



Town of Portsmouth

ZONING BOARD OF REVIEW
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FEBRUARY 18, 2016

MEMBERS PRESENT: Mr. James Edwards, Chair, Mr. James Nott, Vice-Chair, Mr. John Borden, Mr. James Hall and Ms. Kathleen Pavlakis, Second Alternate.

MEMBERS ABSENT: Mr. James Sherrod, Secretary.

OTHERS PRESENT: Town Solicitor Kevin Gavin was present as legal counsel for the Board, Building Official George Medeiros, and Barbara Ripa as recording secretary.

Mr. Edwards opened the meeting at 7:00 p.m.

I. MINUTES:

There were no minutes to approve.

II. CHAIRMAN'S REPORT:

III. NEW BUSINESS:

1. (R) A petition by Ann K. LaFleur, 28 Aquidneck Ave, Portsmouth, RI for a variance and a special use permit to allow an addition to dwelling closer to property lines than zoning allows and exceed allowable lot coverage on tax assessor's map 24, lot 164, Art IV, Sec B & Art VI, Sec A.

Ann LaFleur, and Joe Forgione, 9 Bricknell Road, North Grafton, MA were both sworn in. They stated that they want to move to Portsmouth and want to expand the living space so they can do so. Currently the home is sort of an "L" shape and they want to fill in that "L" with an enclosed garage that will be two-story and will provide additional living space.

Their hardship is that they would like to fit two cars in the garage for the winter. Mr. Nott said that there are not many houses in that area that have garages and those that do have a one car garage. Ms. LaFleur and Mr. Forgione said they want to live there until they are old and this will give them additional living space. They can access their basement. The house will be 2,300 sf house after the addition. The garage would need front and side yard setback variances.

The Chair called for abutters or interested parties. There were none.

Mr. Edwards went through special use permit criteria with the petitioners. The petitioners testified

that the petition would meet all special use permit criteria.

Mr. Edwards stated that there was a letter from the Gumps stating they had no objection. Mr. Edwards said that the petition of Ann LaFleur, map 24, lot 164, 28 Aquidneck Avenue, requires a 21.7' front yard setback on the west, a 10.5' side yard setback variance on the north, an 8.2' side yard setback on the south, a special use permit for expansion of a dwelling on a non-conforming lot of record, and a lot coverage variance of 16.2%, since it was determined that existing lot coverage is 26%, rather than 23.7% as presented on the petition.

Mr. Borden: Approve/Deny/Approve:

Ms. LaFleur is seeking special use relief and dimensional variance relief for her property at 28 Aquidneck Avenue. Regarding the special use permit relief for a substandard lot of record, the Chair walked her through the requirements, and I don't see a problem and I approve.

Regarding the dimensional variances for the two car garage, I did drive through the neighborhood and I looked at the neighbors and did not see many with two car garages and no many garages. I propose that a two car garage is excessive. No hardship has been demonstrated. A one car garage I would support but a two car will encroach further and I don't think the hardship standard has been met under our zoning ordinance. I would support a second floor addition. I deny a two car garage, but am approving a 2nd floor on the existing footprint.

Ms. Pavlakis: Approve/Deny/Approve.

A agree with Mr. Borden, and vote as he did.

Mr. Hall: Approve/Approve:

A garage is a reasonable request. It is an improvement. I vote to approve both the dimensional variances and the special use permit.

Mr. Nott: Approve/Deny/Approve:

Regarding the special use permit, I approve. But I concur with Mr. Borden. The two car garage and square footage is excessive. I approve the existing encroachment, which means you can build up if you want to add on to the house. If the petitioner wants to come back with a one car garage, I'd support that.

Mr. Edwards: Approve/Deny/Approve:

I also approve the special use permit, but deny the dimensional variances. However, I approve building on the existing footprint and you could come back before the Board with a smaller one car garage.

2. (R) A petition by Dan and Darci Acomb, 1249 Anthony Road, Portsmouth, RI for a variance and a special use permit to allow a second floor addition to dwelling closer to property lines than zoning allows on tax assessor's map 1, lot 20, Art IV, Sec B & Art VI, Sec A.

Dan Acomb, 1249 Anthony Road was sworn in. Mr. Acomb needs a special use permit for expansion of a dwelling on a non-conforming lot of record to add two window dormers to the front roof line to finish the attic so it can be living space, and a lot coverage variance of 2.7%. They require a 5' front yard setback variance, but they are not encroaching any further.

Mr. Edwards went through special use permit criteria with the petitioner. Mr. Acomb testified that the petition would meet all special use permit criteria.

The Chair called for abutters or interested parties. Chris Museler, trustee for the Common Fence Point Improvement Association, was present but had no comment.

Mr. Nott: Approve/Approve:

Dan Acomb requires a 5' front yard variance that exists, a 2.7% lot coverage variance that exists, and a special use permit in order to add front dormers. He has met the special use permit criteria. I sat on the original petition for a variance in 2015 and the same hardships exist and I see no reason to deny this, so I approve.

Mr. Hall: Approve/Approve:

I also approve of both variances for the same reasons as Mr. Nott.

Mr. Borden: Approve/Approve:

I agree with Mr. Nott and Mr. Hall. The petition and hardship is unchanged from the original heard on April 23, 2015.

Ms. Pavlakis: Approve/Approve.

I approve for all the reasons previously given.

Mr. Edwards: Approve/Approve:

It is a reasonable request and the Chair votes to approve both the dimensional variances and the special use permit.

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3. (TC) A petition by Rebecca Clinton (applicant) & Rite Aid Corp (owner), 2456 East Main Road, Portsmouth, RI for an evaluation to see if a dog day care is allow as a special use permit and if so a request for a special use permit to allow a dog day care on tax assessor's map 35, lot 26, Art V.1 & Art V, Sec E.8.

There was no one present to present the petition of Rebecca Clinton. The Board asked Mr. Medeiros to contact her to see if she was still interested in putting forth her petition.

A motion was made by Mr. Nott and seconded by Mr. Borden to continue the petition of Rebecca Clinton (applicant) and Rite Aid Corp (owner) to the regular meeting of March 17, 2016 at 7:00 p.m. The motion carried with all in favor.

A motion to adjourn was made by Mr. Nott and seconded by Mr. Borden. The motion carried with all in favor. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary