



Town of Portsmouth

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

HYBRID IN-PERSON/ZOOM MEETING

MINUTES

APRIL 15, 2021

James Nott, Chair opened the hybrid in-person/Zoom meeting of the Zoning Board of Review at 7:01 p.m. in the Town Council chambers to let attendees know the Board was waiting for two more members. At 7:06 p.m. Mr. Nott opened with roll call.

I. ROLL CALL

MEMBERS PRESENT IN PERSON OR VIA ZOOM: Mr. James Nott, Chair, Mr. John Borden, Vice Chair, Mr. Benjamin Furriel, Secretary, Mr. Eric Raposa (7:21 p.m.), Ms. Sue Horwitz, and Mr. William Wladyka, First Alternate

MEMBERS ABSENT: None

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

II. MINUTES

A motion was made by Mr. Borden and seconded by Mr. Furriel to approve the December 17, 2020 Zoning Board of Review meeting minutes as submitted. The motion carried 5 – 0 with Mr. Borden, Mr. Furriel, Ms. Horwitz, Mr. Wladyka and Mr. Nott in favor.

III. CHAIRMAN'S REPORT

There was no Chairman's Report.

IV. OLD BUSINESS

None

V. NEW BUSINESS

Prior to beginning the New Business, Mr. Nott broke the agenda to discuss agenda changes.

Mr. Nott read a request from Attorney Helen Anthony asking for a continuation of New Business V, West Main Solar 2, LLC (Applicant) and Regal, LLC (Owner) for AP 30, Lot 8 to the regular Zoning Board meeting of May 20, 2021.

A motion was made by Mr. Furriel and seconded by Mr. Borden to continue New Business V, West Main Solar 2, LLC (Applicant) and Regal, LLC (Owner) for AP 30, Lot 8 to the regular Zoning Board meeting of May 20, 2021. The motion carried 5 – 0 with Mr. Borden, Mr. Furriel, Ms. Horwitz, Mr. Wladyka and Mr. Nott in favor.

V.I. (R-20) Louis and Alison Scarpelli (Owners) Seek Dimensional Variances for Side Yard Setback (Art. IV, Sec. B) and Constructing a Storage Shed Outside of the Rear Yard (Art. IV, Sec. C.5.) and a Special Use Permit to Construct a 16’ X 16’ Storage Shed on a Nonconforming Lot of Record (Art. VI, Sec. A.4) Located at 75 Water Street (34 - 61).

Louis Scarpelli, 75 Water Street was sworn in on Zoom. Mr. Scarpelli said he wants to attach a new 16’ X 6’ shed to the north side of the existing dwelling. He would need a 2’4” side setback variance on the north side and a special use permit.

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

Mr. Scarpelli also needs a variance for having a shed outside of the rear yard.

Mr. Nott went through the special use permit criteria with Mr. Scarpelli. Mr. Scarpelli testified his petition would meet all criteria.

Louis and Alison Scarpelli are before the Board with map 34, lot 61 seeking a **2’4” side yard setback variance to the north, a special use permit, and relief from constructing a utility shed outside of the rear yard.**

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Shed Outside Rear Yard	Special Use Permit
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Mr. Borden

Approve

Approve

Approve

Mr. Borden said it looks like a bump-out. It does not look excessive. Mr. Borden believes it would be more than a mere inconvenience to deny, so he approved the shed outside the rear yard, the 2’4” side setback variance and the special use permit.

Mr. Furriel **Approve** **Approve** **Approve**

Mr. Furriel approved the special use permit and the dimensional variances for the shed for reasons previously stated.

Ms. Horwitz **Approve** **Approve** **Approve**

Ms. Horwitz voted to approve the special use permit and dimensional variances for reasons previously stated.

Mr. Wladyka **Approve** **Approve** **Approve**

Mr. Wladyka voted to approve the special use permit and dimensional variances for reasons previously stated.

Mr. Nott **Approve** **Approve** **Approve**

Mr. Nott approved the special use permit and the 2'4" variance. To deny amounts to more than a mere inconvenience. It is the minimum required.

V.II. (R-20) Daniel and Megan Wroblewski (Owners) Seek a Dimensional Variance for Side Yard Setbacks (Art. IV, Sec. B) and a Special Use Permit to Construct a 22' X 16' Deck on a Nonconforming Lot of Record (Art. VI, Sec. A.4) Located at 56 Norseman Drive (24 - 215).

Daniel Wroblewski, 56 Norseman Drive was sworn in on Zoom. Mr. Wroblewski said he needed a 1' side yard setback variance and a special use permit to construct a 22' X 16' deck. It actually was already built, but his father-in-law was doing the work, and he (Mr. Wroblewski) didn't know the building permit wasn't applied for, and he didn't know he needed variances to build.

The Chair called for abutters or interested parties. There were no letters in the file.

The Chair went through the special use permit criteria with Mr. Wroblewski and Mr. Wroblewski testified it met all criteria.

Abutter Paul Tingle, 46 Norseman Drive was sworn in on Zoom and said he had no objections.

Daniel and Megan Wroblewski are before the Board with map 24, lot 215, seeking a **1' side yard setback variance to the south** and a **special use permit** to build a 22' X 16' deck.

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Lot Coverage	Special Use Permit
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Mr. Borden **Approve** **Not Applicable** **Approve**

Mr. Borden said the petitioner walked through the special use permit criteria with the Chair and he has met the criteria, so he approves. There is a substantial distance between the petitioner and his abutters. A deck is a reasonable accessory use, and Mr. Borden approves.

Mr. Furriel **Approve** **Not Applicable** **Approve**

Mr. Furriel approved of the special use permit and the setback variance for reasons previously stated.

Mr. Raposa **Approve** **Not Applicable** **Approve**

Mr. Raposa approved the 1' variance and the special use permit.

Ms. Horwitz **Approve** **Not Applicable** **Approve**

Ms. Horwitz approved the special use permit and dimensional variance for reasons previously stated.

Mr. Nott **Approve** **Not Applicable** **Approve**

Mr. Nott approved the special use permit and the dimensional variance of 1' for reasons stated by Mr. Borden.

V.III. (R-20) George and Beth Silvia (Owners) Seek Dimensional Variances for Side Yard Setback and Lot Coverage (Art. IV, Sec. B) and a Special Use Permit to Construct an Attached Garage and Addition to an Existing Dwelling on a Nonconforming Lot of Record (Art. VI, Sec. A.4) Located at 41 Baker Road (16 - 12).

George Silvia, 41 Baker Road was sworn in on Zoom. Beth Hebert Silvia, 41 Baker Road was sworn in on Zoom. Ms. Silvia said they wanted to have a two-stall attached garage and there are a number of abutting properties that have garages.

The Chair went through the special use permit criteria with Ms. Silvia. She testified the project would meet all criteria.

The Chair called for abutters or interested parties.

Bill Collins, 37 Baker Road was sworn in on Zoom. Mr. Collins thought it was great idea and he endorsed it.

Amanda Carr, 47 Baker Road sent information by Zoom chat. Mr. Nott read it out loud in the meeting. Ms. Carr had no objection.

George and Beth Silvia are before the Board with map 16, lot 12 seeking a **5' side yard setback variance on the east**, a **13% lot coverage variance** and a **special use permit** to construct a 24' X 28' garage.

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Lot Coverage	Special Use Permit
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Mr. Borden	Approve	Approve	Approve
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Mr. Borden said the petitioner walked through the special use permit criteria with the Chair and they have met the criteria, so he approves. Regarding the 5' setback and the 13% lot coverage variance, he is familiar with the narrow lots and it makes sense to have the garage in front. To deny would be more than a mere inconvenience, so Mr. Borden approved.

Mr. Furriel	Approve	Approve	Approve
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Mr. Furriel approved of the special use permit, the lot coverage variance and the 5' setback variance for reasons previously stated.

Mr. Raposa	Approve	Approve	Approve
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Mr. Raposa approved of all three for reasons stated by his peers.

Ms. Horwitz	Approve	Approve	Approve
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Ms. Horwitz approved of the variances and the special use permit for reasons previously stated.

Mr. Nott	Approve	Approve	Approve
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Mr. Nott approved the special use permit, the dimensional variance of 5' and the lot coverage variance for reasons stated by Mr. Borden.

V.IV. (R-10) Robert and Olympia McCaull (Owners) Seek Dimensional Variances for Side and Rear Yard Setbacks and Lot Coverage (Art. IV, Sec. B) and a Second Garage Use (Art. V, Sec. I.1.) and a Special Use Permit to Construct a Detached Two (2) Car Garage on a Nonconforming Lot of Record (Art. VI, Sec. A.4) Located at 117 Massasoit Avenue (9 - 1).

Robert and Olympia McCaull, 117 Massasoit Avenue, were both sworn in over Zoom. They would like to construct a detached two-car garage with a setback off the house should he ever need access to his septic system. He said the Gleasons have a similar garage and there are others.

Petitioner requires a special use permit, a 16' rear yard setback, a 6' side yard setback on the east and a 9.19% lot coverage variance.

Mr. Nott went through the special use permit criteria with the McCaulls. They testified the petition would meet all criterion.

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

Robert and Olympia McCaull are before the Board with map 9, lot 1 seeking a **16' rear yard setback variance, a 6' side yard setback variance on the east, a 9.19% lot coverage variance** and a **special use permit** to construct a **22' X 24' garage** on a nonconforming lot of record.

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Lot Coverage	Special Use Permit
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Mr. Borden	Approve	Approve	Approve
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Mr. Borden said the petitioner walked through the special use permit criteria with the Chair and he approves. The 16' rear yard setback is a reasonable request and he approves and he also approved the east side yard variance of 6'. Mr. Borden said the 9.19% lot coverage variance was reasonable in an R-10 district, so he approved.

Mr. Furriel	Approve	Approve	Approve
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Mr. Furriel approved of the special use permit, the rear yard and side yard setback variances and the 9.19% lot coverage variance for reasons stated by Mr. Borden.

Mr. Raposa	Approve	Approve	Approve
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Mr. Raposa approved of all four variances for reasons stated by Mr. Furriel.

Ms. Horwitz	Approve	Approve	Approve
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Ms. Horwitz approved of the variances and the special use permit for reasons previously stated.

Mr. Nott	Approve	Approve	Approve
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Zoning Board of Review
April 15, 2021

Mr. Nott approved the special use permit, the side and rear yard dimensional variances and the lot coverage variance for reasons stated by Mr. Borden. It is a reasonable request and it fits in well with the neighborhood.

V.V. (R-20) West Main Solar 2, LLC (Applicant) and Regal, LLC (Owner) are Proposing a 3.1 MW Photovoltaic Array Large Ground Mount Solar Energy System (Art. V., Sec. J.1.) on a Vacant Lot on West Main Road Between Freeborn Street and Lehigh Terrace Identified as AP 30, Lot 8 (30 - 8).

This petition was continued prior to beginning New Business.

A motion to adjourn was made by Mr. Borden and seconded by Mr. Furriel. The motion carried 6 – 0 with Mr. Borden, Mr. Furriel, Mr. Raposa, Ms. Horwitz, Mr. Wladyka and Mr. Nott voting in favor. The meeting adjourned at 7:53 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary

Approved:  Date: August 19, 2021