

**TOWN OF CHARLESTOWN ZONING BOARD OF REVIEW
4540 SOUTH COUNTY TRAIL, CHARLESTOWN, RHODE ISLAND**

Held an

OPEN MEETING & PUBLIC HEARING AGENDA

March 20, 2018 at 7:00PM

Call to Order: The meeting was called to order at 7:00PM

Pledge of Allegiance

**Roll Call: Present: Mr. Chambers, Mr. Lovoy, Mr. Quadrato, Ms. Quinn,
Ms. Stolle, Mr. Vanover,**

Mr. Dreczko

Absent: Ms. Wibeto

**Also Present: Ms. Murray, Zoning Officer, Mr. Brochu, Solicitor, Ms.
Dion, Stenographer,**

and Ms. Tracy, Clerk

**Pre-Roll: April 17, 2018: All those present this evening will be in
attendance at the April 17, 2018 meeting**

**Approval of Minutes: February 20, 2018: A motion was made by Ms.
Stolle, seconded by Mr. Quadrato to approve the February 20, 2018
meeting minutes as submitted. Vote was unanimous.**

PUBLIC HEARINGS:

Continued #1438 Cheryl E. Weeden

Appealing the decision of the Building/Zoning Official's denial to issue a Zoning Certificate in accordance with Section 218-6 B (8) and Section 218-25. Premises is located on the East side of South County Trail and is further designated as Lot 11 on Assessor's Map 23.

Mr. Dreczko; the Board is in receipt of a letter from Attorney Charles Soloveitzik requesting a continuance of Application #1438 to the regular May 15, 2018 meeting.

A motion was made by Mr. Chambers, seconded by Ms. Stolle to grant the request to continue application #1438 to the May 15, 2018 meeting. Vote was unanimous.

Withdrawn #1439 Habitat for Humanity for Rhode Island, South County, Inc.

Requesting a Dimensional Variance in accordance with Article XI, Section 218-63, Subsection B (2) (b) [1] to increase the existing sign from 24 sq. ft. to 37 sq. ft. Premises is located at 1555 Shannock Road and is further designated as Lot 24 on Assessor's Map 29.

Mr. Dreczko; The Board is in receipt of a letter asking that the petition be withdrawn without prejudice.

A motion was made by Ms. Stolle, seconded by Mr. Quadrato to accept the withdrawal. Vote was unanimous.

#1441 Quonochontaug Yacht Club

Requesting a Special Use Permit in accordance with Article VI, Section 218, Subsection 36 Land Use Table for the applied use in an Open Space Recreation Zone, the use of Club/Service Organization in accordance with Article VI, Section 218-37 I (17) and a Dimensional Variance in accordance with Article VII, Section 218-41 to enclose an existing deck to make a screen porch closer to the front yard setback than allowed; 100' permitted; 55.1' proposed and closer to the right side yard setback than allowed; 35' permitted; 33.7' proposed. Premises is located at 155 West Beach Road and further designated as Lot 96 on Assessor's Map 4.

Mr. John Demarche is sworn in;

Mr. Demarche; I have a sworn document here to allow me to represent the Quonochontaug Yacht Club, Craig Martin who is our Secretary is on vacation right now. Who do I give this too?

Mr. Dreczko; that will be Exhibit 1.

Mr. Demarche; the Quonochontaug Yacht Club was formed in 1973 and in the 45th year of operation; we have about 80 members and their families; I've served on the Board and as an Officer for the past 25 years, so I've been around quite a long time; the Current structure was built before the new setbacks were established, we're not looking to change the footprint of the building at all, we're looking basically to screen in the back porch for our membership, to keep them away from the mosquitoes and such that are problematic by the water; we had it obviously surveyed and we've had the engineering drawings done; there are site pictures of facility as well; it definitely will improve aesthetics of the building, the functionality of the building; the tax base for the town as well; and I'm sure our neighbors would be very pleased with the outcome.

Mr. Quadrato; the usage I assume wouldn't change that much and will be pretty comparable to what's there?

Mr. Demarche; pretty much exactly the same; it's a seasonal boat club all of our usage is during July and August, and most of it is primarily day and evening; we don't do anything late at night; there's no noise, we're not adding lights, or anything that's going to disturb the neighbors.

Mr. Drescko; and the existing structure will be utilized and no additional construction outside of the walls and the roof as far as the

footings, the pilings, everything will support what you're proposing?

Mr. Demarche; yes, the way it's designed right now is to use the existing footings; that's why we are seeking that relief of 1.3 feet; if you did not give that to us we'd then have to put in new pilings to support that because it would fall right in that spot; we will enclose about two 2/3 of the existing decking, its approximately 16x40, but we're enclosing 16x27, if you look at the staircase it takes about 3 feet on the side as well.

Mr. Chambers; did you say there would be no exterior lights on the premises?

Mr. Demarche; we'll probably have a light on the back of the premises near the staircase where we will be going down. We haven't really gotten to that point yet where we design the exterior lighting. Right now there is existing flood lights on the porch itself, but they're only used when the membership is there, so anything that we would propose for new lighting would probably be what we have there right now maybe just moved out a little bit, and on when we're there and off when we're not there.

Mr. Chambers; you say you have about 30 members?

Mr. Demarche; 80 members.

Mr. Chambers; and they all park inside the property line?

Mr. Demarche; yes, we're not decreasing the amount parking space that we have; we have a lot of members that are less social that use the club. I'm a second generation member, my mom who is a member doesn't really go there anymore and so forth; it's like the eighty twenty rule; 20% of the club use it 80% of the time; we don't have overflow issues with parking.

Mr. Drezcko; any other questions of the applicant? Anyone present that opposes the application, let the record show there was none. Anyone present in favor of the application, Igor Alvarado states he is in favor.

Mr. Igor Alvarado is sworn in.

Mr. Alvarado; I live across the street at 170 West Beach Road; I don't have any association with the club, I'm not a member or anything; I just don't have any problem with what they're proposing.

Mr. Drezcko; anyone else here in favor of the application, let the record show there was none; any correspondence; let the record show there was none.

Mr. Dreczko; before moving to discussion, any other questions for the applicant?

Discussion:

Mr. Quadrato; I did manage to visit the property; and it is pretty secluded back there and certainly with the building in the front; I really don't think it should have any negative impact, as a matter of fact it will probably have a positive impact on the surrounding area.

Mr. Drezcko; Mr. Brochu, one question with regards to the application, we have both a Special Use and a Dimensional; but the Special Use, am I missing something, it appears that is being requested based on the fact that he's adding on to an existing structure; the use isn't changing, so it appears to be in conjunction with, we still needs a vote on both sides of this?

Mr. Brochu; yes.

Mr. Drezcko; we will vote on the Special Use Permit first and then go back and vote a Dimensional Variance.

A motion was made by Mr. Quadrato, seconded by Ms. Stolle to approve the Special Use Permit on #1441.

Mr. Quadrato; for the reasons stated the usage of the property has not changed, so that there should be no issue with looking into it any further, so I would approve #1441.

Ms. Stolle; I saw no change other than enclosing the porch as a screened in porch; I vote to approve the Special Use on #1441.

Mr. Chambers; I vote to approve the Special Use Permit for #1441 for the reasons stated.

Mr. Vanover; I also vote to approve file #1441 for the reasons given.

Mr. Dreczko; I also vote to approve the Special Use Permit portion of file #1441 for the reasons stated.

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Mr. Dreczko; with a vote of 5-0 in favor of the application the Special Use Permit has been unanimously approved.

Member Vote

Mr. Quatdrato Approve

Ms. Stolle Approve

Mr. Chambers Approve

Mr. Vanover Approve

Mr. Dreczko Approve

Mr.Dreczko; next would be the Dimensional Variance being

requested; do I hear a motion?

A motion was Ms. Stolle, seconded by Mr. Dreczko to approve the Dimensional Variance for file #1441.

Ms. Stolle; as previously said, I saw no change to the building footprint really and I have no issues with it. I think it's going to be an improvement both to the building and to the neighborhood.

Mr. Dreczko; I also vote to approve the Dimensional Variance of file #1441 for the reasons stated.

Mr. Chambers; I vote to approve the Dimensional Variance for #1441.; all it really does is say this is the reality of the situation and there is no other change; so based on that I vote an affirmative.

Mr. Quadrato; I also vote to approve file #1441 for the reasons stated.

Mr. Vanover; I also vote to approve the Dimensional Variance part of file #1441.

Mr. Dreczko; with an affirmative vote of 5-0 in favor of the applicant, the petition has been unanimously approved, thank you.

Member Vote

Ms. Stolle Approve

Mr. Dreczko Approve

Mr. Chambers Approve

Mr. Quadrato Approve

Mr. Vanover Approve

#1442 Paula Rusu

Requesting a Dimensional Variance in accordance with Article VII, Section 218-41 Dimensional Table to construct a second floor addition, an addition between the house and garage, and a three-season room, closer to the front yard setback than allowed; 40' permitted; 27'-11" proposed and closer to the rear yard setback than allowed; 50' permitted; 34'2" proposed. Premises is located at 25 Dalton Street and is further designated as Lot 311 on Assessor's Map 11.

Mr. Dreczko; representation for the application?

Ms. Paula Rusu is sworn in.

Ms. Rusu; hi thanks for hearing me this evening, my name is Paula Rusu. I purchased the property at 25 Dalton a year ago last April. It had been in the estate of a gentleman who'd owned the property since 1965 when I bought it. In 1965 when this gentleman purchased the property and when the house was built it was conforming with all regulations. During the decades that he owned the property he had purchased several adjoining lots. And with the purchase of the very

last lot that he added onto the property it put it into a 22,500 square foot size lot which changed the zone that it is in and changed the setback requirements. So we're looking to basically make the house more modern, more aesthetically pleasing to the neighborhood. The changes we're proposing will make it a similar size and style to those in the neighborhood. It will not affect the health, safety, well fare of the community and will help bring the structure into some code compliance.

Mr. Dreczko; with respect to the front, are you moving the well or is the well staying where it is?

Ms. Rusu; the well is staying where it is.

Mr. Dreczko; was there any consideration given to taking the area that you have as a foyer and potentially putting the entry way there just to give a little more separation to the well and to also try to get less relief in regard to that front yard setback?

Ms. Rusu; can I ask that Jared join me, Jared Natale? I believe, I could be wrong, we also have a well in back which I believe is the main well for the home, the front well I think is just an outside, I don't know if you know anymore about it, but is not the well that services the home.

Mr. Jared Natale is sworn in.

Mr. Natale; what was the question again?

Mr. Dreczko; with respect to the front entry way, was there any consideration given to moving the entryway as a relief if you will, where the foyer is being proposed? So that you can both request less relief and under the presumption that the well was either abandoned or used as maybe and agricultural feature as opposed to servicing the home? So I was looking for what went into the design of the entryway?

Mr. Natale; the well is abandoned in the front so it's not servicing the house according to Ms. Rusu.

Mr. Dreczko; with respect to those front stairs was there any consideration to have those moved in towards the home in forth of the foyer?

Mr. Natale; no there really wasn't any consideration for that, since the well in the front was abandoned, there was no consideration.

Mr. Dreczko; but with the well being abandoned that's fine, but as far as relief this evening, was there consideration for least relief necessary to move that further off the front yard setback.

Mr. Natale; I would say no, not for the stairs.

Mr. Dreczko; thank you.

Mr. Natale; but we can certainly consider that, to do that, if need be.

Mr. Dreczko; Ms. Rusu, with regards to that entryway, aesthetically I'm fairly confident that you could create a roof line to give you the same front elevation as you have before us this evening, the difference would be that it would be strictly a decorative detail as opposed to any kind of functionality because of the entryway, but would there be any kind of a hardship created in forfeiting the foyer to accommodate the entry?

Ms. Rusu; we could make that work if necessary.

Mr. Dreczko; without having you have to do a redesign, here this evening, how much of that front entry do you think you could take off? Would we be talking 2 feet, 4 feet?

Mr. Natale; so we're looking to try to move the stairs, the front entry stairs, more into the foyer area? Is that what we're?

Mr. Dreczko; correct. I'm wondering if we can accommodate it a little bit to get any kind of additional setback from the front. I mean certainly you're not going to get it any further than the corner of the existing garage. But again, I don't know if anything?

Mr. Natale; I think without having any major changes, I believe that I may have about, I don't have scale with me, about 4 feet or so in there. So, minimum would probably be 3, I mean 3 feet to have clearance to get in, so I could maybe quite possibly shave another foot from that wall and move everything into the front more.

Mr. Dreczko; so if we change the relief from 12'1", is in parenthesis here, to say 9'6", gives you 6 inches of wiggle room, would that work for you? That would take 2'7" off the relief.

Mr. Natale; as long as we're not pushing in more than a foot there, that would work, I think.

Mr. Dreczko; and at this time, what's being proposed would be what would be required by yourself with respect to the rear deck. And what I mean by that is, right now it appears that each of the decks that have been added, are purely a means of egress, you wouldn't be coming back before the Board asking for any kind of deck space, or what have you, either a patio or something down the road?

Ms. Rusu; exactly, patio is my plan.

Mr. Drezcko; thank you. Any other questions of Ms. Rusu or Mr. Natale?

Mr. Quadrato; I don't have any questions but I would like to comment. I you did a commendable job on the redesign. You moved the sunroom from the back and you actually picked up room there. I think you did a good job of trying to stay within the guidelines. You still arrived at a great looking home and a good floor plan.

Mr. Natale; thank you.

Ms. Rusu; I second that.

Mr. Drezcko; if there are no further questions:

For the record: Anyone present in favor of the application – there was none

Any correspondence – there was none

Mr. Dreczko; if there are no further questions, move to discussion.

Discussion:

Mr. Quadrato; I want to make sure now, we are eliminating the foyer, and pulling back the front?

Mr. Dreczko; well, I'm more than happy to make a motion but, as far as verbiage goes, I just want to state that the application has been amended so that the front yard setback is requesting a relief of 9'6"

or 9.5 feet however you prefer to state it. Relief in the rear will remain the same at 15'10".

A motion was made by Mr. Drezcko, seconded by Ms. Stolle, to approve application #1442.

Mr.Drezcko; I move to approve file #1442 as amended; the Amendment would be that the front yard setback would be 9'6" as opposed to the 12'1" that the applicant came in seeking relief for. In discussion, the design was taken into account, maybe a little bit more than the setback and the requirements state the relief required. The applicant was more than willing to alter that to help bring it more compliant, which I appreciate the comments made this evening. I concur with, with regards to the design the thought with regards to the rest of it, including the minimal amount of relief being requested to the rear of the home. Based on that I think that the criteria has been met as far as the standards are concerned and again based on the changes this evening it shows that it would be the least relief necessary. For these reasons I vote to approve the amended version of #1442.

Ms. Stolle; For everything that Chairman Drezcko has said and the design of the house and the least relief that's being granted, I think they did a wonderful job with the design of this home and since they're considering the suggestions Mr. Drezcko made, I certainly vote to approve file #1442.

Mr. Chambers; I vote to approve application #1442 as amended during the discussion period.

Mr. Quadrato; I also vote to approve the revised application #1442 for the reasons stated; and once again, I think the applicant did an excellent job of moving things around and giving up some space and improving their setback in the rear by moving the sunroom.

Mr. Vanover; I also vote to approve file #1442.

Mr. Dreczko; with a vote of 5-0 in favor of the application it has been unanimously approved, thank you.

Member Vote

Mr. Dreczko Approve

Ms. Stolle Approve

Mr. Chambers Approve

Mr. Quadrato Approve

Mr. Vanover Approve

#1443 Arnold E. Johnson & Patricia E. Tomkil

Requesting a Dimensional Variance in accordance with Article VII, Section 218-41 Dimensional Table to construct an 18x25 addition

between the existing house and existing garage closer to the left side yard setback than allowed; 25' allowed; 11.65' requested. Premises is located at 134 Auburn Drive and is further designated as Lot 16-36 on Assessor's Map 23.

Ms. Hogan; good evening Mr. Chairman and members of the Board; Margaret Hogan with Hogan and Hogan for the applicant this evening; I have with me Arnold Johnson one of the owners of the property.

Mr. Johnson is sworn in.

Ms. Hogan; Mr. Johnson, you and your wife are the owners at 134 Auburn Drive is that correct?

Mr. Johnson; yes.

Ms. Hogan; and you have owned the property since May of 2003, correct?

Mr. Johnson; yes.

Ms. Hogan; and at the time you purchased the property, the property had the garage located on it?

Mr. Johnson; yes, it was existing.

Ms. Hogan; and at the time you purchased the property you used it as a vacation home, is that correct?

Mr. Johnson; yes

Ms. Hogan; and since that time you have become fortunate enough to retire and you now make the property your full time residence, is that correct?

Mr. Johnson; yes it is.

Ms. Hogan; and at the present time you've decided to accommodate your family needs and your retirement needs you'd like to add and addition between the existing home and the existing garage; is that correct?

Mr. Johnson; yes

Ms. Hogan; and you've submitted a design with your application, showing the exterior views of the addition as well as a floor plan, is that correct?

Mr. Johnson; yes.

Ms. Hogan; and have you spoken with your neighbors about this addition?

Mr. Johnson; yes.

Ms. Hogan; and do they object?

Mr. Johnson; no.

Ms. Hogan; let the record reflect, this is my next door neighbor; and we're the neighbor that would be the most affected because we're on the garage side; correct?

Mr. Johnson; correct.

Ms. Hogan; and we have no objection to your application?

Mr. Johnson; right.

Mrs. Hogan; and Mr. Johnson in your opinion, would it be more than a mere inconvenience for you to tear down your garage to add your addition?

Mr. Johnson; definitely.

Ms. Hogan; thank you, we have nothing further Mr. Chairman.

Mr. Dreczko; thank you; any further questions of the applicant or Ms.

Hogan?

Mr. Drezcko; Anyone present that opposes the application, let the record show there was none; anyone present in favor of the application, besides Ms. Hogan, let the record show there was none; any correspondence; one letter correspondence from Ms. Hogan in favor of the project.

Mr. Drezcko; if there are no further questions of the applicant; move to discussion.

Discussion:

Mr. Quadrato; well I have to agree with what's stated; I would say it would be a major hardship if we weren't allowed to go forward with it; if anything it's going to have a positive impact on the surrounding area; looks like it's going to be a very nice looking house once it's all done.

Mr. Drezcko; agreed; and while I didn't question the applicant on it, for a least relief stand point and so forth in looking at alternatives as you view the property it shows the septic to the rear; so the right side of the home which would be the only alternative should be left open in case the OWTS needs to be updated, repaired or what have you; so I also concur this would be the best decision for all parties involved; if there is no further discussion, do I hear a motion?

A motion was made by Mr. Quadrato, seconded by Ms. Stolle to approve application #1443.

Mr. Quadrato; I would approve #1443 for the reasons stated; it would be a huge hardship for the applicant if he wasn't allowed to proceed with his plans; it's certainly clear that there was no prior actions, like he didn't put the garage up a year ago and is now coming to us, when he bought the property the garage was already there; he has to deal with what's there; and it would be the least relief necessary to let him go forward with the project.

Ms. Stolle; looking at the plans I think it's a very nice update to the home; and simply because the garage used to be considered an accessory structure with a different setback requirement and now that's changed is really not the fault of the homeowner; I have no problems with this application, I certainly vote to approve #1443.

Mr. Chambers; I vote to approve #1443 for the reasons given.

Mr. Vanover; I also vote to approve #1443, I think Ms. Stolle summarized it perfectly.

Mr. Dreczko; I also vote to approve file #1443 for the reasons stated; and with a vote of 5-0 in favor of the application it is unanimously passed.

Member Vote

Mr. Quadrato Approve

Ms. Stolle Approve

Mr. Chambers Approve

Mr. Vanover Approve

Mr. Dreczko Approve

**#1444 Schroeder Joan K Irrevoc Trust – 2012 Emily Reade, Trustee
Requesting a Dimensional Variance in accordance with Article VII,
Section 218-41 Dimensional Table to demolish existing structure &
build new dwelling exceeding lot coverage allowed; 19% allowed;
20.3% requested, and closer to the left side yard setback than
allowed; 12' allowed; 6' requested. Premises is located at 38
Highland Road and is further designated as Lot 486 on Assessor's
Map 2.**

Mr. Dreczko; representation for the application.

Ms. Hogan; Mr. Chairman, members of the Board, Margaret Hogan from Hogan and Hogan once again; I do have a couple of witnesses here with me this evening; we have Ms. Jackson from Jackson Surveying, I have Scott Weymouth who is the architect for the property and I do have representation of the family as well. So I'd like to lead with Ms. Jackson if I could.

Ms. Cheree Jackson is sworn in.

Ms. Hogan; Mr. Chairman, members of the Board, at this time I'd like to move Ms. Jackson as an expert witness for land surveying and engineering, I know she has testified before this Board on innumerable occasions. If that is not acceptable I will of course inquire.

Mr. Dreczko; if no other members have any objections I have no problem accepting Ms. Jackson for the reasons stated, she has certainly been before this Board on numerous occasions.

Ms. Hogan; thank you Mr. Chairman.

Ms. Hogan; Ms. Jackson, what we would like you to do this evening is to give an overview to the Board and to the members of the public that are here this evening as to the existing conditions of the lot and the proposed conditions of the lot; Mr. Weymouth will discuss the architectural.

Ms. Jackson; on the plan in front of you, you'll see, in the top left corner is the existing conditions; you'll see there that we have done a physical property survey; there's some existing monumentation on site, including drill holes, pipes, re-bars, and caps and things of that nature; we've also located the existing house; the existing house is currently at its closest point, 3.9 feet off the norther sideline; it does meet thought the front setback; the lot is sloping from a westerly to an easterly side; from Highland Road down to Garden Pond, which is a fresh water pond; the wetland feature for this property is the high water of Garden Pond; no continuous wetlands on this parcel; CRMC classifies this as type 1 type waters so it is CRMC jurisdiction; on the existing lot a 25' buffer and 25' foot setback that's why there is a 50' total set back; existing house does not meet it by a foot or two; new proposal will meet the setback; also meet the front setback by more than 4'; we need to upgrade to a denitrification system; currently serviced by public, neighborhood water system; existing system is a possible cesspool; new system will be an Advantech;

Ms. Hogan inquires Ms. Jackson of the depth/length of the lot, flood zones, and height requirements. Ms. Jackson states the width is 55 feet the length varies, northern lot is about 120 plus to about 154 in length; southern line 89.5 plus 52; 8600 lot area; lot has 2 flood zones, velocity and flood zone AE13; height requirements will be met.

The Board has no questions for Ms. Jackson.

Mr. Quadrato has a concern with the 6 feet on the left side; opportunity to reduce that by 4 feet and add that to the back of the house; this will be addressed with the architect.

Ms. Emily Reade is sworn in.

Ms. Hogan affirms Ms. Reade is the Trustee of her Mother's Irrevocable Trust and has the authority to make the application.

Ms. Hogan states that Ms. Reade's Mother purchased the property in 1998; Ms. Reade states that her family has been using the property as a summer vacation home; the family would like to keep the property in the family. Ms. Reade states her husband is a Vietnam Veteran and is 100% disabled, using a walker.

Ms Hogan states that in designing the home, with the Architect, it is a necessity to have a bedroom with a deck on the first floor.

Ms. Hogan questions Ms. Reade regarding other options instead of tearing down the dwelling. Ms. Reade explains, flooding of basement and need more room to add a separate floor

Ms. Hogan submits to the Board photographs of current dwelling and property A1-A17

Ms. Hogan and Ms. Reade discuss possible changes to proposed plans of dwelling.

Mr. Drezcko; addresses Ms. Reade, for clarity for the record, did you just state that there is not going to be a fireplace?

Ms. Reade; think we thought there might be room for one in the corner of the living room; I miss-spoke, sorry.

Mr. Drezcko; with respect to the bedroom, just a point of interest, it appears that the bedroom juts out 13' with an egress door there, and it shows what appears to be a 3 panel slider, I would strongly suggest a 2 panel, a 6 or an 8 footer because you've got about 2 feet to get out of a 3 panel door; not very functional because of your husband's condition.

Ms. Hogan has no more questions of Ms. Reade.

Mr. Scott Weymouth is sworn in.

Ms. Hogan questions Mr. Weymouth regarding his profession of an Architect and information regarding his profession and history of Architecture.

Ms. Hogan presents A18 to Mr. Weymouth, to review for the Board.

Ms. Hogan and Mr. Weymouth discuss possible changes to bedroom plan. Intent of current plan is to try to accommodate as much as possible the zoning restrictions in Charlestown and yet the needs of the family.

Mr. Drezcko; Mr. Weymouth, elevation and floor plan show 2 sets of stairs; do we know what is required to get to the deck in that area?

Mr. Weymouth explains there is one less riser than required.

Mr. Drezcko; was consideration into putting the stairs into the front porch so you would end up with a 4x4 landing on the side to get up into the house instead of in front; Mr. Weymouth states that it may be too difficult of a turn to get into the front door; Mr. Weymouth affirms a 5 foot turning radius is do-able. Mr. Drezcko requests explanation as to design of porch and stairs. Mr. Drezcko questions if the outdoor shower was included in the square footage; it is shown as a dotted line on site plan.

Mr. Drezcko asks Zoning Officer Ms. Murray what the criteria would be to consider the outdoor shower for the side yard setback or disregard it with being a structure attached to the home.

Ms. Murray states that if it's considered an accessory structure it would have to meet the accessory setbacks but it cannot be said with certainty until she inquires Joe Warner Building Official.

Mr. Drezcko states that in prior cases, that if the outdoor shower is considered attached to the existing structure it would have to be included in the relief requested, which it was not, and would definitely need to be included in the Variance request. Ms. Jackson states she never included outdoor showers.

Mr. Quadrato; as far as setbacks in the rear, if you were to add the 4' to the back of the house you will be able to stay well within the 50' for CRMC just by eliminating the stairs on the right; they could be moved to the left; concerned the structure is right on the neighbor's property; try to utilize the left side.

Ms. Jackson; elevation towards pond drops so more stairs would need to be added.

Ms. Hogan addresses the setback regulations on the smaller lots in the neighborhood, which are pre-existing non-conforming lots of record; submits photographs A19-A21 of the property; Ms. Jackson describes photographs to the Board.

Mr. Quadrato asks if there has been any conversation with the neighbor on the left; Ms. Reade has not met the new neighbors.

Mr. Chambers asks for clarification on minimum requirements or going through a passageway. Mr. Weymouth references A18 and the pages referring to the handicap code which is 3 feet. Mr. Chambers

and Mr. Weymouth discuss codes regarding zoning requirements for ramps and stairs pertaining to handicapped individuals and building a house. Ms. Reade and her husband do not feel a ramp is necessary at this time.

Mr. Dreczko asks if Ms. Reade is fine with removing the outdoor shower for purposes of rendering a decision this evening.

Ms. Reade states she could be flexible, however, in having a home close to the beach an outdoor shower is desirable but there may be other ways.

Ms. Hogan requests a recess; Mr. Dreczko approves a 10 minute recess.

Ms. Hogan, Ms. Jackson and Mr. Weymouth addressing Mr. Quadrato's concerns regarding changing number and position of steps; they have discussed accommodating Mr. Quadrato's concerns; moving the stairs would change the flow of the house; the plan would not reduce the amount of lot coverage; they will eliminate the outdoor shower; trying to accommodate Mr. Quadrato's request to redesign the steps and the house.

Mr. Vanover addresses his concerns regarding lot coverage.

Mr. Dreczko; looking to maintain the requested lot coverage; the 6'

side yard, your looking to make it 8'; and any other design changes you can discuss so we can move further this evening.

Mr. Drezcko; anyone in the audience that opposes the application; please step forward.

Mr. Angelo Cicchiello is sworn in.

Mr Cicchiello is the property owner of 36 Highland, to the left of 38 Highland, on Lot 487 the applicant is Lot 486; Mr. Cicchiello addresses his concerns to the Board regarding the small size of the lot; the request will severely impact his privacy right as an owner; the variance request is for 6' instead of 12' from the property line which is required by the ordinances; Mr. Cicchiello expresses concerns regarding the size and height of the proposed structure; suggests building a smaller home because the lot is small;.

Mr. Drezcko; addresses Mr. Cicchiello's concerns regarding setbacks of other dwellings in the neighborhood; addresses Mr. Cicchiello's concerns regarding the height of the structure, which will be a two story which is viewed as a three story because of the flood zone; they do have the right to build up; Discussion continues with Mr. Cicchiello.

Ms. Paula Cicchiello is sworn in.

Ms Cicchiello asks for clarification from the Board as to how high a

home can be built. Mr. Drezcko explains it needs to be 30' from the flood zone height.

Mr. Drezcko; anyone else here this evening that opposes this application?

Mr. Scott Woronoff is sworn in.

Mr. Woronoff is the property owner at 27 Highland Road; he wants to maintain a residential appearance in the neighborhood; proposal will end up non-compliant in two facts, the lot coverage and proximity; wants to maintain the character of the neighborhood. Mr. Drezcko discusses lot coverage and the concern of the side yard setback. Mr. Drezcko clarifies that any improvement will not suffice unless it's actually the 12'; Mr. Woronoff states that is correct.

Mr. Drezcko; anyone else here this evening that opposes this application; let the record show there are none; anyone here this evening that is in favor of the application; let the record show there are none; any correspondence this evening; let the record show there was none.

Mr. Drezcko; at this time I would like to move to discussion.

Discussion:

Mr. Quadrato; after listening to the neighbor's concerns, and back to cutting 4' off left side which would be 10' and giving them a 2' variance and then sort out the interior of the house;

Mr. Drezcko; we are here for the applicant, for what's best for that property, and what's best for the water; you want to get out of the flood zone and comply; 8' isn't ridiculous; total will be 18' apart; also the size of the home, it is a small home with a bedroom off to the side; the house needs to accommodate a walker; a ramp can be added at any time; any further discussions.

Ms. Stolle; yes; even before the witnesses in opposition spoke, clearly the 6' is an improvement, however, setback requirements should be considered in building a new structure; and consider the neighbors as well.

Ms. Quinn; thanks the community and neighbors for addressing the Board; wants to let the community know that this an open Board willing to listen to all viewpoints.

Ms. Hogan; we would like to amend the application to accommodate; so that we are clear, we will eliminate the request for a lot coverage variance; and we will redesign to fit a structure within the required lot coverage; at the present time the most that we're able to modify the left side of the dwelling, is the 4' that Mr. Quadrato has suggested; we'd like to be extraordinarily clear however, that the living square

footage on that side of the house would be added to the rear, as suggested as long as we do not encroach into the CRMC buffer setback; we will eliminate the outdoor shower because of the concerns expressed previously; the application meets the right side yard setback and the front yard setback; so that the Board is aware; the concept of centering the house on the lot was in fact considered; it is an issue that has come up over the years, and some Boards feel the least relief necessary is to push it to one side and ask for one variance; some Boards have felt center it and ask for two; so we went with one of the options; if there were no neighborhood concerns in that regard we would probably modify the application and center it; but that does not seem to be the case that's going to satisfy; because what I heard, as far as the real nature of the concern is in regards to the height of the proposed structure; it is a non- issue; with the lack of clarity with the Building Official, eliminate the request for lot coverage relief, and reduce the left side of the structure by a width of 4' to be added to the rear of the property; and I can amend the actual application thereafter and I can initial the application.

Mr. Dreczko; if you're clarifying for the record' to try to utilize the floor plan and state that the alterations that you are suggesting; then we have a definitive number that we can vote on.

Mr. Quadrato; clarifies that on the left side they are basically looking for 2' of relief.

Mr. Vanover; I still have not heard what the hardship will be for those two extra feet.

Ms. Hogan; the hardship in this particular case is a pre-existing legal non-conforming lot of record that is significantly undersized for the required lot size in the area; we need to meet the CRMC setbacks; we need to build a setback in for the new proposed septic system and we're trying to stay away from the side yard as required; so there's a limitation as to how much you can move this structure around.

Mr. Vanover; I'm still trying to understand what exactly what you are proposing; are you saying that it should be, not 6' on the north side by 4'; it's 10', I still don't accept that, it should be 12'. Ms. Hogan could you explain that again about the hardship again, I wasn't following it completely.

Ms. Hogan explains the hardship.

Mr. Dreczko calls a five minute break.

Ms. Jackson; explains the changes to the Board.

Mr. Dreczko confirms changes to the application with Mr. Weymouth and Ms. Jackson.

Ms. Cicchiello; questions if the owners of the empty lot on the other

side was notified.

Mr. Drezcko; they would've been notified if they are within the 200 feet

Mr. Cicchiello; questions why he is being penalized more than the other lots.

Mr. Drezcko; as a Board we have to look at least relief necessary.

Mr. Cicchiello states he is asking the Board to conform with the zoning regulations.

Mr. Drezcko; so noted; and at least one member of the Board shares your concern.

Ms. Hogan; the property on the other side is not vacant, there is a home on it; Ms. Hogan continues to explain the hardship for the applicant; submits A23 from Amy Silva with CRMC; continues to explain revisions to the submitted application.

Mr. Woronoff; asks what the buildable envelope is on the lot; Mr. Brochu clarifies the width is 31'; Mr. Drezcko unable to give a definitive due to the flood zone feature being curved.

Mr. Drezcko; explains and clarifies the hardships due to

environmental concerns and flood zone; updated OWTS will benefit the environment.

Mr. Drezcko; if there is no further discussion or questions, I would like to make a motion to approve the amended version of file #1444; second by Ms. Stolle.

Mr. Drezcko; I vote to approve the Dimensional Variance for file #1444 with the following modifications; the outdoor shower has been removed for any consideration; the overall depth of the home from the furthest point on the front stairs at roadside to the rear of the property will be no greater than 54', that would be the 40' for the main home, 10' for proposed porch, and 4' for the proposed stairs. To the northern side of the property, instead of asking for 6' of relief the relief is now 2', which would be giving them 10' of the 12' required for the side yard setback. The encroachment will be increased no more than 14' and that will be to the front portion of the home to the back side or the north side of the mechanical storage room. Beyond the master bedroom, as it was submitted this evening, the jogs in the deck will remain the same so as not to encroach any closer to the north property. The lot coverage request this evening, has been eliminated. They will stay within the accepted or allowable 19%. As far as the relief that's being granted, as was stated, but I will reiterate, these lots were pre-existing, they're non-conforming and were lots that predate current zoning. The CRMC is going to have oversight to environmental concerns, which gives restrictions to the applicant to

the rear of the property. DEM and CRMC, potentially, will have oversight with regards to the OWTS, which also places restrictions on the front portion of the home. Both of these things would end up improving the area with regards to environmental concerns. The hardship that the applicant seeks, with respect to this application, is not due to their own doing. As stated, they rented this property as a beach home for a number of years before purchasing it and are looking to modify the home for what I deem reasonable in size for full time living. The relief that's being granted, in my eyes, is the least relief necessary, not contrary to public interest and welfare, and I base that on the fact, again after listening to the concerns of the neighbors, looking at the application and/or the footprint again, they have done in my eyes, a commendable job of modifying this so as to meet the least relief standard to put up a modest size residential dwelling. For these reasons I vote to approve file #1444.

Ms. Stolle; I vote to approve file #1444. I believe that the 2 foot relief is the least relief necessary. I was pleased that they made the modifications they did. It would be wonderful to have the 12 foot but 10 feet is better than, we had 3.9 on the original house, and 6 feet when they came in tonight, 10 feet I think is commendable. For all the reasons Mr. Dreczko stated and the considerable effort the applicant made to accommodate as best as possible the concerns of the Board, I vote to approve file #1444.

Mr. Chambers; I vote to approve file #1444 for the reasons given.

Mr. Quadrato; I also vote to approve the revised version of application #1444 for the reasons stated by the Board members. I'm glad that we were able to work it out. I think the applicant was very accommodating to trying to come up with a solution and considered everyone. I think we've done a good job. Maybe everyone isn't totally ecstatic, but I think it's a good solution that we've come up with.

Mr. Vanover; I vote to deny application #1444, and I think I have already stated why.

Mr. Drezcko; with a vote of 4-1 in favor of the application, the application passes.

Member Vote

Mr. Drezcko Approve

Ms. Stolle Approve

Mr. Chambers Approve

Mr. Quadrato Approve

Mr. Vanover Deny

#1445 662 CB Holdings LLC

Requesting a Dimensional Variance in accordance with Article VII,

Section 218-41 Dimensional Table to install a 4 x 20 exterior staircase on western side of dwelling closer to the right side yard setback than allowed; 12' allowed; 5'8" requested. Premises located at 662 Charlestown Beach Road and is further designated as Lot 14 on Assessor's Map 9.

Ms. Winifred Wilson is sworn in.

Ms. Hogan; states Ms. Wilson is here on behalf of her daughter; explains history of property and use of the property; confirms with Ms. Wilson that the house was moved as a result of super storm Sandy; confirms the proposal is to add an exterior staircase on the western side of the dwelling and a landing half way up; to accommodate safe access to the dwelling; photographs A1-A7 are submitted to the Board for review.

Ms. Wilson; explains to the Board the hardship of stairs; Ms. Hogan confirms the previous application for stairs on the eastern side was denied; continue to discuss reasons for the proposed placement of stairs.

Mr. Chambers and Mr. Quadrato confirm property line.

Ms. Wilson; would like to keep the current stairs, having two forms of egress.

Ms. Hogan; clarifies the whole lot is in coastal setback; and the stairs cannot be placed on back of deck.

Mr. Dreczko; any other questions of the applicant or Ms. Hogan; is there anyone here this evening that opposes this application.

Mr. Jeff Carter is sworn in.

Mr. Carter; neighbor at 664 Charlestown Beach Road; opposes this application; expresses concern as to why the stairs are going to have a detrimental impact to his property value; the stairs, landing and deck will be much closer to his property; believes there are other solutions to the stairs on his side.

Mr. Chambers; confirms Mr. Carter has a deck on the same side as the proposed.

Mr. Drezcko and Ms. Hogan discuss the reasons for the previous application being denied and the fact that no other options were sought at that time.

Ms. Hogan; I would like to read into the record the Boards decision February 20, 2014; a motion was made by Mr. Dreczko, seconded by Mr. Chambers to deny the application #1304 based on the following: that this property was before the Board previously requesting relief

that was necessary as a result of super storm Sandy; it is a desire of the applicant to relocate the stairs not a need; that there are alternative locations available that were not considered, the proposal does not seek the least relief necessary; and it was denied unanimously; so to come back again with the same application, to me, made no sense, because the Board said that they didn't consider alternative locations; so here we are with the only alternative location to consider; and actually I'm going to put that into the record if I can the applicant's A8; and I would note for the record, and I wasn't here representing the applicant at the time, Ms. Wilson's son was here on behalf of his sister and had I been here I would've said that the relocation due to super storm Sandy was certainly not any fault of the applicant and should not have been counted against them; there was a letter in the record, I believe from the owner of the property on that side.

Mr. Quadrato; inquiries going to CRMC regarding relocating the proposed stairs to the back.

Ms. Hogan; confirms it would be on the water feature; it's not going to happen.

Mr. Chambers and Mr. Quadrato discuss the water feature; Ms. Hogan explains the change to the coastal feature since the previous application.

Mr. Dreczko; discusses previous application and current application with Mr. Carter.

Anyone else here this evening that opposes this application, let the record show there are none. Any correspondence for the record, no correspondence. Any other questions before we go to discussion.

Ms. Hogan; could I make argument; asks the Board to consider that this request is for the least relief necessary; evident beyond a reasonable doubt that the existing staircase is not safe; continues discussion regarding no alternative or nothing that the applicant did, it was preexisting at the time of purchase, does not meet code and it is not safe; it needs to be corrected; no impact to the neighbors; this is a safety issue; the Board should approve it.

Discussion:

Mr. Quadrato and Mr. Dreczko discuss that this is the least relief; and according to testimony regarding CRMC, they cannot go off the back.

Mr. Dreczko; if there is no further discussion, do I hear a motion.

Mr. Quadrato; I'll make a motion to approve application #1445.

Ms. Stolle; I'll second.

Mr. Quadrato; As stated, it's definitely the least relief necessary; no other alternative as to where to put the stairs; definitely a hardship not to have a safe way to egress the home; I would vote to approve #1445.

Ms. Stolle; I agree with Mr. Quadrato; the front is not an alternative because of the septic holding tank; probably no other options and it is the least relief necessary; the houses there are very close together a lot of them have stairways on the sides, unfortunately that is the only choice;

Mr. Chambers; I vote to approve file #1445; the restrictions placed on the lot owner near the water keeps them from doing things except in small fractions.

Ms. Stolle; I forgot to say that I approve #1445

Mr. Vanover; I also vote to approve file #1445; I don't think there is any other alternative.

Mr. Drezcko; I also vote to approve file #1445; the options available to the applicant have been exhausted; the fact that the previous application had been denied is no longer a viable option to revisit; the septic holding tank off the front prevents it from going off the front; they cannot, as testimony has been given, extend any further off the rear; leaving no alternative outside of the request this evening to the

west side of the home. For these reasons I vote to approve and with a 5-0 vote in favor of the application it is unanimously passed.

Member Vote

Mr. Quadrato Approve

Ms. Stolle Approve

Mr. Chambers Approve

Mr. Vanover Approve

Mr. Drezcko Approve

Members Comments and Questions: There were none.

Adjournment: Mr. Quadrato, seconded by Ms. Stolle to adjourn the meeting. Vote was unanimous. The meeting adjourned at 11:01PM

Respectfully submitted,

Krista M. Tracy, Clerk

Approved 4/17/2018