



Town of Portsmouth
ZONING BOARD OF REVIEW
2200 East Main Road / Portsmouth, Rhode Island 02871
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(401) 683-3611

JULY 21, 2016

MEMBERS PRESENT: Mr. James Edwards, Chair, Mr. John Borden, Ms. Kathleen Pavlakis, Secretary, Mr. James Hall and Mr. Eric Raposa, First Alternate.

MEMBERS ABSENT: Mr. James Nott, Vice-Chair.

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

Mr. Edwards called the meeting to order at 7:05 p.m.

I. MINUTES:

A motion was made by Mr. Hall and seconded by Mr. Raposa to accept the minutes of the June 16, 2016 meeting as presented. The motion carried with all in favor, except for Mr. Borden who abstained from voting because he was absent from the meeting.

II. CHAIRMAN'S REPORT:

The Chair said that there have been changes in the Building Inspector's office, so Mr. Medeiros is filling in until the new Building Official joins the town.

III. CONTINUED BUSINESS:

There was no continued business.

IV. NEW BUSINESS:

1. (C) A petition by The Narragansett Electric, Portsmouth, RI for a special use permit and a dimensional variance to rebuild and upgrade transmission lines.

George Watson, outside counsel for Narragansett Electric, stated that they have not met with the Planning Board yet, so have not gotten an Advisory Opinion. In addition, in August they have a conflict because they are meeting with Middletown's Planning Board, so he asked for a continuance to September.

A motion was made by Mr. Hall and seconded by Mr. Borden to continue the petition by The Narragansett Electric to the regular meeting of September 15, 2016 at 7:00 p.m. The motion carried with all in favor.

2. (R) A petition by Randy Gifford (applicant) and Erik Holling (owner), 409 Vanderbilt Lane, Portsmouth, RI for a variance to construct an in-ground swimming pool closer to property line than zoning allows on tax assessor's map 54, lot 204, Art IV, Sec B.

Randy Gifford, 40 Lazywood Lane, Tiverton was sworn in. There is a letter in the file authorizing Mr. Gifford to act on the Hollings' behalf. Mr. Gifford explained that the Hollings' back yard is small and they would like to keep it open for the three children to play in. The front yard is sloping and not good for a play area. This leaves just the side area for the pool. In addition, the door leads out to the deck and pool area. Currently the lot is vacant on that side.

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

Mr. Borden: Deny:

The petitioner gave a nice presentation. Under the ordinance an in-ground pool is considered a structure and the requirement is that it must be a hardship that is more than a mere inconvenience and there are no alternatives. I find it difficult to approve this when there are other options. The hardship criterion has not been met and I deny.

Mr. Raposa: Deny:

I agree with Mr. Borden. I feel that there are other options and I deny.

Ms. Pavlakis: Deny:

I concur. It is too much to ask for and I deny.

Mr. Hall: Deny:

I vote to disapprove. It is a newer subdivision in town and the lots are 40,000 sf for a reason. I think it is too much to ask for.

Mr. Edwards: Deny:

It is too much to ask for, so I deny. You could move the pool and maintain the design with the doors and still meet zoning. The criteria have not been met.

3. (R) A petition by Kevin Clarke, 52 Child Street, Portsmouth, RI for a variance and a special use permit to construct an addition to dwelling closer to property line than zoning allows and to exceed allowable lot coverage on tax assessor's map 29, lot 45, Art IV, Sec B and Art. VI, Sec. A.

Kevin Clarke, 52 Child Street and Justin Ballou, Ballou Builders, 4145 Tower Hill Road, Wakefield, RI were sworn in. Mr. Clarke said he wanted to build an addition to the first floor to add a walk-in closet and a bathroom. He would be extending the bedroom. The addition would be 15' X 32' and he would require a special use permit because he is building on a substandard

lot of record and a 23'8" rear yard setback on the north. He can only go in that direction because he has to use the bedroom. His hardship is that the bedroom is too small and he's had knee surgeries so he needs a bathroom on the first floor. The Chair reviewed the special use permit criterion with Mr. Clarke and Mr. Clarke testified that the project would meet all the special use criterion.

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

Ms. Pavlakis: Approve/Approve:

It is a reasonable request. I vote to approve both the special use permit and the dimensional variance.

Mr. Hall: Approve/Approve:

I approve both. It is more than reasonable. The lot behind him won't be built on because it's the septic area for Sakonnet View.

Mr. Borden: Approve/Approve:

Regarding the special use permit for the substandard lot of record – he walked through all criterion with the Chair and I am comfortable with all his answers. Regarding the dimensional variance – the setback variance is excessive, so is his reason a hardship? He has a three-bedroom house and it is reasonable to have a large bedroom on the first floor. He is increasing his lot coverage by only 2.7% and is still at only 14.2%. I believe he has met the criterion and I approve.

Mr. Raposa: Approve/Approve:

I vote to approve both for reasons previously stated.

Mr. Edwards: Approve/Approve:

This is a unique property and for reasons previously stated, I approve. It is not an unreasonable request.

4. (LI) A petition by Ragged Island Brewing Co. (applicant) and Gateway Ltd Partnership (owner), 200 High Point Avenue, Portsmouth, RI for a special use permit to conduct manufacturing of beverages and accessory uses in a Light Industrial zone pursuant to Art VII, Sec A and F.

Attorney Cort Chappell, Chappell & Chappell, 171 Chase Road, represented Ragged Island Brewing Co. Mr. Chappell said that the company is proposing to go into the industrial park at Highpoint Avenue and the units there are pre-existing. The unit is 40' X 60'. They will be a micro-brewery and they intend to manufacture beer. Bottling beverages is a matter of right in LI, but there was a little bit of a question as to whether the "manufacture" of the product was

allowed, so they are here seeking a special use permit. Mr. Chappell had the two principals of the company, Patrick Donovan, 87 Col. Christopher Greene Road, Portsmouth and Matthew Gray, 304 Thames Street, Newport, sworn in.

Mr. Chappell went through the special use permit criterion with Mr. Gray. Mr. Gray testified that the project would meet the special use permit criterion. Out of the 2400 sf building, about 640 sf will be for tasting of the product, or about 20 people at a time.

The Chair called for abutters. There were none.

Mr. Hall: Approve:

The petitioner is proposing to go into Highpoint Avenue. Every bit of special use permit criteria has been asked and answered and I approve.

Ms. Pavlakis: Approve:

I concur with Mr. Hall, and I approve.

Mr. Borden: Approve:

The question is, have they met the special use permit criterion? Mr. Chappell walked the petitioner through the special use permit criterion and all has been met. I see this as an asset to the community and I approve.

Mr. Raposa: Approve:

I also see this as an asset to the community, and I vote to approve for reasons previously stated.

Mr. Edwards: Approve:

The Chair votes to approve. You've met all the criteria.

5. (C) A petition by Verizon New England, 3199 East Main Road, Portsmouth, RI for a variance/special use permit to allow more than one principle building that will also be closer to property line than zoning allows on tax assessor's map 29, lot 39, Art III Sec D2, Art VII Sec G1, Art IV Sec B.

Attorney Joseph DeAngelis, outside counsel for Verizon New England was present. Mr. DeAngelis stated that Verizon had closed its Newport location and now needed to relocate nine employees and a manager to the Portsmouth location. It is impossible to expand the building that currently exists due to the equipment on the wall in the building. They would like to place a trailer on the property.

Donald Sabourin, 8 Taft Drive, Franklin, MA was sworn in. He stated that nine employees plus a manager were transferred to Portsmouth. They are asking for a 3 ½' side lot variance to line

the trailer up with the building. The wheels of the trailer will be taken off and it will be placed on blocks. They will have motion sensor based lighting on the outside; in fact, they were already working on changing some lighting on the building to motion sensors due to a complaint from a neighbor. A shield will be placed for the light on the storage box. Lighting currently exists and they are trying to improve it. New vegetation has already been planted and there are existing trees. There will only be telephone and electricity in the trailer.

The variances they require are a 3 ½' side yard setback variance and a dimensional variance for two primary buildings on one lot as well as a special use permit for two buildings on one lot.

Mr. DeAngelis called Nate Godfrey forward to testify.

A motion was made by Mr. Borden and seconded by Ms. Pavlakis to accept Nathan Godfrey as a real estate expert. The motion carried with all in favor.

Mr. Godfrey is with Newport Appraisal Group, LLC, 221 Third Street, Newport. Mr. DeAngelis distributed Mr. Godfrey's report to the Board. Mr. DeAngelis discussed special use permit criteria and Mr. Godfrey testified that the project met the special use permit criteria. His full report was entered into the record as Exhibit 1.

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

Mr. Borden: Approve/Approve:

Regarding the special use permit criterion, they have all been met by the petitioner. They walked through the standards they need to meet to get the relief. The proposal will have a minimal impact. Regarding the regulatory setback, this is probably the best place to put it, as it's in line with the existing building. Regarding the use of the trailer for the additional employees all the special use criterion has been met and I vote to approve that.

Mr. Raposa: Approve/Approve:

I vote to approve both for reasons previously stated. I think it's self-explanatory.

Ms. Pavlakis: Approve/Approve:

I vote to approve. I agree with my colleagues. I think it's important for the employees.

Mr. Hall: Approve/Approve:

I vote to approve for reasons previously stated by Mr. Borden. There were no abutters present. We want Verizon to be successful.

Mr. Edwards: Approve/Approve:

It is a commercial zone and I'm happy they are taking care of that building. They are making improvements to the area and to deny amounts to more than a mere inconvenience. They have

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met the special use permit criteria, so I vote to approve both the dimensional variances and the special use permit.

A motion to adjourn was made by Mr. Borden and seconded by Mr. Hall. The motion carried with all in favor. The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary