

**TOWN OF WEST GREENWICH
ZONING BOARD OF REVIEW
280 VICTORY HIGHWAY
WEST GREENWICH, RI 02817
APRIL 19, 2016
7:30 P.M.**

A regular meeting of the West Greenwich Zoning Board of Review was held on April 19, 2016. Present were Chairman Ken Jones, Raymond Stewart, Dr. Clyde Fish, Gregory Breene and Gilbert Rathbun. Also present was alternate Charlotte Jolls. Assistant Town Solicitor Amy Goins was present as well.

CALL TO ORDER – 7:30 P.M.

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

Petition of John T. Leyden: 179 Plain Meetinghouse Road. Plat: 30, Lot: 2. Applying for a Special Use Permit under Zoning Ordinance of the Town of West Greenwich Article I, Section 7, Subsection 2. Enhance Field of Screams with Zombie Paintball in lower western portion of farm.

Chairman Jones states that first applicant, John T. Leyden, is going to continue to the July 19, 2016 meeting.

Chairman Jones entertained a motion to that affect. Board Member Jolls made a motion. Board Member Rathbun seconded. All in Favor. Aye 5-0.

Chairman Jones then says while we are here for that application, the behind the scenes on that is the council wants to make changes to the zoning ordinance that governs this type of business in that zone. That will go through Planning and Council. You are welcome to attend the planning meetings. They are posted outside; they are usually the Mondays before our meetings. There will be public advertisements for those meetings, but this will not be advertised again. This is your notice right now. I would check agendas for Town Council and Planning Board because this will be going before them before it comes back to us.

Amy Goins reiterated that the abutters would not be receiving another notice for this application.

Chairman Jones read the next application.

Petition of Michael DiFranco: 231 Lake Drive. Plat: 5, Lot: 136. Applying for a Dimensional Variance under Zoning Ordinance of the Town of West Greenwich Article II, Section 2, Subsection D. Rebuild house, same footprint plus add 8'x26' back deck.

Applicant Ryan DiFranco (partners with Michael DiFranco) speaks about the process they went through to purchase this property and getting the proper approvals on septic and well design. We are not looking to change footprint of the house. We are looking to improve the house and build a new dwelling there. We are not looking to encroach on any property lines. We also would like approval to add a deck to the house. We already have our septic design approved and we have a permit for it. There's also a separate issue with the property that has nothing to do with this application. If you look at the plat and lot map, there is a 10 foot strip of property that's common to lots 136 and 137. Lot 137 is my neighbors' lot and Lot 136 is my lot. When we had this all marked out we didn't even take this 10 feet into consideration. The 9'3" from the property line that you see is within the 10 feet. I know there's a discrepancy with that 10 foot lot

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line. I talked to my neighbor about it, her well is on it, I'm half owner and I'm not looking to do anything with it. I told her that and I'm sure we can come up with some kind of civil agreement.

Board Member Breene asked what's on the other side.

Ryan DiFranco answered on the other side of the property is an access for one of the other neighbors. But we will not be encroaching on that at all. Only the deck will be changing the footprint.

Chairman Jones asked if anyone in the audience has any comments.

Justin Quintanilla of 235 Lake Drive stood to speak. I'm speaking tonight on behalf of myself and my neighbor (Judy Van Wyck of 273 Lake Drive) who wasn't able to be here tonight. She wrote a letter to give to you though. (Exhibit A). The road that we're on, there's only one way in and one way out. With construction vehicles I'm concerned with getting in and out of the road. My other concern is any damages that might happen to the road itself. The road is already pretty chewed up but I'm nervous that big construction vehicles might cause more damage. Also, the septic is on the lake side and I'm concerned with health issues that might result from that.

Aubrey Hill of 233 Lake Drive stood to speak. I have no problem with the house being built there. It's the property discrepancy that concerns me. What happened originally was the property was owned by the same family. There was a property dispute and there was a deed overlap between the two deeds that none of them could agree on. I was unaware of this when I bought the house. I think what I would like is to work it out with them. I just want to keep my well and waterfront. My attorney Thomas Cronin is out of the country at this time so I can't consult with him. I would like to request a continuance for one month so we could work this out.

Board Member Breene asked where the septic is on the property.

Applicant Mike DiFranco explained that Ocean State Planners had to design the septic 3 different times because DEM kept kicking it back. This system and where it's located is the only one that DEM approved.

Board Member Fish asked about the 10 foot property line. Would you be willing to give up your rights to that 10 foot area and deed it to your neighbor?

Ryan DiFranco said he'd be willing to share it.

Amy Goins asked if the map showed the location of the deck. This site plan doesn't show the distance from the proposed deck to the rear yard line and that's important for the Board to know if they are going to grant relief.

Board Member Fish asked how big the deck was going to be.

Ryan DiFranco answered 8 feet.

Board Member Fish replied so you are asking for 4 inches?

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Ryan DiFranco said I'd be willing to cut down the size of the deck.

Chairman Jones asked so tonight you are here asking for the sideline variance on your property. The building inspector told you that if you put a foundation in, it's considered a new structure and you need to come for a zoning variance.

Ryan DiFranco said yes that's correct.

Chairman Jones said and one of the other facts is one of the sidelines you need a variance on is a dispute between you and your neighbor over the 10 foot strip of land.

Ryan DiFranco replied yes.

Chairman Jones states the other variance you need is on the other side of your property.

Ryan DiFranco replied yes.

Amy Goins interjected that he also needs a front and rear yard variance as well as the side.

Board discusses how much of a variance will be needed.

Chairman Jones asked if anyone else from audience wanted to speak.

Craig Adamson of 230 Lake Drive stood to speak. He said that he is against the deck. He's already filling in the front yard for parking. Now he will be taking up the whole lot. I'm just against the deck going in. Our Right of Way goes right past his property so we go right past it when we go down to the dock.

Discussion ensues on the deck.

Chairman Jones asked if there are anymore comments or questions.

Ken makes motion to approve with the following conditions:

- 1) The amount of relief granted is: Front Variance of 23.5 feet
Rear Variance of 13.5 feet
Right Side Variance of 15.8 feet
Left Side Variance of 10.7 feet
- 2) Applicant must reach agreement with neighbor who resides on Plat: 5, Lot: 137 on a property line settlement.
- 3) Applicant must fix any damage done to the road caused by construction.
- 4) Applicant must set up and schedule road detours with West Greenwich Police Department.
- 5) All work must be staked out at by professional land surveyor and all completed work must be rechecked by a professional land surveyor who must issue a certificate to the Building Inspector verifying that all completed construction meets all of these setback dimensions prior to the issuance of a Certificate of Occupancy

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- 6) Any deck construction toward the water side must be limited to 20x6 feet.
- 7) Approval based on revised site plan dated 2/29/2016 prepared by Ocean State Planners, Job # 8453, DWG. NO. 8453-PC submitted at hearing.

Motion seconded by Board Member Fish.

All in Favor. (5-0).

Vote: Ken Jones (aye), Gregory Breene (aye), Gilbert Rathbun (aye), Clyde Fish (aye), Charlotte Jolls (aye)

Chairman Jones read the next application.

Petition of Richard Coelho: 589 Victory Hwy. Plat: 24, Lot: 2-4. Applying for a Dimensional Variance under Zoning Ordinance of the Town of West Greenwich Article II, Section 1, Subsection D. Attach a 3 car garage to current garage.

Applicant Richard Coelho states that the proposed area where I'd like to put the garage is already a parking area with a fence so it's already a disturbed area that's already being used as parking. I tried to plan for the future when I built the home but as you know things change. If I had known that I wanted this additional garage space, I would have moved the home further north to accommodate property lines. Unfortunately I can't move my home. I moved it as far as back as I could to avoid the noise from Route 102. The proposed structure would allow me to enhance the enjoyment of my property in a number of ways. It provides vehicle storage in an easily accessible way from my home as it is attached. It's a big hobby of mine to work on cars and race cars and do a lot of different things with vehicles. It also allows me to use one of the bays on my existing garage to put in a swim spa. I looked at the lot and looked at other ways to obtain the storage and put a garage on the lot but I would have to significantly disturb existing buffers by cutting down trees. On the existing plan that you're looking at its probably difficult to see where the trees are so I do have a google map view that I'd like to give to the Board. Hands out Google map (Exhibit A).

Board asked some questions to applicant about things on map.

Richard Coelho also handed out picture of home and garage (Exhibit B).

Chairman Jones asked if anyone had any comments.

Terence Lardner of 588 Victory Hwy stood to say they are in favor of what is being proposed.

Walter Bourgault of 19 Raccoon Hill Rd stood to say that he thinks Mr. Coelho is already too close to the property line and is totally against this. My vote is no.

Grace Ellis Rodrigues of 607 Victory Hwy asked about the height of the structure. After being told its going to be the same height she stated that she doesn't have an issue with the plan.

Walter Bourgault then asked what the setback is supposed to be.

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Board answered 25 feet.

Chairman Jones said the setback for the house is 25 feet; an accessory structure is 19 feet.

Walter Bourgault so it has an existing garage and wants to bring it out how far.

Board Member Fish replied he is going 42 feet out from his house.

Walter Bourgault answered I don't even know the layout, comes up to look at the map. I still disagree with it. Suppose I wanted to sell my property, now I'm in trouble.

Chairman Jones replied it wouldn't affect your property because it would be recorded as a legal variance.

Chairman Jones asked if there was anyone else who wanted to speak.

Greg Smith of 579 Victory Hwy said everything that Rich has done in the past 11 years has just made the place better and he's a great neighbor. I totally support this.

Board Member Fish made a motion to accept the side yard variance of 15.3 feet based on the fact that it's the only place he can put a garage seeing his septic system is on the right of the property and also his driveway faces the proposed garage and he can't put it in the front yard. He is also keeping as much property as he can to the abutting property owner.

Motion seconded by Board Member Ray Stewart.

All in Favor.

Vote: Ken Jones (aye), Gregory Breene (aye), Raymond Stewart (aye), Gilbert Rathbun (aye), Clyde Fish (aye)

Chairman Jones read the next application.

Petition of Wade Rodgers: 102 New London Turnpike. Plat: 1, Lot: 10-2. Applying for a Special Use Permit under Zoning Ordinance of the Town of West Greenwich Article I, Section 7, Subsection 2. Proposed Auto Detailing Shop.

Applicant Wade Rodgers stated that he has nothing else to add to the application.

Chairman Jones asked if there was anyone here to comment on the application.

There was no one to comment.

Chairman Jones said let's get some things on the record. Your basic work of cleaning your cars will be done in the building and the only time the cars would be outside would be to wash the cars before or after.

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The customers come and go from the rear of the building and unless you put a sign out front no one would know you're there. Just remember if you put a sign you need to meet the sign regulations.

Wade Rodgers agreed with what Chairman Jones said.

Chairman Jones asked if there were anymore questions from the Board.

Chairman Jones made motion to Approve. Based on the evidence provided, the auto detailing goes along with the current use of the building which is auto storage. Its compatible with the neighborhood, building next door is auto sales and the building next to that is repair garage and gas station. This is a Special Use permit not a Variance.

Board Member Breene seconded.

All in Favor.

Vote: Ken Jones (aye), Gregory Breene (aye), Raymond Stewart (aye), Gilbert Rathbun (aye), Clyde Fish (aye)

February 16, 2016 ~ Minutes~APPROVED

Board Member Breene: made Motion to approve minutes from the previous meeting.

Seconded by Board Member Stewart

All in Favor(5-0)

Vote: Ken Jones (aye), Gregory Breene (aye), Raymond Stewart (aye), Gilbert Rathbun (aye), Clyde Fish (aye)

Board Member Jolls: made Motion to adjourn.

Board Member Fish Seconded.

All in Favor (5-0)

Vote: Ken Jones (aye), Gregory Breene (aye), Raymond Stewart (aye), Gilbert Rathbun (aye), Clyde Fish (aye)

Meeting Adjourned: 8:30 P.M.

Barbara Sweet, Clerk
West Greenwich Zoning Board of Review

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