



Town of Portsmouth

ZONING BOARD OF REVIEW

2200 East Main Road / Portsmouth, Rhode Island 02871

www.portsmouthri.com

(401) 683-3611

FEBRUARY 15, 2018

MEMBERS PRESENT: Mr. James Edwards, Chair, Mr. James Nott, Vice-Chair, Mr. John Borden (arrived at 7:13), Mr. James Hall, Mr. Eric Raposa, First Alternate and Mr. Benjamin Furriel, Second Alternate.

MEMBERS ABSENT: Ms. Kathleen Pavlakis, Secretary.

OTHERS PRESENT: Town Solicitor Kevin Gavin was present as legal counsel for the Board, Michael Asciola, Assistant Town Planner and Barbara Ripa as recording secretary.

Mr. Edwards called the meeting to order at 7:09 p.m. in the Town Council chambers.

I. MINUTES

A motion was made by Mr. Nott and seconded by Mr. Furriel to approve the minutes of the regular meeting of January 18, 2018 as presented. The motion carried with all in favor.

II. CHAIRMAN REPORT

There was no Chairman Report.

Since Mr. Borden was not in attendance at the beginning of the meeting, Mr. Edwards decided to start with New Business since Mr. Borden was required to be present to hear OB 1, but was not required to hear New Business.

IV. NEW BUSINESS

1. (C-1) Carolyn Gillman (owner) and Jeff Moniz (applicant) seek dimensional variances for side and front yard setbacks (Art. IV, Sec. B); as well as special use permits (Art. VI, Sec. A.4 & Art. VI Sec. C.1) to construct an addition to a nonconforming (use) single family residential structure on a nonconforming lot of record located at 3374 East Main Road. (24-12).

Carolyn Gillman, 3374 East Main Road and Jeff Moniz, 41 Thurston Avenue, Newport were sworn in. Mr. Moniz said that Ms. Gillman would like to add on a wrap-around porch to the house. The porch will encroach slightly into the front yard setback on the east by 3'8" and side yard setback on the south by 2' for a landing. The house is located in a commercial zone and is required to have commercial setbacks. The encroachments are in keeping with many abutting properties in the neighborhood.

Mr. Edwards walked Mr. Moniz through the special use criterion. Mr. Moniz testified that the petition would meet all special use criterion.

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

Mr. Nott Approve/Approve:

Carolyn Gillman and Jeff Moniz are present seeking dimensional variances for side and front yard setbacks as well as a special use permit to construct a wrap-around porch on her home. The residence is located in a commercial zone, so setbacks are different. She meets the special use criteria. The dimensional variances are minimal, a 3'8" front yard setback on the east, and a 2' side yard setback on the south, and the two neighbors to the north encroach further. I approve the dimensional variances and the special use permit.

Mr. Raposa Approve/Approve:

I agree with Mr. Nott and vote to approve both the dimensional variances and the special use permit.

Mr. Hall Approve/Approve:

I also agree and vote to approve.

Mr. Furriel Approve/Approve:

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

Mr. Edwards Approve/Approve:

It is the least relief necessary and you have met the special use criteria, so the Chair also approves and agrees with reasons stated by Mr. Nott.

III. OLD BUSINESS

1. (R-20) Jonathan and Vanessa Egan (owners/appellant) of 1206 Middle Rd (57-57) seek an administrative appeal (Art. XIV) of a Zoning Enforcement Officer's decision related to a notice of violation of Art. IX Sec. C, Vision Clearance; dated 10/3/2017.

Mr. Borden had entered the meeting during New Business, so was present for this petition.

Vanessa Egan, 1206 Middle Road was present and was still sworn in. Ms. Egan had an arborist come out to look at the arborvitae and the arborist said he could shear them back a foot and could take two or three trees at the corner and remove about 8' at the corner. Ms. Egan would like to come up with a solution to the problem rather than remove the trees. There was some discussion about what she could do.

A motion was made by Mr. Nott and seconded by Mr. Borden to continue the petition to the Zoning Board of Review meeting of March 15, 2017. The motion carried 5 – 0 with Mr. Edwards, Mr. Borden, Mr. Furriel, Mr. Nott, and Mr. Raposa voting in favor.

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A motion to adjourn was made by Mr. Borden and seconded by Mr. Hall. The motion carried 5 – 0. The meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary