

STATE OF RHODE ISLAND

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

05 JANUARY 2026  
7:00 PM  
BRISTOL TOWN HALL  
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. CHARLES BURKE, Vice Chairman  
MR. DONALD KERN  
MR. TONY BRUM  
MR. GEORGE DUARTE

ALSO PRESENT:

ATTORNEY DAVID MARKS, Town Solicitor's Office  
MR. EDWARD TANNER, Zoning Officer

Susan E. Andrade  
91 Sherry Ave.  
Bristol, RI 02809  
401-578-3918

I N D E X

Page

1. Approval of minutes:

01 DECEMBER 2025.....3

SITTING AS BOARD OF REVIEW

NEW PETITIONS:

2. 2025-43 – Petition of Florina Kachka.....4

3. 2025-45 – Petition of Benjamin and Katelyn Cantone.....8

SITTING AS BOARD OF APPEAL

4. 2025-42 – Petition of Joseph A. Perry/ Perry Family Realty, LLC.....10

5. AGENDA ITEM – Review of Zoning Board Rules of Procedure.....16

6. ADJOURNMENT.....17

05 JANUARY 2026

The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:00 p.m. by Chairman Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

**1. APPROVAL OF MINUTES:**

Chairman Asiola called for approval of the December 1, 2025 minutes

MR. KERN: I'll make a motion to approve the minutes.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

**SITTING AS BOARD OF REVIEW:**

**2. 2025-43  
FLORINA KACHKA**

**44 Basswood Dr.: R-10  
Pl. 152, Lots 373**

Dimensional Variance to convert an existing single-family dwelling to a two-family dwelling with less than the required lot area.

Ms. Florina Kacka, presented the Petition to the Board and sought a dimensional variance to convert an existing single-family home into a two-family dwelling on a lot of 11,000 square feet, where the ordinance requires 20,000 square feet for two family (R10 zone: 10,000 square feet per dwelling unit). Board members emphasized the severe lot area shortfall, repeatedly stating the request was “not even close” to the minimum required. The applicant’s stated rationale was to provide independent living arrangements (separate utilities) for her elderly mother: the first floor for her mother and caregiver; the second floor for her household. The applicant intends to have six bedrooms in total (three per floor), converting the garage into living space, and reported the driveway fits six cars.

An accessory dwelling unit (ADU) was discussed as an alternative. Members clarified that an ADU would cap the number of bedrooms in the ADU (generally two), would not require Zoning Board relief, and would align with the single-family character of the area. The applicant stressed the importance of separate metering for her mother’s sense of independence and noted her research into broader housing policy trends; board members reiterated their mandate to apply local zoning strictly.

Neighborhood testimony was firmly opposed. Multiple residents described Basswood Drive as a dead end with a narrow roadway that constricts near the stop sign at Leahy and Basswood, making passage difficult for trash and emergency vehicles. Concerns included existing drainage and pooling that becomes icy in winter, cars parking on the tail end of the road, and trucks struggling to turn, sometimes crossing onto lawns. Neighbors feared increased cars, traffic, and safety risks, and argued the request would set a precedent incongruent with the area's predominantly single-family character. Some neighbors also questioned hardship, stating the applicant purchased the property knowing its zoning and lot constraints.

No one spoke in favor.

Speaking against:

Mr. Luis Ferreira, 40 Basswood Dr.; Ms. Maria Ferreira, 40 Basswood Dr.; Mr. Daniel DiCamillo, 38 Basswood Dr.; Ms. Brenda Ferreira, 41 Basswood Dr.;

The board closed the public hearing and deliberated. Findings included:

The property is in an R10 zone, and the lot size (11,000 square feet) is far below the 20,000 square feet required for a two-family.

The dimensional variance required was 8,323 square feet.

The hardship was not due to unique site characteristics but to general neighborhood patterns (primarily 10,000 square-foot lots built for single-family homes).

The hardship was self-created insofar as the applicant purchased the home aware of the zoning and lot size and the two-family requirements.

Granting relief would alter the area's character and impair the ordinance's intent and purpose, with specific local conditions including flooding and lack of on-street parking.

X X X X X X

MR. BURKE: Mr. Chairman, I'm going to make a motion to deny application 2025-43, Florina Kachka, 44 Basswood Drive, to convert an existing single-family dwelling to a two-family in a residential R-10 zone. The dimensional variance that was required was 8,323 square feet of lot area. The Hardship from which the applicant seeks relief is not due to the unique characteristics of the subject land or structure, its due to the general characteristics of the neighborhood. They're primarily 10,000 square foot lots, so they're compliant with single family dwellings. Although two families are allowed if what's required of 10,000 square feet per dwelling unit, or 20,000 square feet. The hardship could be considered to be the result of prior action. The applicant did purchase the home with knowledge that it was a single family in an R-10 zone, with the current lot size. And was aware of the necessary lot size for a two-family upon purchase. The granting of the requested dimensional relief will alter the general characteristics of the surrounding area. And it will impair the intent and purpose of the Zoning Ordinance and the Town's Comprehensive Plan, because of the lot requirements. In fact, there are mitigating reasons in that immediate neighborhood where there is actually flooding and lack of on-street parking, not only for service vehicles, but

for the residents. The hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will not amount to more than a mere inconvenience. Because it is a single-family home, purchased as a single-family home in a residential R-10 zone with the required lot size for a single-family home. I therefore move that we deny the application.

MR. DUARTE: I second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Denied)



there's been any issues. The general consensus from the community is it's been a great success. So, I will reference the original, in the motion, reference the conditions that remain in the original decision. Once again, I would make a motion that we lift that condition for any further review and make the Special Use Permit permanent. I move accordingly.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Special Use Permit granted)



The property historically housed heavy equipment and trucks, and the broader area saw intense activity (e.g., Palazzini Construction’s concrete plant in the 1950s–1960s).

Current or recent operations include Pine Ridge Landscaping (described as similar to the nursery’s use) and American Tree (tree service). Levi Oil parks three or four oil trucks on the property; the owner stated operations run roughly from 6:45 AM to 8:00 PM, that trucks are generally empty, inspected annually, with prior minor antifreeze leaks addressed and documented to DEM. He emphasized the trucks are parked off-street on commercial-zoned property, that he is the sole driver, and that no business transactions occur on-site beyond parking and plug-in for diesel heaters. He attributed complaints to neighborhood disputes.

Zoning Enforcement Officer’s position and legal framework:

The LB zone typically serves “light” business uses; contract construction service businesses have never been permitted in LB. Parking commercial vehicles for such businesses constitutes conducting those businesses at the site because the vehicles are integral to the business.

Complaints specifically cited oil and landscaping vehicles. Google Street View suggests oil truck presence for approximately five or six years, showing a progression from initial clearing to increased trucks.

To remain, such uses must be truly grandfathered; otherwise, relief would require a use variance.

The ordinance prohibits intensifying non-conforming uses in any manner. Rhode Island Supreme Court precedent provides no single test; the board must judge

intensification based on facts, including the addition of businesses, expansion of fleet sizes, hours, employees, and activities.

Neighborhood testimony was mixed and at times contentious. Some neighbors supported the longstanding landscaping-related activities and found them unobtrusive; others objected strongly to the oil truck presence, alleging fumes, improper transfers between trucks, drips in dirt areas, nighttime noise (including air horn use at 12:00 AM and 12:30 AM), idling beyond state limits, and safety concerns about proximity to dwellings (asserted as 45 feet versus claimed federal 200 feet guidance). Another neighbor stated she had not observed such issues in nearly 30 years living nearby and saw only simple parking activity.

Those who spoke against:

Ms. Eileen Tavares, 8 Fernwood Rd.; Ms. Charlene Ferreira, 14 Fernwood Rd.; Mr. Richard Ferreira, 14 Fernwood Rd. a letter dated January 3rd, 2026, from Sarah Tesla (16 Fernwood Road, Bristol, Rhode Island) was entered into the record as Exhibit 1

Those who spoke in favor:

Ms. Luisa Faria, 21 Rosedale Drive.

Mr. John Perry, 15 Fernwood Rd.

In response to the Board's request for clarification, Attorney David Marks explained that it is a little different when the Board is sitting as the Board of Appeal. Normally it's the Board of Review. And the Board hears applications for variances; this is a little different. This is an appeal of the Zoning Officer's Notice of Violation. The Board is really to do one thing, either affirm the Zoning Official and agree that there was a violation, or they can overturn the Zoning Official and say there is no violation. It's a

more limited role than when they're normally hearing a variance, because it really is just a yes or no question. Usually there's more of a consideration on the effect of the general character of the neighborhood. Here it's not so much the effect on the neighborhood; it's more that according to the law did they violate the Ordinance or did they not. There seems to be a lot of people talking about the effect that the trucks have on the neighborhood; but it's really just what's relevant is whether or not there is a non-conforming use. The issue here seems like, according to the appeal, that although this use is against the Zoning Ordinance, it's a non-conforming use, which in normal English means a grandfathered use. Grandfathered uses are uses that were in effect before the Ordinance, so they're allowed to continue. But they're not allowed to continue under any circumstances. One would lose the right to have grandfathered use for certain things like expansions or intensifications or abandonment. He then read the section of the Ordinance for the definition of intensification. He then continued and stated that the Rhode Island Supreme Court has said there is no hard and fast rule to determine when the use has been intensified, it's just based on the facts as they are presented.

And once again explained what testimony is relevant. What the Board wants to determine is what is contract construction service occurring on this property. And if it was, was it grandfathered, or was it an intensified use.

Board deliberation and findings:

The Board reviewed the Notice of violation and the testimony and evidence presented in detail

The board recognized a pre-existing landscaping-related use at the site but determined that introducing additional, different businesses, particularly the oil trucks—constitutes an impermissible intensification in an LB zone.

Testimony indicated Pine Ridge Landscaping has operated at the location for over 30 years; that use is grandfathered at its current level of operation.

The presence and parking of oil trucks (Levi Oil) and the addition or affiliation with American Tree amount to an intensification and are not permitted in LB.

The appeal sought to overturn the violation broadly; board members concluded the violation was correctly issued and should be affirmed, with clarity that landscaping activity consistent with historic use remains grandfathered, while the newer, intensified uses are not.

The board affirmed the Zoning Enforcement Officer’s violation, finding:  
Pine Ridge Landscaping is grandfathered at its current level of operation.

Two additional businesses—American Tree and Levi Oil—are not grandfathered and are not permitted in the LB zone.

X X X X X X

MR. BURKE: Mr. Chairman, I’ll make a motion that regarding appeal of Joseph A. Perry/Perry Family Realty, LLC of 500 and 502 Metacom Avenue, an appeal to overrule the decision of the Zoning Enforcement Officer, that we affirm the decision of the Zoning Enforcement Officer and find that two additional businesses, American Tree and Levi’s Oil are not grandfathered in the LB zone and are not allowed in the LB zone. But based on testimony that we have heard that Pine Ridge Landscaping has been on the

property for over 30 years; that that use is grandfathered at its current level of operation. I so move.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Appeal Denied)

05 JANUARY 2026

**5. AGENDA ITEM:**

**Discuss/Act re: Revision of Zoning Board Rules of Procedure**

The board discussed reviewing and updating its formal procedures. Members agreed the current procedural document may include provisions not consistently followed and should be brought into alignment with actual practice, without rushing the process. The solicitor's office offered to submit a second draft for consideration. To avoid improper deliberation outside public sessions, members were instructed to send edits or comments to the Zoning Enforcement Officer (Edward Tanner) or the solicitor rather than emailing all board members. The item was continued to the February meeting.

05 JANUARY 2026

**6. ADJOURNMENT:**

X X X X X X

MR. ASCIOLA: Motion to adjourn?

MR DUARTE: Motion to adjourn.

MR.KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

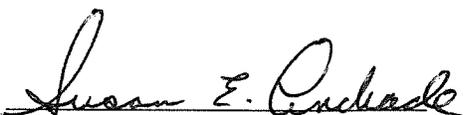
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:45 P.M.)

RESPECTFULLY SUBMITTED,

05 JANUARY 2026

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 05 JANUARY 2026

Date Accepted: 2/2/2026

Chairman: 