

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES  
THE ZONING BOARD OF APPEALS  
OF BRISTOL, RHODE ISLAND

11 FEBRUARY 2019  
7:00 PM  
BRISTOL TOWN HALL  
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. BRUCE KOGAN, Vice Chairman  
MR. DAVID SIMOES  
MR. CHARLIE BURKE  
MR. TONY BRUM  
MR. DEREK N. TIPTON, Alternate  
MR. DONALD S. KERN, Alternate

ALSO PRESENT:     ATTORNEY ANDREW TIETZ, Town Solicitor's Office  
                          ATTORNEY MARK HADDEN, Town Solicitor's Office  
                          MR. EDWARD TANNER, Zoning Enforcement Officer

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

1. Minutes:  
07 January 2019.....2

**SITTING AS THE BOARD OF APPEALS:**

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Federal Properties of RI, Inc.; 11 State Street, LLC,  
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**SITTING AS THE BOARD OF REVIEW:**

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3. 2018-44 - Petition of Rhanna Kidwell & Daniel F. Silver.....16

**NEW PETITIONS:**

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5. 2019-05 - Petition of Kyle D. Michaud/ Twelve Guns Brewing.....24  
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The meeting of the Town of Bristol Zoning Board of Review was held at the Bristol Town Hall, 10 Court Street, Bristol, RI; and called to order at 7:10 p.m. by Chairman Joseph Asciola.

**1. APPROVAL OF MINTUES:  
07 JANUARY 2019**

MR. ASCIOLA: First order of business is the approval of the January 7, 2019 meeting.

MR. SIMOES: Mr. Chairman, I'll make a motion that the minutes of January 7, 2019 approved.

MR. KOGAN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION TO APPROVE MINUTES WERE UNANIMOUSLY APPROVED)

(Minutes Approved)

**SITTING AS THE BOARD OF APPEALS:**

2. **2018-36** **State St. and Thames St.**  
**GLADDING SHOPS, LLC; ROCKET REAL ESTATE, LLC;**  
**FEDERAL PROPERTIES OF RI, INCL; 11 STATE STREET, LLC;**  
**NEW LEAF REALTY, LLC.**

Decision on Remand Response of Historic District Commission dated January 25, 2019, in response to Zoning Board of Appeals' Decision dated October 29, 2018, and further decision on the Appeal of Bristol Historic District Commission approval of the construction of a mixed-use building with 20 residential dwelling units and restaurant use, submitted by James. W. Roiter of SAT Development Partners, LLC.

MR. KOGAN: My understanding from Mr. Tanner and Mr. Hadden is that the Historic District Commission's response to our remanding has been received by the Board. And we have also received, as of Friday, at least Mr. Tanner has received, a memorandum from the objectors. And Mr. Macgillivray is here. We have not seen that memorandum, Mr. Resnick has not had a chance to respond to that, if he chooses, or Mr. Tietz; if they chose to file a written response. So I think the first question is, are we going to accept that memo? Are we obligated to accept that memo?

MR. HADDEN: I think you're obligated to accept the memo, but if you do wish to review it, it would be certainly appropriate on acceptance of that to permit the other sides to have their response, or reply. Note that the decision from the HDC was finalized and distributed on January 25. So, it's two weeks and a day later, as I counted it, that last Friday, mid-day Friday, that that memorandum was received by the objectors. Usually if the objectors file something, the other side should definitely be entitled to respond. They should have similar period of time, I would think, to draft and file their response, at which time the Board should have the ability to have a week or two, read it, review it, with the original memorandum and then return here and come to a decision as to how you want to proceed at that point.

MR. KOGAN: So is there any time limit within which we have to act on the response to our remand?

MR. HADDEN: We don't have a copy of that right now....

MR. KOGAN: That seems like that would be sensible to give Mr. Resnick and Mr. Tietz, if he wishes to do something....

MR. MACGILLIVRAY: I have no objection to that members of the Board.

STENOGRAPHER: Can I have your name please.

MR. MCGILVERY: Stephen Macgillivray for the objectors. I have no objection with a supplemental memo.

MR. RESNICK: Thank you, Michael Resnick on behalf of the applicants. I would request that the Board not consider Mr. Macgillivray submission and to not accept legal memorandums. It was my understanding that the record was closed. In fact

there was a submission to the HDC, which was improperly made by Attorney Macgillivray. After that was done we were given the opportunity to respond, which we did. I believe these matters have been briefed. I think the minutes of the HDC speak for themselves. I would request that the Board consider this matter and the decision provide by the HDC this evening, without additional memorandums or legal argument. And I would be willing to go forward tonight, and that would be my preference.

MR. KOGAN: So the record is certainly closed. I think we voted to close the record some time ago when we remanded it back to the HDC.

MR. HADDEN: The record being the factual record that was created at the HDC; that's really the record. And that record hasn't been added to or supplemented either when it came here on appeal, nor when it returned on remand to the HDC, per the decision of this Board. So the record is the

record. Right now what we've received, and I've reviewed it, as far as I can see doesn't seem to expand the record. Mr. Resnick wants to speak to that and he soon will be free to do so. It doesn't seem to me that he's trying to expand the record. It was provided as additional legal argument, who are in essence is a supplemental decision of the Historic District Commission that this Board has not yet reviewed in its entirety. So it would be appropriate for the Board to permit legal memoranda on that basis. Again, it is the discretion of the Board to permit and accept legal memoranda, and you don't have to. But this is a situation where you have a decision that has come up on remand; so it's up to you.

MR. MACGILLIVRAY: So, I apologize to the Board members for getting a memo out.... two and a half weeks was about as quickly I could do it under the circumstances. It's a 20 some odd page memo and it goes over the record and goes with the

procedural history and makes some arguments, which I think will be helpful to the Board members in kind of understanding the objectors' positions anyway. I have no objection to a reply. The intent was not to foreclose everybody from having a fair chance to address the Board in writing. So, I'm open to a reply deadline, however the Board wants to handle it; that's fine with me. I did put a lot of effort into the memo. It does outline in kind of bullet-point form the evidence that was considered and the arguments that were made before the Historic District Commission. And I would really, I would truly appreciate it, and I know my clients would appreciate if the Board had an opportunity to read that. Thank you.

MR. KOGAN: Mr. Tietz, did you want to address the Board?

MR. TIETZ: Thank you, Andrew Tietz, T-I-E-T-Z, representing the Historic District Commission on appeal. I would encourage you just

to deal with it tonight, or if you need more time; but not to take more documentation. I've read what Mr. Macgillivray submitted as well. And I don't think it's new. In fact I don't think it's new. I don't think there's anything there that he couldn't have put in the last three memos, which he did. He's now got it in a nice table for, but that could have been done before. I don't think.... he's just repeating the same arguments that he made before, as to the weight of the evidence. And I think it's up to the Board, I think you've got enough stuff in front of you and you've heard it enough times to make a decision without going further. That would be my preference.

MR. MACGILLIVRAY: The memo addresses what the Historic District Commission did during its last meeting of December of 27th and the response to remand that this Board has received. I could not have addressed those things previously. So, the memo is new, it highlights the record,

obviously, which is not new, the factual record. But it makes legal arguments based upon what happened on December 27th and the response to remand, so called, that's been given to this Board. So it is new, it is legal argument. I think it would strengthen this Board's ultimate decision, if it addressed those issues, as opposed to not being able to look at them, not being able to address them. So, again, I've taken too much time addressing the procedural point, but we would really appreciate it if you had the chance to take a look at it.

MR. RESNICK: I share Attorney Tietz's sentiment, I don't think that there's anything new there. In fact I don't believe that there's anything that I need to address. And to be candid, even if we're given the opportunity to address the points that were raised, I'm not sure that we would do it. I think that the record is clearly developed and I think that this is ripe for the

Board's decision this evening. And I understand that it's the Board's discretion, but I would respectfully request that this matter be heard tonight without resort to additional filings. No briefs were requested, there's no schedule that was created by the Board for briefing. And, again, submitting something the Friday before a Monday hearing is really not fair. And I think that the appropriate remedy is to go forward this evening.

MR. KOGAN: So it's up to us to decide if we're going to accept the first memo and to do that and whether we give additional time to the Developer and to the Historic District Commission's counselor. My view is, although sometimes what attorneys submit does obfuscate, most of the time it illuminates. And I'm always looking for illumination, I mean in terms of trying to figure out what do we make of what we're supposed to do. So, I would say, I would like to see what Mr. Macgillivray wrote. If Mr. Resnick and Mr. Tietz

want to, we should set a time limit for them to submit and set this down for a night when we would deliberate and vote on what we are we are doing about the remand response.

MR. BRUM: I'm in agreement.

MR. BURKE: So am I.

MR. ASCIOLA: So am I. I think everyone should have a chance to give us as much information we can have to make the correct decisions.

MR. KOGAN: So, although Mr. Resnick wasn't sure whether he was going to respond, my intuition is that given time he probably will, so I think we should probably give him a reasonable period of time. Would three weeks seem reasonable for a response, if you wish to submit one.

MR. RESNICK: For me, one week would be more than adequate.

MR. KOGAN: Mr. Tietz, I don't know whether you intended to file anything. Would one

week be reasonable opportunity for you to make that decision?

MR. TIETZ: Yes, yes it would. I just wanted to say that my concern also is... if you could tell us tonight whether you will or will not hear any oral argument when your next meeting is; because that makes a difference when the schedule is. Although I could respond with a brief within a week or so, I don't know when we'll find a day that we can all meet and that I'd be available for several weeks. So, one of you can just say if there will be oral argument; and then if there will be, then I'll have to work with you to try to find a date.

MR. KOGAN: That's another question, which is, you know, would we come back with the written whatever it is in writing that we have and have had the opportunity to read and review and then give the attorneys another opportunity to make

an argument, or just work off of the written submission. That's up to what we want to do.

MR. BURKE: I would lean towards allowing oral arguments after they write the responses.

MR. KOGAN: And that would just be parties.... we're not opening this up for public comment, is that right Mr. Hadden?

MR. HADDEN: Correct, the public hearing is over.

MR. KOGAN: Okay, so short opportunity for counsel, if they wish to make further oral argument; so that's what we're going to do. In light of that, is one week enough time for you to submit whatever you're going to submit in writing and then we would have to set a hearing date shortly thereafter.

MR. TIETZ: Well, in light of the Holiday weekend coming up, I would ask, I guess, for more than week, I'd ask for two weeks from today.

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All parties discussed what dates they would be available and decided to set the next hearing on Tuesday, March 26, 2019. The Board also set a deadline for memo submission by March 4, 2019, which would be three weeks.

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MR. KOGAN: I make a motion that the appeal on File number 2018-36 be continued to Tuesday, March 26th at 7:00 p.m.

MR. BRUM: I'll second the motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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Attorney Hadden stated that to clarify the record, the memos are due March 4th and that it would be any reply memos of the applicant and counsel for the HDC and beyond that there will be no further replies or anything else. The Board confirmed he was correct, one shot each.

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Appeal continued)

**SITTING AS THE BOARD OF REVIEW:**

**CONTINUED PETITIONS:**

- 3. 2018-44**  
**RHANNA KIDWELL &**  
**DANIEL F. SILVER**
- 39 Harrison St.: R-15**  
**Pl. 146, Lot 17**

Dimensional Variance to construct an approximate 872 square foot second-story addition to an existing single-family dwelling with less than the required front yard.

Ms. Rhanna Kidwell presented the Petition to the Board. She stated, that as she explained in December, they own the home at 39 Harrison Street and it only two bedrooms and they would like to add bedrooms over the existing garage, as they have two children and there isn't enough space at this point. The addition over the garage would be approximately 627 square feet and then there is a breezeway that connects the garage to the house and they would add on over that to give a walkway to the living floor access, about a 200 square foot addition. An issue is that the garage is presently 7 feet from the setback from the lot line in a 35-foot setback area. It was continued because a neighbor had asked for time to review the plans. She has spoken with her neighbor and after they reviewed it together, the neighbor no longer has a problem. A point was also raised about the 35-foot setback at the last meeting; visually it looks like they are considerably further, but half of her front yard is on the city property. She sat down with the property information from the Town and looked at the front setbacks are of the six houses on the south side of Harrison Street. The two newer homes are built in accordance with the area, one is at 50 feet and the other is going 35 from the lot line. But the other homes are extremely close. So estimating the average setback, from the information she found, it would be 17 feet.

Ms. Kidwell submitted her information to the Board, which was accepted and marked as **Applicant's Exhibit A**.

The Board reviewed the plans and additional information in detail with the applicant. The Board did note that in this area there are other properties that are as close, or closer than what is being proposed. Ms. Kidwell confirmed she is not looking to increase the existing non-conformity, only to go up.

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MR. ASCIOLA: Does anyone wish to speak in favor of the Petition? Does anyone want to speak against the Petition? Can we have a motion, please?

MR. KOGAN: I'll make a motion that the applicant's request for a dimensional variance to construct an approximate 872 square foot second story addition to an existing single-family dwelling with less than the required front yard, be granted. The applicant's property is.... the existing one-story garage is presently as close as 7 feet to the property line in the front yard. The Ordinance in an R-15 zone would normally require a 35 foot front yard setback. So, I'm moving that we grant a setback of 28 feet from the normally required setback. The applicant has submitted Exhibit A, which indicates that the average setback in the neighborhood may be estimated at 17 feet, which if we use that it would be a 10 foot variance; but I'm going to make a motion we grant the variance of a full 28 feet; that would enable her to construct the addition above the existing one-story garage now presently located 7 feet from the front yard property line. And the reason for that proposed variance is that there is a hardship due to unique

characteristics of the subject and/or structure and not the general character of the surrounding area. The lot is an irregularly shaped lot with.... I'm not even sure I'd call this a trapezoid, but this V-shaped indent in the front and a V-shaped indent in the back; and that creates challenges in terms of compliance with the front yard setback. And the position of the existing house and the front entrance and the garage all are not in compliance. But that is in fact the general character of the surrounding area, where very few of the properties are in compliance with front yard setbacks. This hardship is not the result of any prior action on the part of the applicant. The applicant did not build the house, the applicant did not build the accessory garage, the applicant did not ask this Board six years ago for permission to attach the accessory garage to the house; that was all done prior to her ownership, which according to the application only took place within the last year and a half or so. This hardship is not due to any economic disability on the part of the applicant or any desire on the part of the applicant to realize greater financial gain. It is due to the existing house only having two bedroom, when the applicant's family requires more living space, more bedrooms. And that's why she's proposing to address that hardship by building on top of the existing garage. Granting the requested dimensional variance will not alter the general character of the area. The applicant has testified and Board members have observed on their own the general character of the area. In fact we've had a number of applications for variance relief on Harrison Street because of the unusual

layout of the houses relative to the position of the street. Granting the requested dimensional variance will not impair the intent of the Town's Comprehensive Plan, which identifies this neighborhood along the Kickemuit side as being a residential neighborhood. That's exactly what the applicant is planning to do with the property. The relief granted is the least relief necessary, in part because the building is already 7 feet; if she were to do anything, as long as she doesn't encroach, that's the least relief necessary in order to do build any addition. And it would amount to more than a mere inconvenience were we to deny this variance, because the applicant would not be able to make adequate use of the home to meet her family needs. So for those various reasons, I move that we grant the variance enabling her to build the addition within 7 feet of the front yard property line.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**NEW PETITIONS:**

- 4. 2019-04**  
**MATTHEW & KATELYN FERNANDES** **7 Corte Real Dr.: R-10**  
**Pl. 100, Lot 42**

Dimensional Variances to construct a 24' x 26' two-story garage and living area addition to an existing single-family dwelling with less than the required front yard on a corner lot; and to construct a 6' x 12' covered front entrance addition with less than the required front yard.

Matthew and Katelyn Fernandes presented the Petition to the Board. Ms. Fernandes explained they are requesting a variance to add a front door bump out to a raised ranch home, because as of now they have to replace the stairs already. They're like a hollow type of concrete and are deteriorating, so it is a potential hazard. The door is creating condensation, so all of that needs to be replaced. On top of that, the major concern, which she attached a photo of is that when you open the front door, it just about hits the split stairway, so you can't access both sides of the stairs, you have to step aside, shut the door and scoot around. Also, with the bump out they would like to extend the roof line a little bit to add a covered and protected portico to create a protection from the elements and help conserve a little bit of energy. Also, they don't have any common closets upstairs, which means there is nowhere to hang coats or shoes. So they wanted to create a small closet space in the entry. This would put them at 4.85 feet over the 30 foot setback. The other variance request is for the double-car garage and they would build a master bedroom over it. The existing garage is like an undersized garage, which her

vehicle doesn't even fit in; so they can't utilize it as a garage. They are also looking for more storage space, as there is no basement in the ranched ranch structure. The garage addition would put them at 3.25 over the 30 foot setback. They are looking to get more living space, as they are expecting their first child. They reviewed other locations, but this is the most feasible location.

The Board reviewed the plans in detail with the applicants. Ms. Fernandes confirmed that they will be taking out the existing garage door and closing it in, putting a window in front and a door on the side.

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MR. ASCIOLA: Does anyone wish to speak in favor? Does anyone want to speak against? Can we have a motion from the Board, please?

MR. BURKE: Mr. Chairman, I'll make a motion to approve application 2019-04, at 7 Corte Real Drive, Matthew and Katelyn Fernandes to construct a 24' x 26' two-story garage and living area and to construct a 6' x 12' covered front entrance addition with less than the required front yard. This relief would entail on the westerly side for 3 feet of relief; it's 27 feet from the property line, versus the requirement of 30. And 5 feet from the southerly property line on Corte Real Drive. It is a corner lot and therefore requires setbacks for the two front yards, which creates some challenges with adding the additional living space that they require. I'm making this motion based on the following information. 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 any economic disability of the applicant. The only place to put a typical two-car garage is in the location that's being proposed. As mentioned before, it's on a corner lot and the relief required is minimal. The hardship is not the result of prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. We heard testimony that in addition to not having enough storage space and the ability to store vehicles indoors, they have some relative from out of the country that also need a place to stay. 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. It is a residential zone, and what's being proposed is strictly residential. The relief requested to be granted is the least relief necessary. Respectively it's 3 feet and 5 feet on a corner lot. The hardship that would be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience; they will not actually be able to enjoy their property without the addition of the garage and the bump out that addresses the proximity of the front door to the stairway inside. I so move.

MR. KOGAN: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

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MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(Petition Granted)



a manufacturing brewery meets that definition. So the Town Council amended the Zoning Ordinance at their last meeting to allow this Use by Special Use Permit only in a General Business Zone. All the department heads, Police Chief, Town Administrator were at the meeting, along with the positive recommendation from the Planning Board.

The Board reviewed the information provided by the Town, hours of operation, limitations of sales and the petition in detail.

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MR. ASCIOLA: Does anyone wish to speak in favor? Does anyone wish to speak against? Can we have a motion?

MR. KOGAN: I'll make a motion in the matter of Kyle Michaud and Twelve Guns Brewing, file No. 2019-05, requesting a Special Use Permit to operate a manufacturing and canning Use within a General Business District, which is permissible by Special Use Permit under the latest amended Use Table that the Town Council has recently approved. So, based on all the evidence presented to the Zoning Board of Review and the Board's knowledge and personal familiarity of with the area, I would make a motion that we find that the Special Use Permit for a food and kindred products manufacturing, including canning or packaging, be granted. That that Use is a permitted Use in Table A, Permitted Use Table within a General Business District by Special Use Permit. Then under the requirements of Section 409(b), 28-409(c)(2), that the Use is specifically authorized by the Zoning Chapter and the Use Table. That the Special Use being proposed meets all of the Standards set forth in Section 28-150,

because there are no specific Standards. So it must meet them if there aren't any. Therefore, the real question becomes whether granting the Special Use Permit will or will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan. And, based on the evidence, there was testimony that the subject land and structure and Use at that location for food and kindred products manufacturing, including canning or packaging, will not alter the general character of the area, because this is an area where there are businesses that surround this particular location. There are proposed to be two retail businesses immediately adjacent to this location, there's a car wash now to the south, there's a lumber yard further to the south, there's an insurance and financial services office to the north and to the rear there are a couple of automotive businesses that surround this location. It fronts on Metacom, which is a busy commercial part of Bristol. So, it will not alter the general character of the area to have this manufacturing and tap room business. It is compatible, because it is not going to create external hardships for any of the surrounding businesses; the nature of the operation described by Mr. Michaud is that it's a quiet clean operation, which beer is brewed internally within a designated area, there's a tap room; however patrons who patronize the tap room are limited by State Licensing to purchase and consume on premises no more than 3 beers. And that certainly reduces the likelihood of adverse consequences being visited on any of the surrounding neighborhood. The

Use will not impair the intent of the Town's Comprehensive Plan or the Zoning Ordinance, because it is a reasonable commercial Use; the Town Council has just determined that it is reasonable enough so long as this matter is reviewed by the Zoning Board, which is what we're doing. Therefore I move the Special Use Permit be granted, subject to the following special conditions. And those conditions have to do with the hours of operation, during which the applicant would be entitled to serve beer to patrons for consumption on premises, or to sell packaged beer to patrons to remove from the premises. And the hours that I'm moving that we impose as a Special Condition are, from noon until 10:00 p.m. for service for sale of the alcoholic beverages on all 7 days of the week; noon until 10:00 p.m. That doesn't preclude the applicant from manufacturing earlier on, but just the sale and distribution for consumption on premises or for taking off premises be limited from noon until 10:00 p.m., all seven days of the week. So, that's my motion.

MR. SIMOES: I'll second that.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**6. 2019-06  
NATHAN M. GALLISON**

**40 Cedar Dr.: R-10  
Pl. 151, Lots 66 & 67**

Dimensional Variance to construct a 5' x 8' covered front porch entrance addition to an existing single-family dwelling (under construction ) with less than the required front yard.

Mr. Nathan Gallison presented the Petition to the Board. Mr. Gallison explained that he is currently under construction of a new single-family residence and are is requested a variance for an overhang for the front door, about 5' x 8'; it's going to be pitched with two columns. The house is set back 30 feet, but with the front stairs and the overhand it would be approximately 25. During construction they realized that this would protect them from the elements.

The Board reviewed the Petition in detail. The Board did review the height of the home under construction and Mr. Gallison explained in detail the elevation of the property, but the house will meet all other requirements.

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MR. ASCIOLA: Does anyone want to speak in favor of the Petition? Does anyone wish to speak against the Petition? Can we have a motion, please?

MR. SIMOES: I'll make a motion that we grant application number 2019-06 for a 5' x 8' covered porch. The hardship that the applicant seeks is to get relief from the weather, snow, rain, so that when he opens his front door he doesn't get a puddle of water coming in. And the hardship is not the result of any prior action of the applicant. And he's not doing this for any financial gain, basically he's doing this to protect his company and himself when

they enter the house and not letting the rain or snow in the house. And by granting this dimensional variance, it will not alter the general characteristics of the surrounding area. And it will not impair the intent and purpose of the Zoning Ordinance or Comprehensive Plan of the Town of Bristol. This relief requested is the least relief necessary. And the hardship that would be suffered by the owner and his guests would be that on a rainy or snowy day they wouldn't have any protection from the elements, and this would give them that protection that they need. Therefore, i move that this dimensional variance be granted to the applicant.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**7. 2019-07  
RI PET FOODS PLUS, INC.**

**30 Gooding Ave: GB  
Pl. 118, Lots & 2**

Special Use Permit to operate a kennel use within the General Business zoning district.

Mr. Joseph Pereira presented the Petition to the Board. Mr. Pereira explained he would like a Special Use Permit to have a kennel to board small animals like rabbits, guinea pigs, tropical birds, ferrets; anything that people have small pets and need to board them. These animals would be just like or similar to animals that are now sold out of this facility, no dogs, cats, chickens, ducks, only small animals. They would have to obtain a license from the State, after they receive permission from Zoning.

The Board reviewed the Petition in detail with Mr. Pereira. In response to questioning by the Board, Mr. Pereira stated that he doesn't know anyone else in the area that offers the same services.

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MR. ASCIOLA: Does anyone want to speak in favor of the Petition? Does anyone else wish to speak against? Motion from the Board, please.

MR. BURKE: Mr. Chairman, I'll make a motion to grant a Special Use Permit for application 2019-07, RI Pet Foods Plus, Inc. to provide kennel services. There will be some special conditions based on the testimony provided by the applicant. The Special Use is specifically authorized by the Zoning Ordinance per Section 28-82. And in a General Business Zone with a Special Use Permit, this Use is authorized. There are no special standards in 28-150 for a kennel. The granting of a 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 is a permitted Use and we heard testimony today that the determination was that there would actually be no visible impact based on this Use. I would like to make a Special Condition, based on the applicant's testimony that there will be no boarding of dogs or cats and I request from the Staff that the letter that goes to Department of Business Regulation reflects that. I so move.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**8. 2019-08 DANIEL P. & WENDY GAUGHAN 9 Polk Ct.: R-10 Pl. 156, Lot 125**

Dimensional Variance to construct an 8' x 16' breezeway and a 25' x 26' garage addition to an existing single-family dwelling with less than the required rear yard.

Mr. Daniel Gaughan presented the Petition to the Board. Mr. Gaughan explained he would like to add a breezeway/mudroom attached with a two-car garage to their existing home. His wife and he has relatively new vehicles that they would like to get out of the elements, as well as some security; bringing groceries in with the winter time and rain. As well it would add some value to the home as well. The upstairs of the garage will be for storage. It is on an odd cul-de-sac, which gives him two back yards to his home.

The Board reviewed the Petition in detail with the application. In response to questioning, Mr. Gaughan explained that to the north is the Armory parking, and they usually don't park adjacent to his fence, they park on the other side of the lot. He did build the house originally, and they didn't add a garage at that time, as they didn't have enough money at that time.

Mr. Tanner explained that due to the very odd shape, he determined that the north and west sides are rear yards, and the southern lot line and eastern lot line are side yards.

X X X X X X

MR. ASCIOLA: There is no one present to be heard, can we have a motion from the Board, please.

MR. BRUM: I'd like to make a motion that we approve file number 2019-08. The applicant is requesting a dimensional variance to construct an 8' x 16'

breezeway, and then a 25' x 26' garage addition to an existing family dwelling, with less than required yard setback. The variance is for a 17' proposed setback for the rear yard. Let it be noted that the rear yard may have been interpreted as a side yard during previous planning of this property. Though the applicant has built the property, given the unique and peculiar dimensions of the lot, it would be difficult to build this property on any other portion of the lot, than the existing structure is built on. The hardship from which the applicant seeks relief is due to the unique characteristics as before mentioned of the subject land, and not specifically to the structure of the house that the applicant has built. The hardship is really no result of the applicant. The unique characteristics of the land would really prevent building any auxiliary structure on the house. the applicant has mentioned and testified that the house is currently without a garage. A garage addition is within the Comprehensive Plan of the Town and within the dimensions that the Town allots. It would only be fair and characteristic to the neighborhood that the applicant was allowed to build a garage within the rear yard setback. By granting this variance, it won't alter the general characteristics of the neighborhood, or the surrounding area. And it won't impair the intent or purpose of the Comprehensive Plan of the Town. I do believe that the variance of 17' into the rear yard is the least amount of relief necessary. And for those reasons, I make a motion that we approve the variance.

11 FEBRUARY 2019

MR. KOGAN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

11 FEBRUARY 2019

**9. ADJOURNMENT:**

**X X X X X X**

MR. SIMOES: I'll make a motion to adjourn.

MR. BURKE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

**X X X X X X**

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:10 P.M.)

RESPECTFULLY SUBMITTED,

11 FEBRUARY 2019

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Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 07 JANUARY 2019

Date Accepted: \_\_\_\_\_

Chairman: \_\_\_\_\_