th meeting.

X X X X X X

MR. KENR: I'll make a motion to continue the application file number 2023-34 until the November 6th meeting.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition continued to November 6, 2023)

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11. ADJOURNMENT:

X X X X X X

MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. SIMOES: Second

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

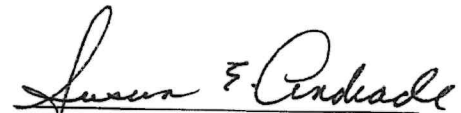
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 10:10 P.M.)

18 SEPTEMBER 2023

RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 18 SEPTEMBER 2023

Date Accepted: 11/26/23
Chairman: 