

WARREN BUILDING BOARD OF REVIEW
February 24, 2016
Minutes

The regular meeting of the Warren Building Code Board of Review was called to order at 7:00 pm by Chairman S. Calenda. Also present was Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. W. Barrett Holby was excused from the meeting.

Approval of Minutes - January 20, 2016. A motion was made by Vice Chairman P. Attemann to accept the January 20, 2016 minutes as circulated. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st M. Emmencker. 5-0

Old Business - None

New Business

Application #16-1, Botelho, Robert, owner and applicant, 39 Serpentine Rd, Plat Map 21, Lots 281 & 282, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to allow a detached accessory family dwelling unit in an R40 zoning district.

Application#16-2, Botelho, Robert, owner and applicant, 39 Serpentine Rd, Plat Map 21, Lots 281 & 282, request for a Variance from section 32-47 of the Warren Zoning Ordinance to allow a detached accessory family dwelling unit with less than required acreage, enhancement of roof line and construction of an addition closer to rear lot line than allowed in an R40 zoning district.

Bruce Cox, Esq., Sleprow, Sleprow & Associates, 1481 Wampanoag Trl #3, Riverside, RI 02915, represented Application #16-1 request for a Special Use Permit from section 32-47 and Application #16-2 request for a Variance from section 32-47, Robert Botelho, owner and applicant.

Mr. Cox submitted for the record the following:

- Exhibit 1- A letter from Mert and Melanie Caton, 31 Serpentine Rd, dated 2/22/2016 to the Zoning Board in support of the applications #16-1 and #16-2.
- Exhibit 2 – A stamped/accepted Application #1534/339 dated 1/5/2016 to RIDEM for an OWTS system.

This application for a detached family dwelling is due to the applicant would like to take care of his parents and his family. The applicant is aware of the obligations of it being a family dwellings opposed to a rental dwelling and every year he will have to file an affidavit with the building Official stating that it is occupied by family members to happen on the first quarter of tax payments. The application is requesting a minor enlargement of non-conformance of the dormer that faces the east be granted which falls within the 25% allowed by size, the dormers in the back will allow for cross ventilation for the bedrooms. Mr. Cox also stated that he believed this fits within the intent of the statute to which it was applied under.

Public Comment - NONE

It was moved by A. Ellis to approve Application #16-1, Botelho, Robert, owner and applicant, 39 Serpentine Rd, Plat Map 21, Lots 281 & 282, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to allow a detached accessory family dwelling unit in an R40 zoning district. In the granting this

special use for this application with the following findings of fact, we find that the special use would be compatible with the neighboring land uses because there are similar land uses on large parcels of land nearby, the Board is also in receipt of a letter (Exhibit 1) submitted by a neighbors Mert and Melaine Caton expressing their support. Further findings of fact, the approval will not create a nuisance or hazard based on the testimony and the plans submitted it would improve the overall condition of existing structure and make it more conforming to the relevant code requirements. Also, the proposed application would be compatible with the Community Comprehensive Plan in that the testimony heard tonight and the drawings submitted indicate the intent to repurpose an existing structure which is strongly emphasized in the Plan and it would also preserve the rural character of the area by maintaining many of the barn-like qualities in the proposed renovation. We also find that this application is going to provide a benefit to the community of Warren in that a son will be moving onto the property to provide care for his aging parents which will provide a beneficial family environment and would be a positive benefit to have this type of residential arrangement in town. Additionally some special standards relating to this particular application we find that by granting not be creating or increasing an undesirable impacts, such as noise, traffic or waste. We have heard no testimony that any of these negatives would occur as this is going to residential in use and will be similar to the residential uses that already exist. This development will not alter in a way to make the non-conformity more aware by other in the area; the improvements are consistent with the surrounding area, the architecture presented seems to reflect compatible design that meshes well with the existing agricultural style of the present barn. Further finding of fact, there will be no negative impact on the natural environment particularly with considering the application submitted to RIDEM (Exhibit 2) for the approval of the OWTS system and based on the testimony of Mr. Cox there are no historical structures or agricultural sources in the area that would be negatively impacted in the area by the granting of this application. This non-conforming development would provide a beneficial use in the community as previously stated that having this type of family care arrangement the Board has heard testimony that that is a positive aspect to the quality of life in the Town of Warren. A finding of fact that after testimony from the applicant their attorney, the expansion of the roof line was due to the confinement of space that was existing and more living space was needed to accommodate the two bedrooms on the west side of the structure, which was clearly stated by council during presentation. The expansion of the roof line would support creating habitable space for without the expansion of the roof line the slope of the roof would make this space uninhabitable by code standard, this was necessary change to make the space habitable. The granting of this application shall be conditional on the applicant will conform to all building and fire codes, the relevant Town Official's would feel that apply and be fully implemented in the construction of the project, also Sec 32-47 Residential Uses *** of the Warren, RI Zoning Ordinance, language shall also be a condition, the use of it and the abandonment and/or transfer of property, the provisions shall apply. This motion is allowing the approval on a less than 5 acres, the approval is on the expansion of the foot print as indicated on the plan and the approval is also for the expansion of the roof line. Further, the granting is conditional that the ground level shall remain as an agricultural use **only**, with stalls to house horses and the like and shall not be used for residential use or commercial use and is not to be a heated space. Further this shall also apply to the proposed basement should it be constructed, it will be used only for utilities or incidental storage, there shall be no living or commercial space to be developed in that level. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. 5-0

Bruce Cox, Esq., Slepko, Slepko & Associates, 1481 Wampanoag Trl #3, Riverside, RI 02915, representing **Application#16-2, Botelho, Robert, owner and applicant, 39 Serpentine Rd, Plat Map 21, Lots 281 & 282, request for a Variance from section 32-47** requested the withdrawal of said application.

It was moved by A. Harrington to accept and grant the withdrawal of Application#16-2, Botelho, Robert, owner and applicant, 39 Serpentine Rd, Plat Map 21, Lots 281 & 282, request for a Variance from section 32-47 as requested. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. 5-0

Administrative Matters:

Nomination and appointment of Chairman and Vice Chairman

It was moved by A. Harrington to appoint S. Calenda to the Chairman seat. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. 5-0

It was moved by A. Harrington to appoint P. Attemann to the Vice Chairman seat. Second by S. Calenda. . Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. 5-0

Adjourn

It was moved by Vice Chairman P. Attemann to adjourn the meeting at 7:46 pm. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. 5-0

Respectfully submitted,

Rhonda Lee Fortin