

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

01 APRIL 2024
7:01 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. DAVID SIMOES
MR. DONALD S. KERN
Mr. Tony Brum
MS. Kim Teves
MR. George D. Duarte, Jr.

ALSO PRESENT:

ATTORNEY PETER SKWIRZ, Town Solicitor's Office
MS. DIANE WILLIAMSON, Town Planner

Kathleen M. Maynard
30 Rockwell Street
North Providence, RI 02904
401-744-7008

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The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:01 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI.

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the March 4, 2024 minutes.

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MR. SIMOES: Mr. Chairman, I would like to make a motion that we approve the March 4, 2024 minutes as presented.

MR. KERN: I'll second that motion

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were accepted)

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NEW PETITIONS:

2. 2024-08

**Mott & Chace Sotheby's
International Realty**

**317 Hope Street
Plat 10, Lot 43**

Special Use Permit to operate a professional real estate office Formula Business use within the Bristol Historic District Overlay Zone. Located at 317 Hope Street; Assessor's Plat 10, Lot 43; Zone: Downtown (D).

Mr. Burke stated to the Board that he wanted to inform the applicants that he held a real estate license, but he was relatively inactive in using said license and that did not believe it would not impact his ability to hear the application.

Ms. Judy Chace, 284 Slater Avenue, Providence, Rhode Island and Ben Scungio, 8 Belton Circle, Barrington, Rhode Island presented the Petition to the Board. Mr. Scungio states that they are present because they submitted an application to operate a formula business at 317 Hope Street.

Mr. Asciola asked the applicants what the hours of operation of the real estate business would be.

Ms. Chace stated that the office hours would most likely be 9am to 5pm but being realtors they would work weekends as well as needed.

Mr. Asciola asked about the outside lighting for the business and acknowledged that there will be an outside sign with the name of the business displayed and asked if the business name would be illuminated in any way.

Mr. Scungio stated that there would not be any backlighting for the sign. They are hoping for interior lighting and they will be working with the Historic District Commission on that issue. Inside there may be a table lamp and nothing else. No lighting on the brochure racks or anything else. The signs in the windows will be a plexiglass piece held up by wires.

Mr. Simoes stated that in the letter presented it stated that they need to abide by the rules of the franchise specifically that

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the letter stated they need to display their logo and asked if there was a logo for the business.

Ms. Chace stated that the logo is actually the name of the business, that they did not have any specific illustration or anything like that. There is a whale logo along with the company name which will be on the door which is vinyl and removable. Mr. Scungio stated that there are franchise restrictions and they have to approve any type of signage on the exterior of any of the office locations and this signage is what was approved.

Mr. Simoes asked if there was any parking in the back.

Ms. Chace stated that there was no parking in the back. Mr. Scungio stated that they do not own the building. Ms. Chace stated that the owner of the building bought it when they purchased the mill just because they could, and the owner made it very clear to them that it was for parking for the future mill project. It will be a tiny office with four desks.

Mr. Asciola asked if the vinyl on window was acceptable by the Historic District Commission since there have been issues in the past with vinyl signage.

Mr. Scungio stated that the sign looked more like etched glass so it would not be intrusive.

Mr. Burke stated that the applicants were going back to the Historic District Commission on Thursday, April 4, 2024 to get clarification on signage and that they did not have approval from them yet. He further stated that if the Board was to approve of the signage, that they could incorporate that circumstance into the motion.

Mr. Scungio stated that the Historic District Commission had a very specific set of questions and they are coming back before the Commission with very specific answers.

Mr. Burke just wanted to clarify so that if the Board did make a motion to approve he wanted to make sure that they recognize that the applicants will go to the Historic District Commission to get final approval from them in order to get final approval before the Special Use Permit gets issued.

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Mr. Burke also stated that it is a fine use for a small building and that they are not required to have parking in the area since none of the other businesses have off-street parking.

Mr. Simoes inquired about the requirement for rubbish removal. Mr. Scungio stated that there will be rubbish removal arranged as there is no dumpster.

Mr. Burke asked Diane Williamson if the TRC had reviewed the rubbish removal issue as he wanted to incorporate by reference the relevant section of the Ordinance so that would cover everything.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve File No: 2024-08 Mott & Chace Sotheby's International Realty, LLC 317 Hope Street to conduct a formula business in the Historic District. I would like to incorporate in this motion Section 28-150 Section H, special use standards for a formula business in the Historic District. The TRC has reviewed compliance with all of the standards and based on that as recommended approval of this application. In addition to that, the special use is specifically authorized by the Zoning Ordinance, and it does meet the standards as specifically stated and that the granting of the Special Use Permit will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. It fits quite well into the business environment in that general location. As a condition, the Special Use Permit will not be issued until the Historic District Commission has provided final approval for the application, specifically the signage on the building. I so move.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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3. 2024-09

JoZon Enterprises, Inc.
d/b/a Domino's Pizza, Inc.

655 Metacom Avenue
Plat 94, Lot 7

Dimensional variance approval to install an 86.47 square foot wall sign at a size larger than permitted in the General Business zone. Located at 655 Metacom Avenue; Assessor's Plat 94, Lot 7; Zone: General Business (GB).

Joseph Zonfrilli, 17 Oak Grand Road, Johnston, Rhode Island present. Mr. Zonfrilli has been the owner of the Domino's franchise location in Bristol for the last twenty-nine (29) years. He is here seeking a dimensional variance for the new Domino's location where old Benny's was located. He is asking to have a bigger sign on the tower that is on the building. The current location has 29 square feet of signage so he is asking for a bigger sign.

Mr. Burke asked what was the current size of the sign that is on his location on Gooding Avenue.

Mr. Zonfrilli stated that the current size was approximately 2ft x 21ft for a total of 43sqft.

Mr. Burke asked Mr. Zonfrilli if he was looking for something double that size.

Mr. Zonfrilli stated that it would be just under double that size. He stated that he was installing a 19ft awning, and above that is where he wanted the Domino's sign since it so tall it would be the best way to do it and it would look the most professional.

Mr. Asciola asked how far the business was set back from Metacom Avenue and what the speed limit was in that area.

Mr. Zonfrilli stated that the building was 300 feet back from Metacom Avenue and that the speed limit in the area was 35mph.

Mr. Asciola stated that cars traveling at that speed and looking 300ft away, they would not be able to see a smaller sign.

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Mr. Burke stated that Mr. Tanner had calculated that it was 300ft and that Mr. Zonfrilli was entitled to a 30sqft sign. Ms. Williamson agreed. Mr. Burke further stated that Mr. Zonfrilli was looking for an 86.47 sign as opposed to a 30sqft sign.

Mr. Zonfrilli asked if anyone was concerned about the light coming from the larger sign.

Mr. Burke asked what the light was that he was referring to.

Mr. Zonfrilli stated that he was referring to the backlighting on the sign. He stated that the old Benny's building has big lights that would shine down onto the sign but that those lights would not be used.

Mr. Burke asked what Mr. Zonfrilli meant by "backlit" and was the sign to be lit when the business was not open.

Mr. Zonfrilli stated that the sign would be backlit but not when the business was closed. The sign would be on a timer and would shut off at the end of the business day around 1:00 a.m.

Mr. Asciola stated that he was so far away from anyone that it would not be a concern.

Mr. Burke stated that he was just gathering the information so they could approve and then document the approval. He stated that the Board has granted sign variances for businesses along Metacom which has been done frequently particularly when something is set back. He is not projecting that he has an issue with it, he just wanted to understand what Mr. Zonfrilli wanted to do.

Mr. Asciola asked if the sign that was located on the road meant anything or was it just replacing an old sign.

Ms. Williamson stated that was correct and the sign is just being replaced.

Mr. Asciola asked if the lighting was just back lighting and was not a heavy light that would shoot in all directions.

Mr. Zonfrilli stated that the back lighting will be LED lights that will project forward and not out of the sides of the

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signage since there are apartments on the left side of the business and it will be bright on the building but will not protrude out the sides.

Mr. Burke asked if the lighting was the same type of lighting on Mr. Zonfrilli's existing sign at the existing location.

Mr. Zonfrilli stated that the new sign would have better lighting but similarly backlit. He stated that the existing location uses older bulbs.

Mr. Kern asked if there was any flashing or motion to the sign.

Mr. Zonfrilli stated that there was no movement of any type to the sign.

Edward Hackem, 661 Metacom Avenue, Apartment 11, Bristol, Rhode Island present to speak against this application. He is opposed to the project because he believes it is not going to be beneficial for anyone. He feels that the road sign is appropriate and that a larger sign is redundant and since it is lit until 1:00 a.m. the residents are going to suffer. It will be noticeable because of the size and it being lit until 1:00 a.m. He stated that there is only a 6ft fence between the condos and the business.

Mr. Burke asked if Benny's had a sign while it was there to which Mr. Hackem stated that the sign was painted on the building and stated that the sign is not the same size. He lives in a unit on the north side of the building but is very opposed to it.

Mr. Burke asked Ms. Williamson about the light ordinance in the Town about light going onto an adjoining property. He further stated that the applicant could put a 30sqft sign with lighting on the building as long as he did not violate the lighting ordinance and would Mr. Hackem find it objectionable.

Mr. Hackem stated that he didn't find the sign necessary at all. He feels that the sign is too big and with moving traffic it would not benefit anyone.

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Mr. Asciola stated that he was looking at a picture of the building and that the apartments are far away from the sign approximately 100ft to 150ft away. He stated that it is front lighting and will not be shooting out sideways.

Mr. Hackem stated that it was going to be visible to the residents.

Mr. Asciola states that the business needs to be visible. He further stated that Benny's was in business for all of those years and the lighting didn't affect anyone all that time.

Mr. Hackem stated that it seemed like the size of the sign was a lot bigger.

Mr. Burke stated that the Benny's sign was actually bigger.

Mr. Asciola stated that it is not close to the apartments.

Mr. Hackem also stated that Benny's was only open to 9:00 p.m. and not 1:00 a.m.

Mr. Brum asked if it was a residential area.

Ms. Williamson stated that she would have to look at the zoning map as it is a residential use but was not sure what zone it was.

Mr. Burke stated that the property that the property in question was a general business use and that the general business use is what governs the decision.

Deb D'Angelis, 661 Metacom Ave present to speak against the proposal. She just wants Mr. Zonfrilli to be a good neighbor and think about if it was his home would he like an abutting business sign to be on until 1:00 a.m. Her home abuts next to the business. She just wants Mr. Zonfrilli to have consideration for his neighbors.

Mr. Burke stated that there is a shielding requirement that's required so that the light does not go on adjoining property. He wanted to ask the applicant if there was any light coming off of the sides of the sign is there any remedy for it.

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Mr. Zonfrilli[†] stated that no light would be coming out of the sides of the sign as the letters are unidirectional.

Mr. Burke stated that the characters of the sign are lit and nothing else.

Mr. Asciola asked the opposing neighbors if they understood that the characters would be the only thing that was lit and that there would not be any lights on the sides.

Mr. Burke stated that if it did come out of the sides, then the neighbors could make a complaint with the Town and to seek a remedy for that.

Mr. Brum asked if the sign letters were independently affixed to the wall. He stated that the Domino section of the sign was 30ft.

Mr. Zonfrilli stated that the awning was 19ft and the sign would be approximately the same length.

Mr. Brum stated that a section of the diagram lists out the lengths 14/10 for the word "Domino's".

Mr. Zonfrilli stated that part of the building in front is 30ft total and that the information Mr. Brum had was probably submitted by the sign company.

Mr. Asciola stated that the Domino's sign letters were approximately 28sqft.

Mr. Burke stated that Mr. Tanner had calculated that the letters themselves are 60sqft and the total distance 86.7 in his staff report.

Mr. Asciola disagreed with that diagram.

Mr. Kern asked if the domino on the sign lit or the white dots of the domino lit.

Mr. Zonfrilli stated that it was lit, at least the white dots are lit.

Mr. Burke stated that it was the light from the conduit which runs through the whole sign. He further said that they

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were talking about a total sign area of 86.6 and that is what they would be granting and that Mr. Zonfrilli is looking for a 56.47sqft relief or they could just grant the 86sqft for the sign. He also stated that they listened to the abutters and that the applicant showed that there was not going to be an impact on the neighbors.

Ms. D'Angelis stated that she wanted to clarify that the neighbors would be able to get a remedy if the lighting was coming on to the property, but they had no say as to the actual signage itself.

Mr. Burke stated that they heard the comments about the size of the sign from the neighbors and takes that into account for the determination of the application.

Ms. D'Angelis stated that they have a say about light coming onto the property but if there is not light coming onto the property then they just voice their opinion and that's it.

Mr. Burke stated that was correct verses what making the decision on whether to approve or not approve.

Ms. Williamson stated that what Ms. D'Angelis was asking is that if light comes onto the property she can call the Town and seek a remedy.

Mr. Brum stated that if the light is polluting her property then she has a remedy with the Town.

Mr. Burke stated that the reason for the application was because the applicant wanted a larger sign than what was permitted. He further stated that if the applicant wanted a smaller sign that was lit but within the parameters, he would not have come before them and he could have done whatever he wanted.

Ms. D'Angelis just wanted clarification.

Mr. Asciola stated that the light should not be shining in the windows and if it did that they should come back to raise concern about it.

Mr. Burke stated that he would propose that when they make a motion that it is stated that lights are extinguished by 1:00

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a.m., which is the closing time and to make a condition that they're extinguished at closing.

Mr. Asciola asked if the business would close at 1:00 a.m. on Sundays.

Mr. Zonfrilli stated that the 1:00 a.m. closing is only on Fridays and Saturdays and that the business closes at 12:00 a.m. the rest of the week.

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MR. BRUM: I'll make a motion to approve File No: 2024-09 JoZon Enterprises, Inc. d/b/a Domino's Pizza, Inc. The applicant has requested a dimensional variance to install an 86.47sqft. wall sign at a size larger than normally permitted in the general business zone. The applicant has provided testimony that he is requesting a dimensional variance to install a commercial wall sign to an existing commercial property that was formerly a Benny's retail. The proposed wall sign for the restaurant will be located on a large red wall projection which is centrally located on the building and formerly held a painted Benny's sign. The new layout for the building has an entrance door, windows, and within the wall projection a proposed Domino's wall sign with the Domino's logo located above the door. The proposed wall sign will measure approximately 86.47sqft and the total size of the wall sign is larger than permitted for a general business zone which has a maximum wall sign size of 29sqft. We are granting the dimensional variance to install the 86.47sqft. wall sign under the condition that it is lit only during the business hours. The hardship from which the applicant seeks relief is due to unique characteristics given his location and the proximity of the business to Metacom Avenue which the application has provided a distance of 300ft would require a larger than is normally permitted sign to be visible given the rate of speed that cars travel on Metacom that additionally enhances the need for a larger sign. The hardship is not

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a result of any prior action of the applicant. He did not build the commercial building nor did he place it in its site within the property. In granting this variance, it will not alter the general characteristic or impair the intent purpose of the Ordinance or the Comprehensive Plan of the Town. As previously stated, the building was used as a retail location of Benny's which has a large painted sign that was lit by flood lights, I believe, and a lit parking lot. The hardship suffered if we were not to grant this would be more than a mere inconvenience as it is the purpose of the applicant for him to run a successful business and by not allowing him visibility we would be impairing his ability to make money.

MR. KERN: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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4. **Peggy A. Frederick**
Black Vulture, LLC

195 High Street
Plat 14, Lot 73

Dimensional variance to relocate the existing dwelling four (4) feet towards the rear of the lot with less than the required right side yard; to construct a 6ft. x 22ft. front porch addition to the existing dwelling with less than the required front yard and less than the required right side yard; to construct a 12ft. x 18ft. rear screen porch addition to the existing dwelling with less than the required right side yard; and to construct a 20ft. x 26ft. accessory structure at a size greater than permitted for accessory structures in the R-6 zone. Located at 195 High Street; Assessor's Plat 14, Lot 73; Zone: Residential R-6.

Peggy Frederick of 31 Bradford Street, Bristol, Rhode Island and Melissa Hutchinson, Architect, of 203 Hooper Street, Tiverton, Rhode Island were present.

Mr. Burke stated for clarification that the accessory structure relief has been withdrawn as some correspondence came out after the packets were issued.

Ms. Frederick stated that was withdrawn and was going to try to stay within the regulations and if it is needed she would come back. She stated that the property at 195 High Street was in poor condition 1970 according to the Historic District records. She states that she purchased the property in December and her intent is to restore it to great specifications and move there herself. She stated that the foundation is rubble and needs to be replaced and since they were going to replace the foundation anyway the request is to move the property back 4ft with a desire to put a front porch on. The property is already non-conforming on the right side and she would like to move it straight back from where it is and then add the screened porch in the back which would also require the variance.

Mr. Burke asked if everything would line up with the new foundation which is only being moved back but remains in the same location.

Ms. Frederick stated that was correct.

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Mr. Asciola stated that since she was moving the house, why wouldn't she just move the foundation over from the property line.

Ms. Frederick stated that she wanted to have a garage and she needed to keep within 10ft on the other side so she could not fit a garage if she did that.

Mr. Asciola asked if the Architect agreed with that.

Ms. Hutchinson stated that there is no garage at the moment and that Ms. Frederick was requesting to put a carriage house and that she could do that by right since it would be the proper size and within the setbacks but if it were to be moved down 6ft it shortens the side yard on the south side so it would be hard to access and have space for an appropriate carriage house. Ms. Hutchinson stated that Ms. Frederick was looking to put solar on the carriage house as well so they are trying to maximize the south exposure and the roof facing that direction.

Mr. Burke stated that he grew up a few houses from there and that he knew it from the 1960s and thanked Ms. Frederick for the undertaking and state that the neighbors would be very happy.

Ms. Hutchinson stated that since the house is on the parade route and even though the house did not have a porch previously, it would be appropriate which is very much in keeping with the character of the neighborhood.

Mr. Burke stated that if the house was moved back further it would not be in character with the neighborhood and would look quite odd since everything else is right on the Town property line so in keeping it forward not only enhances the particular property but is in line with the neighbors.

Ms. Hutchinson stated that they did go before the Historic District Commission last month for a preliminary review and show them what Ms. Frederick wanted to do and they gave their blessing on the idea of adding the porch and just moving it back enough in order for that to be able to happen.

Mr. Burke stated that from his understanding the house itself was pretty sound meaning the infrastructure is recoverable.

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Ms. Hutchinson stated that it is recoverable but it needs a substantial amount of work, even for it just to be lifted and moved back it is going to have to be really shored up.

Ms. Frederick stated that the post and beam structure seems to be sound and there are salvageable things on the clapboard on the outside but a lot of the floors need to be repaired as the house has been leaking and that there are holes in the floor and holes in the roof and is in bad shape.

Mr. Burke asked what the sequence of events would be to do the project.

Ms. Hutchinson stated that the house would get picked up off of the old foundation and moved to the back yard so it is completely out of the way. Then, the old foundation would get taken down and a new foundation would be laid. As it is right now, it is just a dirt foundation with a crawl space so they will excavate to build a proper concrete foundation with a full basement. Once that is cured and ready, the house would be moved back onto the new foundation.

Mr. Burke asked if there was enough room in the back yard to do that.

Ms. Frederick stated the last house mover she spoke with said that they might have wanted to move it to the side yard instead of the back, one or the other.

Mr. Burke stated that was just his question for clarification that the house needs to be lifted off the foundation and that it is not just restoration of the foundation since it is going to be replaced.

Ms. Frederick stated that the house was moved previously from Thames to High Street a while ago so this would be its second move.

Mr. Asciola stated that it is quite an undertaking. The plans are going to look great.

Ms. Frederick stated that she previously restored Bradford Street so she has a little experience with restoration and is hoping to work with Millard Construction on this project.

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Mr. Asciola stated that they'll do a great job and they do good work.

Mr. Burke states that at this point the Board is just addressing the side yard variance.

Ms. Williamson stated that's not necessary.

Mr. Burke stated that since they have to hear from the public on this, the Board should do a finding consistent with Mr. Tanner's find that a that front yard variance is not required based on the setback of the neighborhood which should be the governing factor.

Mr. Asciola asked if anyone in the audience have any questions or wanted to speak for or against this project.

Jessalyn Jarest, 183 High Street, Bristol, Rhode Island. Mrs. Jarest stated she would like to speak for this project. She believes that a porch would be super appropriate for the neighborhood and is really excited that is it no longer going to be an abandon house down the street from her. She has heard a lot of wonder things about Ms. Frederick and is very supportive of the project.

Mr. Asciola asked if there was anyone else who would like to speak.

Andrea Rounds, 15 Milk Street, Bristol, Rhode Island. Ms. Rounds states that Ms. Frederick knows what she is doing and that she has been a round a while and is major asset to the community and knows something about renovating houses. She further states that Ms. Frederick is going to make the house that is falling down with a vulture in it look fabulous. She completely supports Ms. Frederick.

Joanne Murrman, 20 Charles Street, Bristol, Rhode Island. Ms. Murrman knows Ms. Frederick through Linden Place and is here to speak about Ms. Frederick's credibility and sense of commitment to the Town. She has seen Ms. Frederick's plans and thinks it is a fantastic project to the town. I thnk it is a fantastic project and an overwhelming one for her to take on. She states that Ms. Frederick has the vision to accomplish it and has total trust in her and that it will be a big addition to High Street.

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Mr. Asciola asks again if there is anyone else who would like to speak for or against this project.

Clifford Drawbridge, 46 Byfield Street, Bristol, Rhode Island is an abutter to this property. He had a question about what was being removed from the application.

Mr. Asciola stated that it was the accessory structure on back, namely the carriage house.

Ms. Frederick stated that she dropped the request for a variance as she dropped it back to 24ft from 26ft.

Mr. Drawbridge stated that in principle he was okay with everything Ms. Frederick proposed. He pointed out that based on John Barker's survey and architectural document, which may trigger another clarification, the property as it appears now the north side of the house does not run parallel to the property line that it seems to run parallel to street but the property lines are not quite square. Mr. Barker had a measurement of 3.1 on the northwest corner of house as it sits now and if Ms. Frederick were to push the house back 4ft, thus probably requiring some clarification, if it is going back and projecting out as it stands now, anything that is added onto the back the house actually comes closer to the property lines.

Mr. Asciola stated that since it is going to be excavated, she can make it a straight line.

Mr. Drawbridge just wanted to put on record that Ms. Frederick's closed porch extension as it runs straight continues back off of the face of her house that it would be closer to 2ft 10 to his property line which he could live with it. He asked if there was any consideration to taking that base of her porch and setting it southward to get more distance between the property line and that porch which really is the only part of the structure that overlaps his property.

Mr. Asciola advises Mr. Drawbridge that the Board would have talk to the architect about that.

Mr. Drawbridge states that he wants to be a good neighbor, that he does not have a complete objection but wants Ms. Frederick to be sensitive to the portion of the house that will be occupied. He appreciates the fact that Ms. Frederick is

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improving the property since it has been vacant since has been living there. He wasn't sure how to verbalize it. He is not opposed to it, but would like to have had architectural drawings here showing that part of the structure to offset it. If it continues as planned, he will just plant a tree.

Mr. Asciola asked if the foundation is to be dug out, would they square up with property line since Mr. Drawbridge is correct that the farther Ms. Frederick goes back, the closer to his property line it becomes.

Ms. Hutchinson states that Mr. Drawbridge is correct and that it was taken directly from Mr. Barker's survey. It is very slight that it is not parallel, but that Mr. Drawbridge is right that it does get tighter the further it goes back. The intention was to leave the house so that it is parallel with the sidewalk because that would be much more visually appealing as opposed to it being parallel with the street, but there was no reason that they could not jog the screened porch back. If there was a jog at the very rear of the house and had the screened porch sitting 6 to 8 inches further back then basically that 3ft 4 would still be maintained as it gently squeezes down towards the rear of the property.

Mr. Asciola states that it is really rough to try to gain 6 inches of the foundation. If it could have been done with the foundation great, but not a big deal.

Mr. Burke stated that squaring up the front to High Street is paramount to dealing with the change in the side lot line.

Ms. Hutchinson stated that the screened porch was not original to the house and for them to set it back slightly is not a big deal and would actually tell a story about the house being added onto over time.

Ms. Frederick stated that she would like to be a good neighbor and that 6 inches is something she could live with.

Mr. Burke stated that it sounded like something they could work it out themselves and that the Board could provide them with the variance that is in the plan and that it can be worked out between neighbors and that it did not need to be memorialized in the decision.

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Mr. Asciola agreed and stated that he likes it when neighbors can work together and asked Mr. Drawbridge if he felt better about it now.

Mr. Drawbridge said he felt ridiculous about it.

Mr. Burke stated that he had no reason to feel that way.

Mr. Drawbridge stated that he was not sure if it would make it easier for the contractor to attach an ancillary structure which is set in which a lot of porches in Town were actually set in from the side.

Mr. Burke said that it was better to do that now rather than later.

Mr. Asciola asked if anyone else wanted to speak.

Mr. Burke stated that he wanted to make one clarification that he did not doubt that Ms. Frederick was a wonderful person and that the project she was taking on was great, but that did not entitle her to a variance. He just wanted to let the people who spoke on her behalf know that because the Board grants variances based on meeting the standards.

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MR. BURKE: Mr. Chairman I would like to make a motion consistent with Mr. Tanner's finding that a front yard variance is not required for the porch because the Ordinance requires the average of the block and on that block I think every house is on the property line so the porch and the main structure do not require a front variance so I would like to make a find that is not required and would like to make a motion to that effect.

MR. ASCIOLA: So you want to make two motions, is that what you are saying?

MR. BURKE: Yes, I would like to make a motion that the finding is that they don't require a front yard variance so I am going to make my first motion.

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MR. ASCIOLA: Anyone want to second that?

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. BURKE: I will make my second motion to approve File No: 2024-10, Peggy A. Frederick, Black Vulture, LLC, 195 High Street to relocate, rebuild the foundation and restore the existing structure. This will require a variance of 3ft from the northerly property line representing a 7ft northerly side variance. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not due to general characteristics of the surrounding area or due to an economic disability of the applicant. The applicant is restoring a rather unique property that has been in disrepair for a number of decades and is required to do an extensive amount of rebuilding and restoration. The hardship is not the result of the prior action of the applicant. As already stated, she recently purchased this property with the intent of taking on a significant project to restore it. The granting of the requested dimensional relief will not alter the general characteristics of the surrounding area or impair the intent or the purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. It is actually in a residential area and other than the side yard variance complies with all the use and dimensional variances required in the R-6 Zone.

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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. The restoration will most likely not occur because it would limit the ability to build the corresponding and necessary accessory structure. In addition to that, the restoration of this property will be a benefit to the surrounding neighbors and certainly to the neighborhood and to the Town of Bristol. I so move.

MR. KERN: Second.
MR. ASCIOLA: All in favor?
MR. BURKE: Aye.
MR. SIMOES: Aye.
MR. KERN: Aye.
MR. BRUM: Aye.
MR. DUARTE: Aye.
MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

2 May 2024

5. 2024-11

Carol A. Benn

34 Harrison Street
Plat 146, Lot 32

Dimensional variance to construct a 24ft. 3in. x 26ft. 5in. second-story living area addition and two 7ft. 10in. x 24ft. 4in. second story exterior deck additions to an existing single-family dwelling with less than the required north, south and west side yards. Located at 34 Harrison Street; Assessor's Plat 146, Lot 32; Zone: Residential R-15.

R. Andrew Benn, 9 Hydraulion Avenue, Bristol, Rhode Island. Mr. Benn states that the existing structure was a summer home built in 1940s by his grandfather and what he would like to do is basically restore it as there has not been much done to it over the years it is becoming dilapidated. He would like to remodel it and in doing so add a small approximately 644 sq ft. 2nd floor. He states that when his grandfather bought the property he subdivided it into 6 smaller lots for family. They are tight together on that point on Harrison Street so they do need variances for going up on the 2nd floor.

Mr. Asciola asked about the lot on northerly side of George Webster and how far away from Mr. Benn's house is it?

Mr. Benn stated that the existing house on 34 is practically on the property line. When his grandfather subdivided that lot to allow his daughter to build on 23, the house on 34 was 3ft from the property line.

Mr. Asciola asked about the back property and where that house was located.

Mr. Benn said that the house itself was about 25ft from the house on 34. He didn't know the exact amount.

Mr. Asciola was concerned about the 2nd floor peering in on the neighbor's back yard and then the neighbor has no privacy.

Mr. Benn states that the advantage there is with the 2nd floor being set back it is a little alleviated and there is also a large tree in between the Webster house and this house. It is his cousin George's house and there is a large tree that shields it and they have elevation as well.

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Mr. Asciola was unaware that it was his cousin's house. He asked if anyone had any questions.

Mr. Burke stated that there was an email sent to Mr. Tanner with a drawing of that and asked if Mr. Benn had sent it.

Mr. Benn that it was something he sent just to clarify something that Mr. Tanner didn't have a question about, but Mr. Benn just wanted to clarify.

Mr. Burke was unsure as to the relevance was to the application?

Mr. Benn stated that there was no relevance to the application.

Mr. Asciola asked if there was anyone in the audience who had any questions or wanted to speak for or against this application.

Mr. Burkes stated that he looked at the field card for this and the Town has an interesting history. The lot assessment is quite large and it stated that it had no heat, he wasn't sure if it had heat or not, and he said that it was begging for an expansion so if they could utilize the property more since it is a summer house. He asked Mr. Benn when it was built.

Mr. Benn stated that the house was built in the 1940s and that it currently does not have heat but the plan is to add heat and that he will not be adjusting the footprint at all.

Mr. Burke states that out of a normal necessity Mr. Benn needs to do something to make it occupiable. The lot is assessed at \$350,000 without the building. It's a big lot. It is kind of begging to make it usable and to the extent that it can be sensitive to all of the buildings down there.

Mr. Kern stated that the big thing is that it doesn't exceed the footprint of the existing house.

Mr. Burke stated that the only concern he had was that if it encroached on the abutters and it does not appear to be due to the attendance at the meeting.

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Mr. Asciola asked if someone would like to get a motion going.

Mr. Burke states that there is one thing, and he was not volunteering to make the motion yet, but there needed to be a finding that there is no variance required for the 1st floor addition which is the recommendation from Mr. Tanner because they're enclosing a porch.

Mr. Asciola stated that since it is a non-conforming how could there not be a variance needed.

Mr. Burke stated that there is already a roof there and all they were doing was enclosing the area so they either had to come up with a variance for that or do a finding saying that they don't need a variance for that.

Ms. Williamson stated that it is because the porch is under an existing roof.

Mr. Asciola stated that's fine that they could just make a finding on that.

Mtion that board makes a finding that no variance required for enclosing existing porch that : Seconded by Brum

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MR. BURKE: I'll make a motion that the Board makes a finding that no variance is required for the 1st floor addition that entails the enclosing of an existing porch which already has a roof.

MR. ASCIOLA: Second?

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. BURKE: So just to be clear, I know we are talking about a northerly lot variance. I have already written them down and I hope they're right and I am going to make a motion that we approve File No: 2024-11, Carol A. Benn, 34 Harrison Street, to construct a 2nd story addition to an existing dwelling that requires yard setbacks because it is a landlocked lot therefore in this zone it requires 20ft side yards. Northerly, it looks like there's an area that is 2.8 verses 4ft and southerly 18ft verses 20ft which is a 2ft variance, 17.2 ft on the northerly side and a westerly variance of 15.3ft verses 20ft or a variance of 4.7ft with the existing plans to supersede those measurements if they're inconsistent. 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 due to an economic disability of the applicant. The proposal in the application is to expand an existing structure on a lot in the Harrison Street neighborhood. The hardship is not the result of prior action of this particular applicant, the existing structure was built in the 1950s. 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. Almost every property owner there should they wish to expand their property requires a variance. 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. The property will continue to be a substandard

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structure and not able to sustain year round living. I so move.

MR. ASCIOLA: Second?

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. ASCIOLA: Opposed? You're all set, good luck.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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6. Alex A. and Emily E. Romano

17 Mulberry Road
Plat 74, Lot 17

Dimensional variance to construct an approximate 26ft. x 54ft. (1,280 square foot) single-story accessory dwelling unit addition with connection to an existing accessory garage structure with less than the required right-side yard and less than the required rear yard. Located at 17 Mulberry Road; Assessor's Plat 74, Lot 17; Zone: Residential R-20.

Alex Romano, 17 Mulberry Road, Bristol, Rhode Island. Mr. Romano bought the property in 2016 and went through renovation of what was an existing kind of abandon structure. His parents living in Bristol and his wife's parents are retired and live in Connecticut and have fallen in love with the Town since Mr. Romano and his wife have moved in and they want to be closer to the grandkids. Mr. Romano and his wife are looking to connect the house and the garage and square off the property. He states that since it was built in 1946 before the Zoning regulations were in place, they have .90ft of setback on one side and 1.3ft of setback on the other side. It is in character with the neighborhood because of the location of the surrounding structures. He states that the property lines are just a bit off. Property lines are a bit off. The neighbors directly above them, Steven and Faith, to whom they are 1.3ft from their property, submitted a text message from them to Mr. Tanner that they are in favor of the project. Some of the other neighbors have also voiced their support. They have designed it to try to maximize the views of the neighbors and tuck it into the existing landscape and to be as unobtrusive as possible.

Mr. Asciola stated that it looks that way and that it is tucked in pretty well. On one of the plans it shows the enclosed addition but it also shows the garage protruding.

Mr. Romano states that the garage was built out of whack. It is at an odd angle. The addition will be staying parallel to the current structure and not moving in the direction of the garage. The garage matches the property line of the street above Sunset Road and it goes on that angle.

Mr. Asciola stated that he saw some correspondence about trees. Some people were concerned about some big trees that were going to being taken down. He stated that Mr. Romano could do whatever he wanted since it was his property.

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Mr. Romano stated that they were not going to be taking any trees down and will be adding trees and shrubs to preserve everyone's privacy. They were not taking down anything aside from some thorn bushes behind the garage.

Mr. Burke had some questions for Ms. Williamson and Attorney Skwirz regarding recent legislation that was passed regarding accessory dwelling units no longer being called accessory family dwelling units, he wanted to know what is Bristol's position on it? Do the units still need to be attached to a structure to be an AFU.

Attorney Skwirz stated that by right they would need to be attached to a structure or within an existing accessory structure within the footprint structure and because this is attached, it is allowed.

Mr. Burke asked if the TRC still needs to approve it.

Ms. Williamson stated yes for a separate permit for the accessory unit.

Mr. Burke asked if there were requirements for the space and size since there is a limitation. There were specifications for an accessory family dwelling unit. He stated that looking at the size of the proposed unit, it is probably larger square footage than what was formerly the requirement and he wasn't sure what the current requirement was because they have not addressed it since the legislation.

Ms. Williams read Mr. Tanner's staff report and stated that it is subject to the requirements of Section 28-151 and recent amendments and that it would need a separate permit prior to the issuance of the building permit and for this proposed addition it would also include an interior hallway providing access from the house and the garage. She did not see anything about the size of unit.

Mr. Burke stated that he did not see the data as it was not in the application because they have not gone forward and made the application for the unit. Based on the prior process, he would have been able to determine if they met the requirements but he is not sure what they are now. He asked Ms. Williamson

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if they normally would have gone and got approval before they came for a variance.

Ms. Williamson stated that she didn't believe that they had a TRC process anymore because they can just do it by right so they would get a permit from the Zoning Officer.

Mr. Burke asked if there were any governing specifications because people just can't build anything they want. What if they wanted to build a 3,000sqft structure, he's hoping that the legislature would have some control over that. He's not trying to single anyone out, he just wants to make sure he knows what he's doing.

Attorney Skwirz stated generally Mr. Burke was right, that the new legislation did not preempt entirely the requirements with regard to ADUs. However, with regard to accessory family units it is different because it did expand the exemption so because this is an accessory family dwelling unit, he thinks that's why Mr. Tanner did not put it in his staff memo. He wasn't sure by looking at it but it may have complied anyway.

Mr. Romano stated that it would not exceed a third (1/3) of the total space.

Mr. Burke understands that but he wasn't sure if that was a requirement. He was just stating that there were specific requirements for rooms, entryways, and the appearance had to be specific. He was not trying to delay anything, he just wanted to make sure that they were going to grant something for an accessory dwelling unit use and that it met the requirements before they granted the relief.

Attorney Skwirz stated that it would because it is an accessory family dwelling unit and it is attached to the structure so if you are accessory family and it is either attached to the structure or existing within accessory structure then the other requirements Mr. Burke was referencing would not apply. If it wasn't an accessory family unit and just a separate dwelling unit that a person could rent to anyone then those would still apply but it seems like it might comply with everything.

Mr. Burke stated that it seemed like it would be the opposite to him because they are allowing more relief for an

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accessory family dwelling unit because of the use as that was the purpose of it to give people the ability to house specific family members for family continuity verses the opposite way of having a restriction on just a regular unit. It seems the opposite for him. He's not questioning that's what the legislature says, it's just as an accessory.

Attorney Skwirz agreed and said that it is just the way it is written it reads as such.

Mr. Asciola stated that since they're all connected, why couldn't they just call it an addition and call it a day.

Attorney Skwirz said that they could do that, but the difference is having separate cooking and eating facilities and being able to segregate it off from the main dwelling.

Mr. Asciola stated that since they could walk the whole house, then a lot of people in Bristol could have two kitchens and that's not allowed.

Attorney Skwirz said that there definitely is a way they could do it to almost make it like, but the big difference is if there is a separate locked keyed door so they could come and go without letting someone from the main structure access it. So for instance, if someone has a house and no accessory dwelling unit but two kitchens, someone upstairs can walk to the downstairs area and use the kitchen there as it is not two dwelling units. A locked door is placed and maybe have access from the outside now there is two dwelling units.

Mr. Romano stated that they listed it as an accessory dwelling unit because it seemed to be the most accurate description. It has a single shared point of entry in the front. We could have called it an addition but just to be as forthcoming to the Board as possible.

Mr. Burke stated that he was just asking because typically the ability to make it compliant to the other requirements that they don't control being the accessory family dwelling unit requirements. He just wanted to make sure that nothing was missed.

Ms. Williamson stated that just in terms of the third of the total area as she just did the math really quickly and

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thinks that it would comply with it as the existing house has 2,733sqft of finished area and the ADU is 1,133sqft which would be a third.

Mr. Burke said that he just wanted to make sure that they didn't miss anything. He looked at the layout and it doesn't look like demolishing the garage and moving things to the other side would make much sense.

Mr. Romano stated that especially given the fact that it is intended for an elderly couple they need access to a driveway and it is on a single level. The other side of the house would require a long walk around.

Mr. Burke stated that he agrees that Mr. Romano has spent plenty of time figuring this out.

Mr. Asciola asked if anyone in the audience wanted to speak for or against this project.

Mr. Burke stated that they had an endorsement from a neighbor on Shore Road and he thought it would be an enhancement. That's a good thing.

Mr. Asciola agreed that it is going to look really nice.

Mr. Burke agreed and that they are trying to be sensitive to the neighbors as well. He said he's just trying to figure out what Mr. Romano is asking for.

Ms. Williamson said the right yard and rear yard variance.

Mr. Romano stated that if it was classified as a corner lot they would only need the right yard setback but it is the right yard setback and that he spoke with Mr. Tanner and the understanding was that it was easier to just ask for both forms of relief because of the nature of the property.

Mr. Burke stated that on the north 35 verses 20 and easterly is going to be 1.3 verses 20 so they're talking about 18.7 easterly.

Mr. Asciola stated it's 15 on the north and 18.7 on the east.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve File No: 2024-12, Alex A. and Emily E. Romano, 17 Mulberry Road to construct a 26ft x 54ft what we're calling an accessory dwelling unit that will be attached to an existing accessory garage and the existing residence. This application approval will require a northerly side yard variance of 15ft and the structure will be 20ft from the property line verses the requirement of 35ft and an easterly side yard variance of 18.7ft and it will be 1.3ft from the existing property line. 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 an economic disability of the applicant. We heard testimony that this is going to be a residence for in-laws of the property owners and the existing main structure and the garage already exist and this new dwelling unit will be placed and attached to each. The hardship is not as a result of the prior action of the applicant. The existing home was already constructed when they purchased it in 2016. 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. It is a continued residential use in a residential zone and is a sensitive application to the neighboring property owners. 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 housing will not be available for the in-laws of the property owners. I so move.

MR. ASCIOLA: Anyone want to second that?

MR. KERN: I'll second that motion.

MR. ASCIOLA: All in favor?

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MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

There was separate discussion as follows during the making of the motion:

MS. WILLIAMSON: Add a condition that it is subject to the other ADU permitment.

MR. BURKE: Let's talk about that. Do we are?

ATTORNEY SKWIRZ: I don't think you need to put it into the motion.

MR. BURKE: I can but we kind of said okay if the legislation caused it for us to not matter I would have definitely put it in. If it doesn't serve any purpose.

ATTORNEY SKWIRZ: I don't think it needs to go in the motion. The applicant can follow up with Ed once he's back in the office.

MR. BURKE: What happens if he decides that he's going to live there, does it matter?

MR. ASCIOLA: It doesn't matter to the Board.

MS. WILLIAMSON: It would be just like when you have to get a building permit when you leave this Board, you still have to get that permit but that's not a condition, it's just what you have to do. I would just make sure to put that in.

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MR. BURKE: That's kind of why I wasted 10 minutes earlier to figure out whether or not we needed to get into that so I don't think so and if you agree, we'll go with counsel's recommendation.

MS. WILLIAMSON: I'm fine with it.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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7. 2024-13

Fran Gaynor

Franjelica Properties, Inc.

259 Wood Street
Plat 19, Lots 33 & 19

Special Use Permit to operate a restaurant use in the Limited Business zone; and Dimensional Variances: to construct an approximate 594 square foot single-story restaurant addition to the rear of an existing mixed-use structure with less than the required rear yard, greater than permitted lot coverage by structures, greater than permitted lot coverage by structures and pavement, and less than the required number of off-street parking spaces. Located at 259 Wood Street; Assessor's Plat 19, Lots 33 & 19; Zone: Limited Business (LB)

Fran Gaynor, 8 Stephen Drive, Bristol, Rhode Island. Ms. Gaynor is the owner of the property at 259 Wood Street.

Spencer McComb, the architect on the project, is also present for the application.

Ms. Gaynor is asking to add a little kitchen to the back of the property for a small business/restaurant which would be a charcuterie and wine bar.

Mr. Asciola asked if Ms. Gaynor has a liquor license yet.

Ms. Gaynor stated that she did not have a liquor license yet and she just wanted wine not liquor since charcuterie and wine go so well together. She wanted to get the variance first.

Mr. McComb stated that as shown on the site plan, this is kind of an infill. The existing convenience store is the bigger parcel which was probably was a house at one point and has now become a commercial venture. He stated that it has not been renovated or updated in many years. There was a masseuse in there for a while. This application shows that a small area of 700sqft would become essentially the dining/bar area for the small takeout restaurant. They are considering it kind of a walkable entity and they need three parking space variances for this project. The neighborhood is filled with other restaurants and many of them do not have parking and the idea is that it is kind of a walkable neighborhood and this would be a neighborhood location. Wood Street is doing great with a lot of the new restaurants that are up and down the street and this would be a

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small venture in that. Mr. McComb further stated that the hardship is that it is a small little space and already built and the convenience store already there. To offer a legit department of health kitchen it would basically take up the entire square footage of this small restaurant. There is not going to be a lot of people in this since it is so small and really the addition that they are asking for is so they can put a legitimate kitchen in back so Ms. Gaynor can make her great food. It is a flat roof 1 story as seen in the drawings. It has a parapet wall around it because there is going to be a hood that is exhausting out of top along with other mechanical units that will sit up there that will all be screened from the neighbors. They really made this as small as they could, approximately 500+sqft which is basically a place for dishes, a little walk-in cooler, and a small line for the cooking of the food. As the Board can imagine, 500sqft is barely room to do all of this and it is the smallest least relief that they could ask for. Given the setbacks for this property and where it sits, they are inboard of any built structures already that are very close to the property line and so it is kind of an infill project in that way, so they are triggering the rear setback of 30ft even though it is a corner lot. That's the one that Mr. Tanner, who has been really great and the TRC was really helpful at the meeting they attended a couple of weeks ago. Mr. Tanner talked to them about which side to do the rear setback. So it is 30ft on a 60ft deep lot and this would be half way through it and trying to comply with the rear setback was virtually impossible. Mr. McComb said that as the Board can see on the plan, the dark grey on the site plan is the addition and it is really surrounded by buildings already so the impact to neighbors and to the neighborhood is almost invisible. What there will be is a rebuilt and refurbished out-of-date almost ready to fall down structure. They are trying to give the whole place an update on both the interior and exterior and really be a nice jewel for the neighborhood is the goal here.

Mr. Asciola said that he saw a picture of the roof showing some railing around it. He asked if it will be accessible or is it just for screening.

Mr. McComb stated that it was just for screening and that it was not accessible. He said it is about the size of a handrail and that there is going to be mechanical equipment up there and it is not for people to go out on.

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Mr. Simoes asked what kind of restaurant it was going to be, mostly sandwiches?

Ms. Gaynor advised that it was going to be charcuterie, which is cheese, some cured meats and also a little bit of pub food she would like to serve and she would have a commercial kitchen to do that, but definitely not a five-course restaurant.

Mr. Asciola stated that most of the places down on that road have no parking anyway.

Ms. Gaynor stated that they are in a walking area. Since Ms. Gaynor was brought up on Wood Street she doesn't want to hurt it, she wants to help it. It is an up-and-coming area which can be seen up and down the street.

Mr. Asciola asked if anyone had any questions.

Mr. Burke stated that it reminded him of Hoboken where people triple park and on Wood Street they double park but not for long.

Ms. Gaynor stated that a lot of people that go to the restaurants in the area park on High Street to walk. She does have the little parking lot on the side of Bristol Mart.

Mr. Burke stated that he was just referring to takeout that people were just picking up and leaving

Mr. Duarte asked if Ms. Gaynor owned that property as well.

Ms. Gaynor said that she has owned it for about 6 years and bought it from her family.

Mr. Asciola asked if the parking lot can be used.

Ms. Gaynor stated that it is used for Bristol Mart and two tenants.

Mr. Brum confirmed that the existing parking lot would be used for store and two tenants.

Ms. Gaynor confirmed that is being used for the store and two tenants.

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Mr. Brum stated that there still is a considerable number of parking spaces as it has more parking than other buildings.

Mr. Kern asked Ms. Gaynor what the hours of operation would be.

Ms. Gaynor said 7:00 a.m. to 10:00 p.m., but probably would not be open at 7:00 a.m. but she would like to go in early to prep a charcuterie for a wedding or things of that nature. She would like the ability to go in there and do that.

Mr. Asciola asked about the dumpster and what was going to happen with the dumpster.

Mr. Simoes stated that the dumpster would be on the corner of the lot.

Mr. McComb stated that at the TRC meeting there was a neighbor just north of there on Constitution Street did come in and ask about that.

Mr. Simoes asked if it would be emptied daily.

Ms. Gaynor said she wasn't sure what the rules are and would do whatever they asked for. She stated that they are going to enclose the dumpster, as well as the existing dumpster for the store which will also be enclosed.

Mr. Simoes stated that it would not be bad in the winter, but in the summer with the humidity it could smell.

Mr. McComb stated that the neighbor asked that it be enclosed and it be located a little further from their property and they were happy with the overall plan.

Mr. Asciola asked if they knew where the dumpster would be moved to.

Ms. Gaynor stated that the suggestion at the meeting was to move it to the corner of Wood and Constitution Streets. However, she is not a fan of that but she will do it if she had to. The only reason why is because it is right on Wood Street and the truck for emptying the dumpster needs to have access to it. It is in the perfect spot right now where the Bristol

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Mart's dumpster is located and if she could put one on the side of it, she would enclose it.

Mr. Burke stated that there are a bunch of requirements from TRC and he recommends that they incorporate those. He would like more granularity on the hours because what is in the documentation don't comply with the hours which is 7:00 a.m. to 10:00 p.m. He would like to refine. He just wants to know what the hours are so that it sticks to 7:00 a.m. to 10:00 p.m.

Ms. Gaynor asked if he was referring to opening hours. She stated that she would probably open at 10:00 a.m. and close at 10:00 p.m.

Mr. Burke asked if that would be every day.

Ms. Gaynor said that she would have two days off but wasn't sure which ones.

Mr. Burke stated that he was familiar with the new requirements Section DD and the window is 7:00 a.m. to 10:00 p.m.

Mr. Kern stated that he was confused on the dumpster issue. Is the plan to locate it on the corner of Constitution?

Mr. Burke stated that he hoped not and the applicant hopes not as well.

Mr. Kern stated that if it is there then there is a site problem.

Ms. Williamson stated that the TRC they did have the neighbor on Constitution Street express their concerns about the location. The Board has a revised site plan in the packets #80-2 which does show it moving to the corner of Constitution and Wood Streets with the store dumpster and the restaurant dumpster enclosed in a screened area.

Mr. Asciola stated that abuts the sidewalk.

Mr. Burke said that is more than likely a visibility problem if it is a standard dumpster. His preference is that it be moved further away from both streets and enclosed. It is a closed dumpster and the refuse gets put in through a door on the

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side and the top doors are for emptying. There are other establishments in that area that need a dumpster, not sure where they are.

Mr. McComb stated that they would prefer that as well. That it be on the rear spots and let that one be for cars upfront which would take care of the visual problem.

Mr. Burke asked what Ms. Williamson's thoughts were on this.

Ms. Williamson stated that she was hoping that it was going to go where they showed a loading zone but didn't think it was going to make it accessible for the truck since it is kind of tucked in.

Mr. Burke stated that it is a neighborhood to and that she may not be comfortable with the Board making that call and changing it.

Ms. Williamson is comfortable except for the resident who was at the TRC meeting who thought it was going to be moved away from there and now it may not. It is a recommendation.

Mr. Burke believes that satisfying one resident could certainly create another zoning issue.

Ms. Williamson stated as he pointed out it is a heavy pedestrian area and they wouldn't want that right on the Wood Street side and it would be a visual issue on that corner.

Ms. Gaynor stated that the resident might feel better if it was left right where it is but enclosed for our part and the Bristol Mart. She owns the property so she can enclose it. The dumpster has been there forever.

Mr. Asciola asked what about the jog on that building in the parking lot. He asked if there was something over there.

Mr. McComb stated that was the side entrance for the tenants and it cannot be right against the building where there is a door and if it was located near the loading zone it would not allow for any access to the rear of the building. It needs to be at least one space away from that.

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Ms. Gaynor stated that if even if it one space away, the cars would be out from there and the truck that comes to empty it would have a problem. If there is a car in front of it then it cannot be emptied.

Mr. Asciola stated that it is better off where it is currently and to just make sure that it is screened and covered.

Mr. Burke stated to just make sure that it is screened and covered to control the odor.

Mr. Asciola stated that would be the biggest thing for the neighbor would be the odor coming from it. Once it is screened and enclosed it should be okay.

Mr. McComb stated that they would be very happy with that.

Mr. Asciola said that it is better for the whole community to keep it where it is.

Mr. Duarte stated as Ms. Gaynor wouldn't be doing fish and things of that nature so the actual smell would be very limited.

Mr. Burke advised the Chairman that there were documents that they received kind of outside of the application which is the TRC requirements on page 2 of a letter to the Board, and there's a response from the architectural firm. He suggests incorporating this in refining the hours and changing the Board's position on the dumpster location would satisfy the Special Use Permit requirements for that. So they could put a motion together which incorporates by reference Section DD in these documents as a requirement, a response, and then our modification for the dumpster location.

Mr. Asciola stated that the dumpster location was just a recommendation from the TRC.

Mr. Burke was just referring to the mechanics where the Board would use those documents because he doesn't want to put all of them in the motion because they have already been done.

Mr. Asciola further stated that he saw something else that was a 15ft buffer which was only going to be 12ft.

Ms. Williamson stated that was a buffer on the north side.

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Mr. Burke stated that there is no room and even less room further west once they put the addition in.

Ms. Williamson stated that the existing building is right up against the property line. It was shown on the revised site plan and it was discussed at the TRC meeting that it was abutting parking from multi-family next door.

Mr. Asciola stated that it won't be bothering anyone and they will be replacing all of the fencing on that side as well.

Ms. Williamson stated that it is chain link fence now and they will have to put up a stockade fence.

Mr. Asciola also added that there will be shrubs in the back so they can put the 12ft wall.

Mr. Burke asked to clarify the hours of operation.

Ms. Gaynor stated that the hours of operation will be 10:00 a.m. to 10:00 p.m. and not every day/night. Just not open later than 10:00 p.m.

Mr. McComb stated that with the hours of operation she still can go in there and do preparation when necessary.

Mr. Burke stated that the Board is not telling her what to do, rather just asking.

Mr. Asciola stated that since it is her place, Ms. Gaynor could go anytime she wanted.

Mr. Burke said that they had a bunch of relief in the dimensional area that the Board has to grant other than the setbacks. It's lot coverage for both structures and it is unavoidable. It's in there.

Mr. Asciola asked Mr. Burke if he was prepared to do a motion. He further asked if there was anyone in the audience that was for or against this project or have any questions.

Edward Cifune, 270 Wood Street, Bristol, Rhode Island. Mr. Cifune lives right across the street and is concerned with traffic on Wood Street. It is kind of crazy especially with the pick-up of takeout. He has lived there for 25 years and that

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building has been every iteration he could think of. He said that if anyone has ever tried to go down that road during normal dinner time people are double parked, blocking driveways all over the place. He does not need on street parking as he has plenty in their driveway but plenty of neighbors do not and that creates confusion on the road. He supports the business idea and has nothing against the addition but the concern is parking and travel on the road which is barely tenable now and then adding more to it with really no way to mitigate it and that is why he is at the meeting.

Mr. Asciola asked Ms. Williamson how many parking spaces between the store and the tenants does there need to be.

Ms. Williamson stated that the store is required to have 14 total required spots.

Mr. Cifune asked Ms. Williamson how many spots there were in the lot now.

Ms. Williamson stated that there were 9 spots.

Mr. Cifune said that they are supporting tenants and a retail establishment with 9 spots and that there are no spaces available on that street.

Mr. Asciola stated that there is the bar across the street and Pomadori's that also have no parking.

Mr. Cifune said that if he tries to put his trash can out the night before, it will not get picked up because it is blocked with the amount of traffic that is on the road. He also stated that other neighbors feel the same. He said that he's had to get out of his car on multiple occasions to get someone out of his driveway because he couldn't get in or out of his driveway.

Mr. Asciola stated that was a police department issue not the Board.

Mr. Cifune stated that either way the businesses are what's generating the traffic issues.

Mr. Kern asked what the hours of the Bristol Mart are.

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Mr. Cifune stated he did not know that.

Ms. Gaynor stated that she thought they closed at 11:00 p.m.

Mr. Burke agrees with Mr. Cifune that there is a lot of double parking when going down Wood Street, that there are people parked picking up stuff and they're not sensitive to it, but that's the nature of that location.

Mr. Cifune stated that if he came back with a petition to pave his back yard he could make a lot of money parking.

Mr. Burke stated that he agrees with Mr. Cifune but that it needs to be weighted against the impact and whether a variance of 4 parking spots proposed is enough to deny. That's his position on it and it hasn't been discussed yet.

Mr. Asciola stated that most of the business on Wood Street do not have parking. He's not saying that Mr. Cifune is wrong, but walking is not an issue to him, but understands Mr. Cifune's position and thinks it is going to happen more and more because they are building up that area.

Mr. Cifune stated that would drive the rest of the neighbors out.

Mr. McComb stated one thing to consider is that this property does have parking and it will be shared. They know the store isn't packed with cars all of the time. It has what most businesses in that region do not have, which is some parking. He believes that it will be shared and that he doesn't think that there will be zero parking.

Mr. Burke asked if there will be any restricted parking in front of the store, for example, the Azorean market has a spot or two for 15 minute parking with a car.

Ms. Teves stated that there are two spots with limited time parking.

Mr. Burke stated that's one they Ms. Gaynor could look into for people going into the store to alleviate the parking issue so people just going in and out to park in front of the store.

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Mr. Asciola stated that is what the lot is for and they could make a space for 15-minute parking for the store. He stated that the parking lot is never ever full.

Mr. McComb stated that it varies as people park in there and do stupid things.

Mr. Cifune stated that if the parking lot was only for the business then that would help.

Mr. Asciola said that is not possible because the store requires so many spots as well as the tenants. He said they can't rob Peter to pay Paul.

Mr. Burke said that by right the store needs 14 spots and they currently have 9 and he asked if that difference is enough to deny the application.

Ms. Williamson stated that the parking now is considered pre-existing non-conforming and when that occurs and there is a new use, the Board only have to provide parking for the new use which is 3 spaces.

Mr. Asciola stated that since it is only 3 spaces to consider, that maybe they can put a sign on 2 spaces for 15 minute parking so then you're only dealing with 1 space.

Mr. Brum asked if that meant to remove the Wood Street parking.

Mr. Asciola stated no it would be in addition to the Wood Street parking.

Mr. Burke said that people going to establishments that would be there 3 hours would have to find somewhere to park to avoid receiving a citation from the Town. He said that would definitely help and they should petition the Town and it would be granted because it is done all of the time.

Ms. Williamson said that there are 2 spots that are 15 minute limits.

Mr. Burke said it just needs to be enforced.

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Mr. Asciola asked if there was anyone else who would like to speak on this matter.

Mr. Brum stated that this business has the potential for parking whereas other businesses on the street do not and not permitting this with the business actually having spots could be bad idea. He has witnessed stupidity in that parking lot but doing a time limit may curb the behavior.

Mr. Asciola asked if the Board was ready to vote on it.

Mr. Burke said that at first he was concerned about how it was going to be crammed in there but now that it has been explained he understands that they have something that can't be fully utilized in its current condition he thinks this would add an enhancement for the neighborhood and the Town since there is nothing else like it.

Mr. Asciola suggested putting a sign in the parking lot that says parking for the restaurant only.

Ms. Gaynor stated that they planned to re-tar the lot and put in lines to indicated to designate parking spaces for the business and the tenants.

Mr. Asciola stated that she should designate a space for her specific business with the name on the sign so people will know. That would help.

Mr. Burke said to work with the neighbors to make it the best it can be since they are only short 3 spots.

Mr. Asciola asked if everyone is ready to make a motion.

Mr. Burke stated he was ready and that he was going to make 2 motions.

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Mr. Burke: Mr. Chairman I'll make a motion to approve File No: 2024-13, Fran Gaynor, Franjelica Properties, Inc., 259 Wood Street for a special use permit to conduct a business of a charcuterie and wine establishment and I would like to make a motion

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for the special use permit separate to the required dimensional variance that has been requested. Special use permit for restaurants, cafes or delis with or without liquor sales has been updated per the 2023 legislation and was effective the 1st of January 2024. It is incorporated into Section 28-150EE and I would like to incorporate that as part of the motion. However, there is a requirement for a 25ft landscape buffer which because of the configuration of the property cannot be met but will be satisfied with a buffer as outlined by the Technical Review Committee. I would also like to incorporate into that motion the recommendations of the TRC in a memorandum sent to us on March 20, 2024 by Director Williamson that outlines the requirements with the exception that we have provided additional guidance on the location of the 2 dumpsters that will be required, 1 for the store and 1 for the proposed business and in addition to that there is a response from Mr. Tanner dated on March 21, 2024 from Cordtsen Design Architecture, Inc. in Middletown, Rhode Island that identifies how those requirements are going to be met and those requirements need to be met prior to the issuance of the special use permit. The special use permit Section 28-409 that there is evidence that the special use permit is specifically authorized by the Chapter and this type of business a café is specifically authorized in the updated version of the Ordinance. It meets all of the standards set forth in the subsection as previously referenced and the granting of the special use permit will not alter the general characteristics of the surrounding area or impair the intent and purpose of this Chapter or the Comprehensive Plan of the Town. It will in fact fit in well with the surrounding establishments. I so move.

MR. BRUM: Second

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

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MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. BURKE: I am going to make a second motion for the same application to grant a dimensional variance for the proposed structure and a parking variance. The resultant lot coverage with structures will be 43% verses a by right requirement of 35%. The structure and pavement combined coverage is 60% and this application requires coverage of 88%. In addition to that there is a northerly side variance of I think it is 2ft. Ms. Williamson can you tell me? I think it's 2. I'm looking for it. So it would be the distance from the building to northerly lot line where the fence is.

MR. ASCIOLA: Mr. McComb do you know that distance?

MR. MCCOMB: The proposed setback is 18ft where 30ft is required.

MR. ASCIOLA: That's in the back. How about the north side?

MR. MCCOMB: That one we're not asking for relief from. The existing building is in the setback but our addition will not be.

MR. BURKE: So it is not going as far out?

MR. MCCOMB: It's not.

MR. BURKE: But do you have the side yard distance?

MR. MCCOMB: We do.

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MR. BURKE: Okay. I stand corrected and there will be a parking variance where 12 units are required and 9 exist. Is that correct Diane?

MS. WILLIAMSON: Yes.

MR. BURKE: Sorry for that folks. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not due to general characteristics of the surrounding area or due to an economic disability of the applicant. We have an application and supporting documents and a review by the TRC and testimony tonight has indicated to us that there is no other way to add a kitchen to the property that will serve the proposed business without this relief. The hardship is not a result of any prior action of the applicant. The applicant gave testimony that she acquired the property relatively recently and the current building and coverage exists as it does today and that the granting of the dimensional variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. It is allowed per the Ordinance and after hearing from the neighbors we've made some recommendations to the applicant to provide additional enhancements to the parking environment in front of the property. 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. She has a structure that needs to be renovated and in order to expand it to a reasonable use a kitchen needs to be added to service the business. I so move.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

XXXXXX

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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8. ADJOURNMENT: 9:12pm

XXXXXX

Mr. Burke: I'll make a motion.

MR. ASCIOLA: Second

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:12 P.M.)

2 May 2024

RESPECTFULLY SUBMITTED,

Kathleen M. Maynard

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 25 MARCH 2024

Date Accepted:

5-10-24

Chairman:

Joseph P. White