

**TOWN OF WEST GREENWICH
ZONING BOARD OF REVIEW
280 VICTORY HIGHWAY
WEST GREENWICH, RI 02817
November 18, 2014
7:30 P.M.**

A regular meeting of the West Greenwich Zoning Board of Review was held on November 18, 2014. Present were Chairman Ken Jones, Dr. Clyde Fish, Gilbert Rathbun and Ray Stewart. Also present was alternate Charlotte Jolls and Town Solicitor Michael Ursillo.

A. CALL TO ORDER – 7:30 P.M.

Chairman Jones called the meeting to order at 7:30 p.m.

Petition of Richard Dodson: Dimensional Variance to merge lots 4-27, 4-26, 4-24 and 4-1 under Article II, Section 1, Subsection D. Premises located on Falls River Rd. and Arthur Richmond Rd., West Greenwich, RI 02817, Plat 45, Lots 4-27, 4-26, 4-24 and 4-1.

Attorney Brunero represented the abutters and stated that Gary Malikowski was owner of the land and Richard Dodson was going to withdraw his name from application. The applicant and owner would now be Gary Malikowski.

Town Solicitor Ursillo had Gary Malikowski come up and sign the application that he is the owner. The application would be amended to show that Gary Malikowski was now the owner/applicant.

Attorney Brunero stated that the non buildable Lot 4-1 would be deeded over to the newly created Arthur Richmond Homeowners Association. They would hold title of this non buildable lot. The lot would be utilized for passive recreation. There would be no ATV's or construction. Mr. Malikowski would then have the right to pass and repass to obtain access to lots 4-24, 4-26 and 4-27. Those three lots would be merged into one lot and there would be no further subdivision of the property. There would be an allowance of one single family home on that merged lot. The construction of the single family home on the lot would be approximately 150 feet northerly of the brook. Whatever title issues that are remaining between the physical location of Arthur Richmond Rd and all the homeowners would be resolved through a confirmatory deed.

Board Member Fish asked if the lot that was being created would be part of the Homeowners Association. Attorney Brunero replied that it would and will have the right and the burden of the responsibility of maintaining the road.

Town Solicitor Ursillo asked if Brunero was looking for a Dimensional Variance on Falls River Rd. Attorney Brunero stated that the applicant was looking for a Dimensional Variance on Falls River Rd. and he does have now through our agreement a 1/12 interest in Arthur Richmond Rd. Town Solicitor Ursillo responded, so as a condition of granting the variance you want those conditions you specified to be imposed. Attorney Brunero replied yes we would like those conditions to be part of the variance.

George Dupont asked if the 1/12 interest would transfer to the newly created lot. Attorney Brunero replied yes, that lot would have a 1/12 interest in the road.

Chairman Jones made a Motion to Close Public comments

Charlotte Jolls Seconded. All in Favor (5-0)

Vote: Jones (aye), Fish (aye), Stewart (aye), Jolls (aye), Rathbun (aye)

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Chairman Jones made a MOTION to APPROVE Dimensional Variance with the following conditions:

1. Current owner will maintain a 1/12 interest in the road.
2. Lots 4-24, 4-26 and 4-27 will be merged into one lot with no further subdivision.
3. The lot will be limited to one single family home with any construction being done a minimum of 150 feet northerly from brook, other than construction required by RIDEM wetlands crossing.
4. Existing lot 4-1 will be used for open space recreation. No ATV'S or other motorized vehicles permitted. Land is to be maintained in its natural state.
- 5 .New lot is required to be part of the Arthur Richmond Rd. Homeowners Association
6. Granting of this Dimensional Variance is the least relief necessary.
7. The land between the physical location of Arthur Richmond Rd. will be deeded to the abutting owners that access said Arthur Richmond Rd.
8. Each of the four requirements for granting a Dimensional Variance has been met.

Chairman Jones requested the approval of the Board that the specific wording of each condition in the Zoning Board decision will be clarified to meet the intent of the conditions listed above. The Board agreed and Town Solicitor Ursillo stated that there was no need to take a formal vote on that because the minutes would be formally voted on at the next meeting.

Board Member Stewart seconded. All in Favor (5-0)

Vote: Jones (aye), Fish (aye), Stewart (aye), Jolls (aye), Rathbun (aye)

October 21, 2014~ APPROVED

Chairman Jones: made Motion to approve minutes from the previous meeting.

Seconded by Board Member Fish. All in favor (5-0)

Vote: Ken Jones (aye), Clyde Fish (aye), Ray Stewart (aye), Charlotte Jolls (aye), Gilbert Rathbun (aye)

Chairman Jones: made Motion to adjourn.

Board Member Fish Seconded. All in Favor(5-0)

Vote: Ken Jones (aye), Clyde Fish (aye), Ray Stewart (aye), Charlotte Jolls(aye), Gilbert Rathbun (aye)

Meeting Adjourned: 8:05 p.m.

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Barbara Sweet, Clerk
West Greenwich Zoning Board of Review