

**TOWN OF WEST GREENWICH
ZONING BOARD OF REVIEW
280 VICTORY HIGHWAY
WEST GREENWICH, RI 02817
September 16, 2014
7:30 P.M.**

A regular meeting of the West Greenwich Zoning Board of Review was held on September 16, 2014. Present were Chairman Ken Jones, Dr. Clyde Fish, Edward Stone, and Gilbert Rathbun. Also present were alternates Raymond Stewart and Charlotte Jolls. Town Solicitor Michael Ursillo was also present.

A. CALL TO ORDER – 7:37 P.M.

Chairman Jones called the meeting to order at 7:37 p.m.

Petition of Daniel C. Hebert: Special Use Permit for In-Law Apartment under Article 1, Section 7 Subsection/Use code C23G. Premises located on 330 Robin Hollow Road, West Greenwich, RI 02817, Plat 23, Lot 2.

Chairman Jones read the application of Daniel C. Hebert.

Applicant Daniel Hebert was present.

Chairman Jones asked Mr. Hebert if he had anything to add to the application. Mr. Hebert replied no.

Chairman Jones asked if this was an existing in-law or an addition to the structure. Mr. Hebert replied that it was an existing in law; it was there when he purchased the home.

Chairman Jones explained that in-law apartments were granted to the applicant and resident who will reside there. If the resident moves and someone else moves in, then they must appear before Zoning Board again.

Chairman Jones asked if there were any questions.

Chairman Jones made Motion to Approve. Board Member Fish Seconded.
Vote: Jones (aye), Fish (aye), Stewart (aye), Stone (aye), Rathbun (aye)

The Zoning Board APPROVES a Special Use Permit under Article 1, Section 7 Subsection/Use code C23G.

Petition of Ocean State Builders LLC and David G. Tibbitts: Dimensional Variance to merge a thirty foot wide strip of land from 150 Bates Trail into the undeveloped Tibbitts parcel providing access to Bates Trail for the Tibbitts Parcel, Plat 58, Lot 2-2. Under Article II, Section 1, Subsection D and Article I, Section 3, Subsection 42.

Chairman Jones read the application of Ocean State Builders LLC and David G. Tibbitts.

Chairman Jones then read the opinion from the Planning Board. The Planning Board approved with stipulation.

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Attorney John Brunero Jr. of 1070 Main Street in Coventry, RI was present to represent the Tibbitts family and had with him Nathan Lowder, a licensed surveyor in RI.

Attorney Brunero asked Mr. Lowder if he had reviewed the survey and the legal description of the six acre property owned by the Tibbitts. Mr. Lowder said he had reviewed it.

Attorney Brunero asked Mr. Lowder if it was a land locked parcel of land. Mr. Lowder said it was land locked. He then asked if that parcel of land had no right of way to Bates Trail. Mr. Lowder said it had no access to Bates Trail.

Attorney Brunero stated their proposal was to take the thirty foot strip of land owned by Ocean State Builders and merge it with the six acres owned by the Tibbitts. Then, that land would be owned by the Tibbitts. By doing an administrative subdivision of that lot on Bates Trail, the resulting lot would conform to all regulations of the town. Then that lot would have legal access to Bates Trail. Mr. Lowder said yes that was correct.

Attorney Brunero continued on to say that they have not designed anything yet on drainage. But, after meeting with the Planning Board the night before, there was some discussion that it would be submitted to the Town Engineer or the Highway Superintendent to utilize some kind of sheet drainage and design a serpentine type of driveway so there wouldn't be an issue with drainage. Mr. Lowder said he saw no problem with coming up with a design for that in the future.

Attorney Brunero stated the least amount of frontage they are looking for is from zero up to thirty feet and that there was no other way to get to the property other than by helicopter. Mr. Lowder agreed.

Attorney Brunero asked Mr. Lowder if the owner would have any beneficial use without proper frontage. Mr. Lowder said there would be no beneficial use without proper frontage.

Attorney Brunero stated that was all he had at this time.

Chairman Jones asked if the Board had any questions.

Alternate Charlotte Jolls asked how they came up with the two hundred feet on the lot they are taking the thirty feet from. Mr. Lowder explained where that number came from.

Alternate Charlotte Jolls then asked about the serpentine driveway, stating that it didn't look like that would be possible.

Attorney Brunero explained that the driveway would be twelve feet wide and there would still be eighteen feet to maneuver. The design would have to be looked at.

Chairman Jones asked if the audience had any questions.

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Tom Carroccia of 177 Bates Trail inquired why they waited until there were two houses built to do this. The incline is between the two homes.

Attorney Brunero indicated on the map that it was not between the two homes, but beside them.

James Dedon of 119 Bates Trail was concerned with the line of sight. There are a number of blind curves on Bates Trail and it is a very busy street. Where that driveway is going to exit, one day there is going to be a crash. It needs something done because it is really dangerous. Something needs to be done with the landscaping as well. I wonder if this issue was even brought up before. There is a traffic safety issue there. I live there and I see it all the time.

Chairman Jones said that could be a stipulation in the decision.

Tom Carroccia of 177 Bates Trail said he never had an opportunity to look at where this was going based on what he received in the mail. Now he saw that it was on the curve and not where he thought it was going.

Frank Vollucci of 124 Bates Trail wanted to know who owned the property and who was paying for putting the driveway in.

Chairman Jones said the owner would be paying for it.

Bill Dawless of 32 Squirrels Run asked if the owner was going to live in the house.

Attorney Brunero answered that he wasn't going to live forever.

Chairman Jones stated that variances go with the property. So if the property was sold the variance would still be in place with next owner.

Tom Carroccia assumed there were regulations for a reason.

Chairman Jones stated that it was an RFR2 zone.

Tom Carroccia said with frontage.

Julie Carroccia wanted to know why there was a frontage requirement at all.

Town Solicitor Ursillo said of course there were regulations in place but there was a safety valve and that's why there was a Zoning Board because regulations were subject to variances. There was a standard which the Zoning Board had to follow and that safety valve was there to handle cases which came outside for whatever circumstances. The Board was there to weigh the arguments made by the applicant and any

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objections by the abutters and they needed to make a decision to whether or not the applicant had met its burden to satisfy the requirements for the variance they were looking for.

Julie Carroccia asked how typical it was that there was landlocked property. Was that a typical type of approval that this board approved frequently?

Chairman Jones said that each matter stood on its own merit. Council had pointed out that the property was cut out and the landlocked piece was created long before zoning ordinances were thought of. This land had been there since 1929.

Julie Carroccia said and probably long before anyone anticipated wanting to make it a building lot with a house. Obviously, it's been since 1929 and that hadn't been there correct?

Chairman Jones said he didn't know if that was the case in West Greenwich because there was a lot of properties in town with back land where someone could have a place in the woods. So he didn't know if that would be a fair statement.

Tom Carroccia said it seems like you are creating the problem. You are making all these scenarios that town will be responsible for. For instance, water issues. You're not really solving the problem. The property has been landlocked since 1929. Its not like he's been living there and we haven't let him out of his property.

Chairman Jones read the standards for a dimensional variance from the zoning ordinance. If there are any standards in there that you think the applicant hasn't met, then you need to produce competent legal evidence as to why the applicant hasn't met those standards.

Tom Carroccia asked what the property is worth when it's landlocked versus when there is a house built on it.

Board Member Fish asked him, so you think Mr. Tibbitts should have no use of his land that he's owned since 1929?

Julie Carroccia answered he can still use it.

Board Member Fish then asked but he can't live on it?

Julie Carroccia answered he doesn't live on it today.

Board Member Fish said so he can't change his mind.

Tom Carroccia stated that he's going to sell it, that it's for financial gain.

Julie Carroccia said that there is no new hardship.

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Chairman Jones said when Mr. Tibbitts bought the property there was no zoning in place. Mr. Tibbitts could have gone to any of the neighbors and given them a right of way. He didn't even have to transfer property to get frontage so he could build a house.

Attorney Brunero replies in 1929 he could've gotten a right of way on a handshake from a neighbor and built homes like a lot of people in West Greenwich and we wouldn't be here today.

Tom and Julie Carroccia said but he didn't.

Chairman Jones said prior to enacting the zoning ordinance Mr. Tibbitts could have done such a thing but because of the zoning ordinance Mr. Tibbitts cant.

Tom Carroccia stated that it affected his property and that he had to follow ordinance.

Attorney Brunero said Mr. Tibbitts land existed as a landlocked piece of land in 1929 before any of these objectors' homes were ever built. That being said, when their developer came in and built the home if someone looked at the plat map they would've said Mr. Tibbitts has got a six acre lot in the back that's landlocked; I'm building the home anyway. They bought the home with the understanding that Mr. Tibbitts had this lot. So now Mr. Tibbitts would like to enjoy his lot after almost 100 years of not using it. Just because someone waits they do not lose their legal right to have a lot of land declared buildable. That's called condemnation if you don't take it. You can't just condemn someone's land because they sat back and waited 100 years to come forward.

Julie Carroccia asked when you buy something don't you have a reasonable expectation that the zoning regulations are going to be enforced?

Attorney Brunero said that when Mr. Tibbitts bought the lot in 1929 there was no zoning.

Julie Carroccia said there was when this group of people bought property.

Tom Carroccia said when we bought our property we expected that we were going to be protected.

Town Solicitor Mike Ursillo replied I think it's important for you to tell the board why the building of this house is going to adversely affect your property.

Tom Carroccia said I haven't even had the opportunity to see where they are planning on putting it. I don't know the topography or elevation. Also it's being put on a dangerous curve.

Attorney Brunero clarified RIGL regarding notice was to advise of public hearing only. That was done. This has been on file for past month with the Planning Office and included in the Zoning application.

Town Solicitor Mike Ursillo told Attorney Brunero to show them on map where the house would be built.

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Attorney Brunero showed on map where house would go and stated that the lot would not be further subdivided.

Chairman Jones asked neighbors how it would adversely affect them if a house was built on property.

Julie Carroccia responded increased density and danger on the road.

Bill Dawless of 32 Squirrels Run stated he bought his property because it was rural. He approached people to try to buy the landlocked property and was told they were going to do nothing with it. If they put a house on that property now, I will look into someone's house. I don't want to take the property away from them, but I don't want it to affect the value of my property either.

Chairman Jones stated that we have heard comments about site distance.

Attorney Brunero said looking at the site distance is there an issue on these two lots, very probably. That was discussed at the Planning Board and I was not representing Mr. Paolino. When you get to the area this is the site distance that is relatively straight. Compared to the curvature that they are discussing is regarding the two lots that are under construction. There is plenty of site distance at the thirty feet where the driveway will be placed.

Chairman Jones questioned representation and determined that Attorney Brunero represented Tibbitts and Ocean State. Chairman Jones then asked if he had authority to act on this party's behalf. Attorney Brunero responded yes and Mr. Paolino is here, he is owner of thirty foot strip. Chairman Jones said part of transferring this thirty foot strip will give the right to this party that if town engineer requires brush cleared in front of this piece for site distance to answer some of these questions that would be part of the transfer.

Attorney Brunero called up Mr. Frank Paolino. He asked Mr. Paolino about discussion at Planning Board about the clearing here concerning the site. Mr. Paolino said that they didn't have any site restraints.

Chairman Jones said we heard testimony that the location of the driveway there might be some site issues. If engineer recommends that brush be cut back on this property or whatever improvements need to happen to make this work better. Mr. Paolino said we could do that as long as it's recorded.

Town Solicitor Ursillo said everything will be recorded and the Planning Board is advisory. This is the board with the power to make conditions.

Attorney Brunero said if there was a site issue on clearance from lot next to thirty foot right of way we can cut the brush down.

Mr. Paolino stated that Mr. Tibbitts has no intention of developing this; he wants this for future use. He doesn't plan on selling it.

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Chairman Jones said so this is lot 2-2. We will put that restriction on that lot.

Tom Carroccia asked Mr. Paolino if he was going to build a house. Mr. Paolino said no, Mr. Tibbitts just wants access to his property. Bill Dawless stated that was a lie because the people walked my property Easter Sunday so he is building a house.

Chairman Jones said the comments on concerns with site distance, the only action the board can take is the two parcels in question is we may require that the frontage on Lot 2-2 may be utilized for brush clearing or any drainage improvements. It would be recorded in land evidence with that condition.

Tom Carroccia stated that the Board was going through a lot of gyrations just so that they could defeat their own statute of this being linked to monetary gain.

Chairman Jones asked if there were anymore comments from audience or counsel.

Attorney Brunero said this is the least relief necessary to make this a buildable lot. Our expert testified to this.

Chairman Jones asked for comments from the Board.

Board Member Jolls said her concern was the runoff and whatever happens they need to take care of the driveway. Board Member Fish stated we could put that as a stipulation, they already said the town engineer has to approve it.

Chairman Jones made motion to approve the application based on the applicant has met the burden of proof in zoning ordinance. Subject to the following conditions:
Property can only be developed with one single family residence that prior to any issues of building permit site plan should be submitted to Planning Board, part of review will be review of site drainage to Bated Trail. The town engineer will be reimbursed for any cost of reviewing the plan and cost of reviewing construction as well as during construction and as built construction. Applicant will pay particular attention to the 12% rule from Bates Trail to the property. Applicant in Lot 2-2 will be responsible for any clearing of brush from site distance to driveway. Also land area on front of 2-2 will be used to provide any additional drainage that may be required.

Board Member Fish wanted to add that that this is based on the fact that the hardship of no frontage was not created by Mr. Tibbitts himself. Chairman Jones so moved.

Town Solicitor Ursillo wanted to add that the relief that's granted is the least necessary so you are granting this thirty foot opening based upon recommendation from Planning Board and that the granting of the variance will not alter general character of the area or impair intent or purpose of zoning. This is two acre zoning but this is a six acre lot that cannot be further subdivided. As Board Member Fish stated, this is not a hardship created by the applicant. Also, incorporate and accept the advisory opinion of the Planning Board into decision.

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Chairman Jones made motion. Fish Seconded.

Attorney Brunero interjected that it was stated that the drainage plan had to go to planning commission, but it needed to go to town engineer and highway. Town Solicitor said that the planning board would deal with site plan and the town engineer would deal with site distance and drainage issues. Attorney Brunero said so we don't have to go back to Planning Board. Town Solicitor said no except for site plan.

Chairman Jones asked Attorney Brunero if there was a reason he didn't want to go back to Planning Board. Attorney Brunero said no, the Planning Board said we should go to the town engineer not back to them.

Board Member Fish stated that he would like them to go back to Planning Board so then abutters will have chance to comment.

Chairman Jones said I stand by my decision to send it back to Planning Board. This way it will get advertised, it will go back to Planning Board, that site plan will be reviewed and the abutters will be able to comment. I have made my motion and it was seconded. We haven't closed public comment yet.

Town Solicitor Mike Ursillo commented that the Planning Board will review where they are going to put it and if neighbors come and say this house is two feet off my property I want it moved back, they will have the opportunity to do that. Attorney Brunero said so if Mr. Tibbitts doesn't do anything with this for ten years then and only then we go back to Planning Board. Town Solicitor Mike Ursillo said that was correct.

Chairman Jones added another condition that the abutters within 200 feet will be notified of site plan review.

Chairman Jones makes Motion to Approve. All in favor.

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

The Zoning Board APPROVES Dimensional Variance to merge a 30 foot wide strip of land from 150 Bates Trail into undeveloped Tibbitts parcel.

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.

Town Solicitor recused Board Member Stone since he had a conflict with this petition. Board Member Stone would not be voting on this decision.

Chairman Jones read the application of Richard Dodson. He then read letter from Town of West Greenwich Building Official and the Planning Board Advisory opinion.

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Chairman Jones presented the applicant Richard Dodson.

Chairman Jones asked Mr. Dodson if he had any survey information on the properties. Mr. Dodson said yes. Chairman Jones then asked if Arthur Richmond Rd. is in fact built where it's showed on this tax map or is Arthur Richmond Rd pushed east or west of where it's showed. Mr. Dodson believed it's a little west of where it's showed on map. Discussion ensued. Neighbors reviewed the map.

Chairman Jones asked Mr. Dodson if he wanted to merge lot 4-1 with the other parcels to get access to the north. Mr. Dodson said yes. Chairman Jones said the 54.85 feet is the same frontage that Arthur Richmond Rd. comes from Falls River Rd. Mr. Dodson said correct.

Board Member Fish said so there's no frontage on this lot except Arthur Richmond Rd. Mr. Dodson replied there's fifty four feet on Falls River Rd. Board Member Fish said Falls river Rd is Arthur Richmond Rd. Mr. Dodson replied there's about four feet. Board Member Fish asked Mr. Dodson if he could give a history on how these lots came about.

Mr. Dodson advised this lot was created and there's a brook along Hudson pond rd. The builder of these homes created this private road so folks could access their land.

Board Member Fish asked Mr. Dodson how he came about this... did he owns this land. Mr. Dodson said he was trying to purchase it. Mr. Dodson said these lots were created through meets and bounds description. They only needed five acres to build on these lots and that's how this back parcel was created. It was four lots and got reduced to three and they combined two lots there. So I am trying to combine all the lots so I have access from Falls River Rd onto Arthur Richmond Rd. to the back parcel.

Board Member Fish asked if there was fifty four feet there. Mr. Dodson said he believed so. Board Member Fish said so you have a deed that grants four feet to Falls River Rd or is the entire fifty four feet deeded to Arthur Richmond Rd. Mr. Dodson said he believed the entire fifty four feet. Board Member Fish said so this lot has nothing deeded to Falls River Rd. Mr. Dodson said he wasn't sure, but maybe Mr. Jon Perry could answer that.

Mr. Jon Perry came up and stated the parcel has fifty four feet. This is a survey that was done and shows fifty four feet on Falls River Rd. Board Member Fish asked who owns the property. Mr. Perry said Gary Malikowski owns property with a 1/12th interest in the road. Each one of these abutters had a 1/12th interest to use the road to go to and from their property.

Town Solicitor Ursillo said that the Town Planner agreed that the lot has legal rights to use the right of way and has a 1/12th undivided interest based on the deed. Those individuals need to maintain the road.

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Board Member Fish asked Mr. Dodson if he decided to build where on the property the building would go. Mr. Dodson replied he would like to put it right in the back but there's a brook in the back that I would need to get across. If I can't get across the brook I would like to keep my options open on where I could build.

Chairman Jones said so you would like to build on Lots 4-27 and 4-26, the northern side of the road. Mr. Dodson said yes and I shouldn't be impacting anyone's view. Chairman Jones asked if he was fine with no future subdivisions. Mr. Dodson said yes as long as I could subdivide it and put it in a conservation trust without going through a whole process.

Chairman Jones said lets make sure we use the right language; you want to be able to take part of your property and put in in open space for taxation purposes, but not through a subdivision.

Town Solicitor Ursillo said it would be an administrative subdivision that the Town Planner could do. The only reason would be if it's going to be donated to a nature conservancy, it could never be built on. Chairman Jones said we would put a stipulation that no further building take place and that the applicant not disturbs any vegetation on the west side of Arthur Richmond Rd.

Mr. Dodson stated that he also wanted to build a barn on the property as well as a house. Chairman Jones said that's something we would discuss. He then asked Mr. Dodson if he planned on disturbing any of the neighbor's driveways. Mr. Dodson said he would like to leave it the way it is but if I'm paying taxes on it and insuring it and I do claim ownership to it. If people would like to purchase that then they could do that. I don't want letters coming in the mail asking me to stay off their property when it's not really theirs. My concerns are liability and if the deeds are corrected who is going to pay for that.

Chairman Jones said that would be part of our discussion. Then he asked Mr. Dodson what the plan was if he couldn't get DEM approval to build back there. Mr. Dodson replied he would probably build a little further back.

Chairman Jones asked if any of the members of the Board had questions.

Board Member Fish said it would be better if the land was deeded to the neighbors because the land is unusable to you. I think the person selling the land would pay for it because it's worthless to you.

Mr. Dodson replied it's valuable to the people gaining it so why wouldn't they pay. Board Member Fish said they aren't asking us for anything and you are.

Chairman Jones opened the floor for public comment.

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Bill Seale of 19 Arthur Richmond Rd. stated he was concerned with what he's going to do with the front of his property. We are not going to be able to get to Arthur Richmond Rd. He has already threatened half the people on the street already. Chairman Jones said if we can ensure that it's not a problem getting to Arthur Richmond Rd. Bill Seale said he wouldn't have a problem with that.

Chairman Jones has everyone come up to look at map and explained if the land in front of property was deeded to each would it take away some of the concerns. Neighbors said it would take away some concerns but not all.

Ron Carraccio of 47 Arthur Richmond Rd. wanted to know how he is entitled to 1/12 of the road.

Town Solicitor Ursillo stated that everyone has a legal right to the road.

Deb Carraccio of 47 Arthur Richmond Rd mentioned that he wanted to build a barn.

Josh Wildes of 53 Arthur Richmond Rd. stated that was all hills where he wanted to build barn. It's going to sit above everyone's house.

Deb Carraccio stated that when we bought our house we bought it with a non buildable lot across the street. Why is it now buildable?

Chairman Jones said he has a right of way.

Patricia Dunklee of 57 Arthur Richmond Rd. said if he incorporates those four lots then it all becomes buildable, correct. He can build anywhere on those 13 acres and beyond.

Chairman Jones said not necessarily, that could be a stipulation.

Board Member Fish said we could put a stipulation that any building would have to go before the Planning Board.

Kristen Saunders of 149 Hudson Pond Rd stood up and stated that she had no problems with this petition and said goodnight.

Chairman Jones asked how old the survey was. Board Member Fish replied January 2014 but based on a survey in 1986. Chairman Jones asked Mr. Perry if the surveyor went out and looked at the road. He responded yes in 2004 or 2005. He put survey stakes all the way through. I think that's why everyone is up in arms.

Board Member Fish said to Mr. Dodson that we've heard testimony from the abutters that they have concerns where the buildings would be. I think that's a legitimate concern. Any stipulation

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we put in, you would have to go to the Planning Board for approval of any buildings put on this site. Do you see that as a problem?

Mr. Dodson replied I do because the town has existing setbacks that I'm happy to abide by. Board Member Fish said you have to admit this land has some specific topography that other areas do not. Mr. Dodson said sure so if there are limited choices where I can build. But if I can't get across the brook I don't want to buy a piece of land that I can't build on. I'd like to have horses on the property as well.

Chairman Jones said the applicant has thirteen acres. A good portion of the thirteen acres is the Arthur Richmond Rd. right away itself. I am somewhat concerned, somewhat sympathetic to how that may affect abutting properties. Before we have any discussions on the barn I would like you to come back with some topography on the area. I also would like you to think about if you would be willing to do necessary transfers to deed the property to the respective property owners. Also, the wetland crossing and the building of a house in the back, I think that would be very favorable but I am concerned with some of your statements of if you are denied then you're going to build wherever you want. How much time would you need to think about these things?

Mr. Dodson replied by the next meeting. Chairman Jones said to bring Mr. DuPont to the next meeting so he could testify he went out and surveyed the road. I will tell you my personal opinion are that I'd like to follow the basic recommendations of the Planning Board and the Building Official. But some of your statements have been that you don't want to follow some of those recommendations. Mr. Dodson stated while everyone is here lets talk about the property in front of their homes.

Mr. Perry said basically the deeds need to be corrected for eleven houses.

Town Solicitor Ursillo said that was correct. You would have to record a corrected deed. The deeds may say now to the edge of Arthur Richmond Rd.

Mr. Perry said I believe they do. So basically we have to do a corrective deed on each of these properties. What he is concerned with is the cost of those deeds. Eleven corrective deeds is so much money, one corrective deed is a lot easier. Now do they all have a survey? We have a survey on this property. We could give it to them from the road to here. I could easily give them a corrective deed from the west side of the road to their proposed property line. I can't speak for Richard but I'm saying we could do that.

Town Solicitor Ursillo said that wouldn't be difficult or expensive. You would just make a general statement.

Patricia Dunklee asked why he would have access to the road if he hasn't maintained it and the rest of us have.

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Town Solicitor Ursillo advised on what happens with private roads and you need to form a homeowners association. It's the only way you can force someone to pay to help maintain road. They have the right to use the road.

Patricia Dunklee asked why we wouldn't own the land in front of our property by eminent domain.

Town Solicitor Ursillo said it's called adverse possession. You have to do it knowingly and intentionally and no one really knew that you didn't own that land. You would have to prove it for ten years. You would have to spend a lot of money in Superior Court to prove it. You have to meet ten or twelve standards and you can't miss one. You can do it but it's very expensive and difficult.

Chairman Jones said something else the neighbors could consider is if the road and this piece went to a homeowners association if they had one. Then you could form the association with the applicant and all pay to maintain the road and you all would own it.

Ms. Leah Ferreira of 35 Arthur Richmond Rd said we have maintained the road for years. We have maintained our property for years. We pay taxes and nothing is maintained for us. We do what we have to do. We plow the road. We fill holes in the road. So now someone is going to come in and ask us to pay for a piece of land. He's making me a nervous wreck because I can't afford to pay.

Town Solicitor Ursillo said that's not even on the table right now. That's not what we're discussing.

Ms. Leah Ferreira said he just stood here and said that we would need to pay for it. Town Solicitor Ursillo stated that he was talking about paying for the deed. Ms. Ferreira said I can't afford to pay for anything right now. I'm saying that we have to pay for something that we thought was ours. If he had just come and said I'm your new neighbor lets work together we wouldn't be sitting here right now. But instead he comes in with this paper and says we will put rocks in your driveway. We are afraid. We don't want to pay to get our piece of land back. If he would like to offer the land to us we would say great.

Mark Tellier of 61 Arthur Richmond Rd. said I purchased my house a few years ago. I put in a proposal for a barn and had my land surveyed. At that point I realized that what I believed was my front yard was not. This included seventy feet of frontage. Am I to believe that having that piece of property in the front being maintained by the previous owner is just subject to change?

Town Solicitor Ursillo said this board has no jurisdiction over that. You would have to go to a judge.

Mark Tellier said here's my point. That is not a stipulation that was put down. I have no objection to this gentleman building a house. It just can't affect my life or land. What I was led to believe

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belonged to me but doesn't belong to me yet I still maintain it. It has an asphalt driveway on it. I can't be wondering if that going to be altered.

Chairman Jones said we asked the applicant to come to next meeting to see if he would be willing to take that piece and deed it to you.

Mark Tellier said I understand that I'm just voicing my concerns. I'm looking out for my own interest.

Patricia Dunklee said another concern is having huge trucks going up and down the road. I don't want my peace and quiet disturbed. I don't know his intention with this barn.

Town Solicitor Ursillo said it would be whatever is allowed on residential road. He couldn't put a business there.

Board Member Fish makes **Motion to Continue** to October 21, 2014 at 7:30 pm
Seconded by Board Member Stewart.

All in Favor:

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

Town Solicitor stated to everyone that there will be no notice going out in mail. You all know tonight that the meeting is October 21, 2014.

July 15, 2014 minutes~ **APPROVED**

Chairman Jones: Made Motion to Approve minutes from the previous meeting.

Seconded by Board Member Fish

Vote: Ken Jones (aye), Clyde Fish (aye), Ray Stewart(aye), Ted Stone (aye), Gilbert Rathbun (aye)

Chairman Jones: Made Motion to adjourn.

Board Member Fish Seconded

Vote: Ken Jones (aye), Clyde Fish (aye), Ray Stewart (aye), Ted Stone (aye), Gilbert Rathbun (aye)

Meeting Adjourned: 9:35 P.M.

Barbara Sweet, Clerk
West Greenwich Zoning Board of Review

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