



**Town of Portsmouth**  
**ZONING BOARD OF REVIEW**  
2200 East Main Road / Portsmouth, Rhode Island 02871  
www.portsmouthri.com

(401) 683-3611

**JUNE 16, 2016**

**MEMBERS PRESENT:** Mr. James Edwards, Chair, Mr. James Nott, Vice-Chair, Ms. Kathleen Pavlakis, Secretary, Mr. James Hall and Mr. Eric Raposa, First Alternate.

**MEMBERS ABSENT:** Mr. John Borden and Mr. Paul Henriques, Second Alternate.

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

Mr. Edwards called the meeting to order at 7:25 p.m. because a quorum was not present until that time.

**I. MINUTES:**

A motion was made by Mr. Nott and seconded by Mr. Hall to accept the minutes of the May 19, 2016 meeting as presented. The motion carried with all in favor.

**II. CHAIRMAN'S REPORT:**

The Chair said that the communication went from the Town Administrator to Mr. Henriques to determine if he was still interested in serving as second alternate. Mr. Henriques did not respond, so apparently he has withdrawn his intention to serve. It will go on the next Town Council agenda for a new member.

**III. CONTINUED BUSINESS:**

There was no continued business.

**IV. NEW BUSINESS:**

1. (R) A petition by Ryan Pimentel, 60 King Phillip Street, Portsmouth, RI for a variance to construct an above ground swimming pool closer to property line than zoning allows on tax assessor's map 4, lot 306, Art IV, Sec B.

Ryan Pimentel, 60 King Philip Street was sworn in. Mr. Pimentel stated that when he went to replace the above ground pool that came with the house, he found that no building permit had been obtained for it. He would like to place the new pool where the previous pool was because it is already level and because of where the leech field lays on the lot. That requires a rear yard setback variance of 13'. There is a 6' fence around the yard already.

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

Mr. Nott: Approve:

Ryan Pimentel, Map 4, Lot 306 is before the Board wanting to replace an above ground pool that he thought was properly permitted until he went to Town Hall to get a permit and it wasn't permitted. An above ground pool is not a permanent structure in my mind. It's more than a mere inconvenience to deny. I approve.

Mr. Raposa: Approve:

I agree with Mr. Nott and vote to approve.

Mr. Hall: Approve:

I vote to approve for reasons previously stated.

Ms. Pavlakis: Approve:

I agree with Mr. Nott and vote to approve.

Mr. Edwards: Approve:

I also agree with Mr. Nott and I vote to approve.

2. (R) A petition by Phillip Woodhams, 06 Harriett Avenue, Prudence Island, RI for a variance and a special use permit to construct a deck closer to property lines than zoning allows and to exceed allowable lot coverage on tax assessor's map 77, lot 86, Art IV, Sec B and Art. VI, Sec. A.

Phillip Woodhams, 16 Ivanhoe Drive, Topsham, Maine was sworn in. Mr. Woodhams said that he wants to put a deck on the side of the house that faces Narragansett Avenue to take advantage of the views. He wants to go out about 8'. He will need an 18' rear yard setback variance, a 24' front yard setback variance and a 12' side yard setback variance. He also needs about 9% lot coverage variance and a special use permit because it is a substandard lot of record. He wants to wrap the deck around the house to Narragansett Ave.

Mr. Edwards went through the special use permit criteria with Mr. Woodhams. Mr. Woodhams testified that it would meet all special use criterion.

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

Mr. Hall: Approve/Approve:

Phillip Woodhams is before the Board from Map 77, Lot 86 seeking a dimensional variance and

a special use permit. He's testified that he can't do the deck without a variance because of setbacks, so to reject would be more than a mere inconvenience. I vote to approve.

Mr. Raposa: Approve/Approve:

There is no reason to deny. I vote to approve for reasons stated by Mr. Hall.

Mr. Nott: Approve/Approve:

To get the setbacks on record, he needs an 18' rear yard setback, a 24' front yard setback, and a 12' side yard setback as well as a 9% lot coverage variance and the special use variance and I also agree for reasons previously stated by Mr. Hall.

Ms. Pavlakis: Approve/Approve:

The homes are like that on Prudence, and for all the reasons previously stated, I approve.

Mr. Edwards: Approve/Approve:

The Chair votes to approve for reasons previously stated.

3. (LI) A petition by Neil Hayes, 1302 East Main Road Portsmouth, RI for a variance and a special use permit to construct a garage closer to property lines than zoning allows on tax assessor's map 53, lot 13, Art IV, Sec B and Art. VI, Sec. A.

Neil Hayes, 1302 East Main Road was sworn in. Mr. Hayes said he has trucks and boats and needs to work on equipment in a garage, but the lot is a funny shape. His son lives on the property. He wants to build a separate garage. Because it's zoned LI, the setbacks are large and he needs three dimensional variances and a special use permit because of the square footage of the lot.

The chair walked Mr. Hayes through the special use permit criterion. He testified that it met all criterion.

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

Mr. Nott: Approve/Approve:

Neil Hayes is before the Board seeking a special use permit and dimensional variances of a 45' front yard setback, a 15' side yard setback, and a 50' rear yard setback. He has spoken of his intent to build the garage to match the character of the house. I approve both the special use permit and the dimensional variances.

Mr. Raposa: Approve/Approve:

He has done a great job with the residence and it will add value to the neighborhood, so I approve.

Mr. Hall: Approve/Approve:

I approve for reasons previously stated.

Ms. Pavlakis: Approve/Approve:

I also approve for reasons previously stated.

Mr. Edwards: Approve/Approve:

They seem to be large setbacks, but it's because it is Light Industrial zoning, so that's why. I approve, it is in harmony with the marine business that is nearby and I approve.

4. (R) A petition by James Barry, Anthony Road, Portsmouth, RI for a special use permit and variance to allow the storage of one additional trailer on tax assessor's map 1, lot 19, Art V, Sec I.10 and Art VI, Sec A.

James Barry, 183 Narragansett Boulevard was sworn in. Mr. Barry said that at 1266 Anthony Road there is a storage trailer and a boat on a trailer and an RV and he wants all of them to reside on the empty lot that he owns that is across the street.

Mr. Edwards says that for the use variance he's requesting he has to prove that there is no other use for the lot; that it could not be built on and it is only good to store vehicles on. Mr. Barry said there are plenty of uses for the lot.

The Chair called for abutters.

- Chris Museler, 1271 Anthony Road read his letter into the file.
- Susan Graham, 1289 Anthony Road spoke.
- Gary Graham, 1289 Anthony Road spoke.

Ms. Pavlakis read letters into the record from George and Therese Bishop, 1265 Anthony Road, Dianne and Kevin Weinfeld, 1250 Anthony Road, Virginia Roberts, 1256 Anthony Road, and Cathy Singer, 1282 Anthony Road.

Mr. Nott: Deny:

James Barry is before the Board for Map 1, Lots 45 and 19 for a use variance. For the record, per the ordinance to store one RV and one boat and trailer without a variance in an R10 zone, you need a minimum of a 5,000 sf lot. He doesn't even have half of that. That being said, a use

variance means that there is no other beneficial uses for the land and the applicant himself states that there are other beneficial uses, so I deny.

Mr. Raposa:                   Deny:

It is obvious that the current occupant has outgrown the use of the land and he should rent something that is appropriate for what he is using the property for. The landlord is responsible to the community, too. I deny.

Mr. Hall:                       Deny:

I vote to reject. Clearly Mr. Wood is trying to run his business out of a residential area. There should not be construction equipment in Common Fence Point. There are other uses for the lot. I deny.

Ms. Pavlakis:               Deny:

I wholeheartedly agree that this would be mismanagement of the land and I vote to deny.

Mr. Edwards:               Deny:

I agree with Mr. Raposa. He's got too much going on with this vacant lot. The problem with the request is it's a use request, which means you have to prove there's no beneficial use, and it's a vacant lot and you'd have to prove that there is no other use for it. I deny.

A motion to adjourn was made by Mr. Nott and seconded by Mr. Hall. The motion carried with all in favor. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary