



RULES OF PROCEDURE
TOWN OF BRISTOL
ZONING BOARD OF REVIEW
(Revised December 2025)

I. GENERAL

Unless otherwise stipulated in these rules or in the Bristol Zoning Ordinance, hereinafter referred to as Zoning Ordinance, all meetings and hearings will be conducted in accordance with Rules of Procedures as interpreted by the Chairperson, hereinafter called the Chair. The provisions of the Zoning Ordinance and the Zoning Statute (Chapter 45-24 of the General Laws of Rhode Island, as amended) shall govern all actions of the Bristol Zoning Board of Review, hereinafter referred to as the Board.

II. OFFICERS

- a. At the regular meeting in April of each year, the Board shall organize by electing from its membership a Chair and a Vice-Chair by majority vote as provided by Section 28-408(d) of the Zoning Ordinance.
- b. In the event of vacancy of an officer of the Board, at the first meeting thereafter, such vacancy shall be filled by a vote of the full Board. The newly elected officer shall begin his term immediately and serve out the remainder of the term of the replaced officer.
- c. The Board may designate a Secretary, who need not be a member of the Board, and who may be an employee of the Town of Bristol.

III. DUTIES OF THE CHAIR

- a. The Chair, or in his/her absence the Vice-Chair or a designee, shall preside at all meetings and hearings of the Board, shall decide all points of order and procedure, may administer oaths and compel attendance of witnesses, certify all actions conducting meetings of the Board, call special meetings and appoint any necessary committees, make any assignments required in discharging the duties of the Board or exercise any general supervisory powers. The Chair shall at each meeting report on any correspondence and other transactions that have not otherwise been brought to the attention of the Board.
- b. The Vice-Chair shall act as Chair and shall have all the powers and duties of the Chair whenever the Chair is absent, disabled or otherwise unable to perform his/her duties.

IV. MEETINGS AND HEARINGS

- a. All hearings and meetings of the Board shall be open to the public as required in Chapter 42-46 of the General Laws of Rhode Island, as amended. Closed meetings may be held only in accordance with the requirements of Sections 4 and 5 of said Chapter 42-46.
- b. Regular meetings of the Board shall start at 7:00 P.M. All hearings shall be held on regular meeting nights except where a hearing is adjourned to another date as prescribed in Sub-

Section "c", following.

- c. A regular meeting or hearing may be continued to another date by a vote of the majority of the members of the Board and no further public notice shall be required provided the time, place and date of the resumption of the meeting or hearing is announced at the time of continuance and is not subsequently changed.
- d. The order of business of all regular meetings of the Board shall be as follows:
 - 1. Call to order
 - 2. Acceptance of minutes of prior meetings
 - 3. Old business, including public hearings carried over from earlier meetings
 - 4. New business including public hearings on new appeals or applications for special use permit or variance
 - 5. Communications
 - 6. Other business
 - 7. Adjournment
- e. A quorum shall be four (4) participating members. In the event of the absence of a regular member, an auxiliary member shall sit as a regular member upon invitation of the Chair. No public hearing or decision on any matter shall be valid unless a quorum of four is present. Where a matter is continued through two or more meetings, at least four members present at the initial meeting must participate in each subsequent meeting. No member or auxiliary member who was absent from one or more meetings shall participate in the decision on the matter.
- f. Notice of public hearing shall be given by the Secretary of the Board in accordance with the requirements of Section 28-409(b) of the Zoning Ordinance.
- g. Public hearings on an application for special use permit or variance or an appeal from the Zoning Enforcement Officer, Building Official or Administrative Officer shall be conducted in the following order:
 - 1. Announcement by the Chair
 - 2. Presentation by appellant, applicant or his agent
 - 3. Supporting testimony by other parties
 - 4. Cross-examination by opponents after testimony of each expert witness
 - 5. Testimony by opponents to the appeal or application. (In the case of an appeal, the enforcing officer, whose decision has been appealed, shall testify.)
 - 6. Rebuttal by appellant or applicant
 - 7. Rebuttal by opponents
 - 8. Close of hearing
 - 9. Submittal of memoranda of law (at the Board's discretion)
 - 10. Decision of the Board (need not be at the same meeting)

The Board, as recognized by the Chair, may question any party, agent or witness at any time. Cross-examination by opponents shall only be allowed by accepted expert witnesses. Any other question, of any other party, agent or witness must be directed through the Chair, who shall have the discretion whether to ask such questions or not. The Chair may limit each witness to a specific time period to assure opportunity for all interested parties to participate.

- h. Public hearings on appeals from the Planning Board or Historic District Commission are conducted in the following manner:
1. The Planning Board or Historic District Commission shall designate one individual to represent it before the Zoning Board. For the Planning Board, this may be the Administrative Officer, the Planning Board Chairman, or a Member of the Planning Board. For the Historic District Commission, the Chair of the Historic District Commission or a member of the Commission. Such designation shall be in writing and presented no later than the start of the Zoning Board hearing.
 2. Initial argument by the appellant with no presentation of any evidence or exhibits. The appellant may refer to specific portions of the record, and call them to the attention of the Zoning Board.
 3. The Planning Board or Historic District Commission representative (appellee) shall present argument before the Zoning Board. No new evidence or exhibits may be introduced. The appellee may refer to specific portions of the record, and call them to the attention of the Zoning Board.
 4. If the appeal has been taken by someone other than the original applicant, such original applicant shall also be allowed to present argument before the Zoning Board. No new evidence or exhibits may be introduced. The original applicant may refer to specific portions of the record and call them to the attention of the Zoning Board.
 5. Any party of interest may present argument before the Board. No new evidence or exhibits may be introduced.
 6. The Board may ask questions of the appellant, the appellee or any parties presenting argument to the Board at any time. No other parties shall be allowed to directly question any other party or the speaker.
 7. At the conclusion of the argument, the appellant shall be provided time for a rebuttal argument and the appellee shall be granted time for a rebuttal argument.

The Board may, at its discretion, accept legal briefs or other written statements of argument, but not evidence, for up to ten (10) days following the hearing. The Board may, at its discretion, order further argument from any party, following the initial hearing, provided that notice is given to all parties and all parties in interest. The Chair may limit each witness to a specific time period to assure opportunity for all interested parties to participate.

All witnesses shall be sworn by the Chair prior to testifying.

- j. Any person can appear on their own behalf or be represented by an agent or attorney. However, if not an attorney, such agent must present written authority to the Board, signed by the party. Corporations appearing before the Board should be represented by an attorney.
- k. The Board may receive and consider written statements including memoranda-of-law. Any written statement filed with the Secretary of the Zoning Board not later than the day of the hearing or submitted at the hearing will be received and considered. Statements are public records and subject to examination.

- l. A majority vote of the Board is required for the acceptance of an expert witness.
- m. Whenever the Board deems postponement or continuation to be desirable for orderly administration of the Zoning Ordinance, the Board may continue the hearing to a later date and time. If the date and time of continuation is announced during the hearing, such continued hearing may be held without further application, notice or advertisement.

V. APPLICATION

- a. An appeal or an application for special use permit or variance shall be filed on appropriate Board application forms which are available from the Secretary of the Zoning Board. A copy of an appeal shall also be filed with the Building Inspector and the Director of Community Development. The application form shall be accompanied by supporting maps and information as stated on the form. Major Documents pertaining to the case must be submitted 30 days prior to the Board meeting. The Board reserves the right to continue a case otherwise.
- b. Non-complying applications will be rejected.
- c. Any appeal or application shall be filed with the Secretary of the Zoning Board at least 30 days in advance of the regular monthly meeting date of the Board. The Secretary shall schedule a public hearing and notify the interested parties.
- d. An appeal or application shall be accompanied by a filing fee as established by the Town Council. Checks should be made payable to the Town of Bristol. Any application not accompanied by a filing fee may be refused filing.
- e. As a condition of approval, the Zoning Board will require evidence that Town taxes are paid up to date.

VI. DECISION

- a. Findings and decisions of the Board will be made in accordance with the requirements of Section 28-408(i) of the Zoning Ordinance. Notification of findings and decisions shall be forwarded to the appellant or applicant, the Building Inspector and the Planning Board and shall be posted in the Town Hall.
- b. The Board's conclusions and reasons for its conclusions must be set out in a formal written decision signed by the Chair or the Zoning Enforcement Officer. The decision shall include how each member voted. The effective date of the decision is the date in which it is filed with the Secretary of the Zoning Board and recorded in the land evidence records of the Town. The decision of the Board is a public record and shall be available for public inspection.
- c. Whenever a decision requires plans to be subsequently approved by the Board, the sole purpose of such approval is to ensure that the applicant understands and will properly implement the Board's decision. Accordingly, unless the Board otherwise determines, neither such approval, nor approval of a non-substantial departure from plans submitted and approved, shall require notice or public hearing. The Board's approval may be evidenced by the signature of the Chair.

- d. Any decision may be modified by its author(s) without reapplication or public hearing in order to correct typographical or other clerical error, upon approval by the Chair.

VII. MEMBER INTEREST

Board members are subject to the Rhode Island Code of Ethics, including both statutory provisions codified at Title 36, Chapter 14 of the General Laws, and regulations promulgated by the Ethics Commission and included within the Rhode Island Code of Regulations. A complete copy of the Code of Ethics can be found at the following link: <https://ethics.ri.gov/code-ethics>

Members shall adhere to all provisions of the Code, and without limitation, shall not: (1) appear before the Board without having sought and received a hardship exception from the Ethics Commission; or (2) participate in any matter in which the member, the member's family member, or the member's business associate is a party or an abutter to a matter before the Board. Questions regarding the Code of Ethics should be directed to the Town Solicitor's office and/or the staff of the Ethics Commission.

VIII. REPETITIVE APPLICATIONS AND WITHDRAWALS

- a. The Zoning Board of Review will not accept a second appeal or application which is identical to an appeal or application, which has been adversely decided, for a period of two (2) years unless facts are presented to the Board indicating a substantial and specific change in conditions or circumstances relating to the matter.
- b. Upon good cause shown by the appellant or applicant, the Board may grant leave to withdraw without prejudice. In such cases, the Board may immediately set a date for a continuance, if requested to do so. If no continuance is requested, or if the Board denies a continuance, the application must be refiled and readvertised and the filing fee paid again. The filing fee will not be refunded under any circumstances.

IX. PROCEDURE ON APPEALS

The Board shall be governed by Section 28-410 of the Zoning Ordinance on matters of appeal from the decision of the Building Inspector, Zoning Enforcement Officer, Administrative Officer, Planning Board or Historic District Commission.

X. PROCEDURE ON VARIANCES

The Board shall be governed by Section 28-409 of the Zoning Ordinance on matters of variances requested from the Board.

XI. PROCEDURE ON SPECIAL USE PERMITS

The Board shall be governed by Section 28-409 of the Zoning Ordinance on matters of a special use permit.

XII. AMENDMENT OR WAIVER OF PROCEDURAL RULES

- a. These procedural rules may be amended by an affirmative vote of three (3) of the regular members of the Board after proper notice is given following the procedure established for an application under these rules.
- b. Any provision of these rules may be waived at any time by unanimous vote of the regular members of the Board, unless the waiver is inconsistent with the Zoning Ordinance or the State Enabling Act, R.I.G.L. § 45-24 as amended.

XIII. OTHER APPLICABLE LAWS

The decisions of the Board relate only to the Zoning Ordinance and have no effect on other applicable laws and regulations. Despite favorable action of the Board, each applicant must secure a building permit and all other necessary approvals and permits from other state and Town agencies.

XIV. EFFECTIVE DATE

These Rules of Procedure are hereby adopted by the Bristol Zoning Board of Review and effective XX XX 2026