



Town of Portsmouth

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

AUGUST 25, 2016

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Town Solicitor Kevin Gavin was present as legal counsel for the Board, Building Assistant Timothy Gardiner, Town Planner Gary Crosby and Barbara Ripa as recording secretary.

Mr. Edwards called the meeting to order at 7:01 p.m.

I. MINUTES:

A motion was made by Mr. Borden and seconded by Mr. Hall to accept the minutes of the July 21, 2016 meeting as presented. The motion carried with all in favor, except for Mr. Nott who abstained from voting because he was absent from the meeting.

II. CHAIRMAN'S REPORT:

The Chair welcomed Building Inspector Timothy Gardinar.

III. CONTINUED BUSINESS:

There was no continued business.

IV. NEW BUSINESS:

1. (IL) A petition by Richard Cromwell, 1250 East Main Road, Portsmouth, RI for a special use permit to allow the expansion of existing marina structure on tax assessor's map 53, lot 11, Art V, Sec F.2.

John Borden stated that he will recuse himself from the petition because he gets his boat serviced at Maritime Solutions.

Richard Cromwell, business address 1250 East Main Road, home 12 Cherry Street, Newport, was sworn in. Mr. Cromwell said that he wants to rebuild, due to a fire, and is adding on an addition to the existing footprint. He has been to the Design Review Board and the Planning Board and has taken their input. They had to put in a new septic system and put in new engineering to improve the flow of traffic.

Dan Szymanski, Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown was sworn in. Mr. Szymanski said that the OWTS will be a new Advantix system and it has been submitted and approved by RIDEM. The curb cut has been submitted to the RIDOT and it will resolve what has been a somewhat dangerous situation. Curbing along Mintwater Brook Lane will extend just to where the grassy area will end on the proposed plan. The entrance to the building will now be on the north side rather than on the south side.

Lighting on the building was always down lighting and will continue to be so. The lights will be down lit sconces. No one has complained about the lighting. Mr. Knox questioned Mr. Cromwell about the outside storage. Mr. Cromwell said that besides the boats, motors, and trailers, there will now be no reason to have any other storage outside and they will clean up the site.

Snow plowing has been an issue in the past, but now they will be able to plow some of it onto the grassy surface that they will have as shown in the plan.

The addition will be on the north side of the building. It meets all setback requirements. It allows egress on the north side. Improvements to the site are the new curb cut along East Main Road, a new building, new curbs, a new septic, it will solve storage problems, and it should alleviate snow removal issues.

Chair Jamie Edwards read a letter from abutter David Kehew into the record.

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

A motion was made by Mr. Nott and seconded by Mr. Hall to institute the following conditions if the petition were to pass:

1. Any additional outside lighting on the exterior of the building shall be pointed 90 degrees downward and away from adjoining properties;
2. Any signs will be illuminated from dusk to 10:00 p.m. only;
3. Outside testing and/or running of motors or engines shall be limited to normal business hours on weekdays, shall be limited to 9:00 a.m. until normal closing time on Saturdays, and shall be prohibited on Sundays and holidays;
4. There will be no outside vending machines allowed on the property;
5. There shall be no donation type drop-off boxes allowed
6. Building shall be architecturally constructed per proposed to the Design Review meeting of June 29, 2016;
7. If approved, once construction is complete, there will be no outdoor storage containers allowed.

8. The engineering plan for Mintwater Brook Lane will be modified to allow ample space for two cars to pass on Mintwater Brook Lane at any given time for the full length of the property.

The motion carried with all in favor.

Voting on the petition was as follows:

Mr. Nott: Approve:

Richard Cromwell is before the Board with Map 53, Lot 11. The petitioner is seeking to expand his facility. He ran through the special use criteria and with the conditions placed it meets the criteria and I vote to approve.

Mr. Raposa: Approve:

I vote to approve for reasons previously stated by Mr. Nott.

Mr. Hall: Approve:

I vote to approve for reasons previously stated.

Ms. Pavlakis: Approve:

I suggest putting some snow back towards the stream when plowing over some parking spaces, but I vote to approve for reasons previously stated.

Mr. Edwards: Approve:

The Chair votes to approve. I agree for reasons stated by Mr. Nott. This has been a good business for the town. It will have a single curb cut. There will be increased green surface along East Main Road. There will be a new septic system. All these things add up to an improvement for the property.

Mr. Borden rejoined the Board.

2. (C) A petition by Matthew Sumner, 546 Park Avenue, Portsmouth, RI for a variance and a special use permit to construct a garage closer to property lines than zoning allows and to exceed allowable lot coverage on tax assessors map 21, lot 52A, Art IV, Sec B and Art. VI, Sec. A.

Attorney Cort Chappell, Chappell & Chappell, 171 Chase Road was present to represent Matthew Sumner. Mr. Chappell said that Mr. Sumner is a pilot for Jet Blue and was suddenly called away, so he is here to represent him tonight.

The property is in an R10 area. The petitioner would like to construct a single stall garage that is

12' X 24'. He does not have a garage at this time. The petition requires a front yard variance of 15' on the south, and 7' side yard variances on the east and west. In addition, it would require a 30.7% lot coverage variance, or 10.7% over allowed lot coverage.

The garage can only be put in the front yard because of the septic system location. In addition, if he placed it next to his house it would eliminate all light from his house. The garage is placed on the only side where he has no neighbors.

Mr. Chappell reviewed special use permit criteria and said it would meet all criteria. Mr. Sumner has no attic and no basement. He does have two sheds on the property.

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

Mr. Borden: Approve/Approve:

Regarding the special use permit for the substandard lot of record – the petitioner walked through all criterion and all answers seemed logical and I vote to approve. Regarding the dimensional variance on the surface they seem high, however when you analyze the neighborhood and the lot, the lot is 3,600 sf, which is 1/3 of the required lot size, and except for one abutter, all other abutters are 5' from the property line. The requested relief for the side yard variances is actually 2', not 7' because it is in an R10 district, and that's reasonable. Is it the least relief necessary? It is more than a mere inconvenience. A garage is a reasonable accessory use. A hardship has been met. The percentage for the lot coverage can be deceiving. He has a small lot, so the percentage is high. It is reasonable given the circumstances. I approve.

Ms. Pavlakis: Approve/Approve:

I vote to approve although I think a shed should be removed.

Mr. Nott: Approve/Approve:

I agree with Mr. Borden and I vote to approve.

Mr. Hall: Approve/Approve:

I vote to approve both. It is more than reasonable.

Mr. Edwards: Approve/Approve:

I also vote to approve for reasons stated by Mr. Borden

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 7:56 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary