

Special Zoning Board Meeting May 12,2009

A Special Zoning Board Meeting was held on May12,2009 at 7:00P.M. Present at this meeting were _Chairman -Tom Silveira,-Vice Chairman -Peter Van Steeden, Secretary- Lucy Levada, Tom Newman ,Steve MacGillivary. 3rd Alternate Michael Potter. Town Assistant Solicitor Russell Jackson and Building Officer Jack Kane. Absent were Greg Schultz and Frank Flanagan.

And Michael Miller had to recluse themselves from this petition.

Continued

Cases-Easton

Pond-----May 19,2009

1.. Petition of : BRA.Co.Inc. &JEMCo.-Inc.- C/O Barry McGoff- 438 Purgatory Rd, _Middletown, R.I. (Applicant)-by their Attorney Vernon Gorton, Jr.- for a Special Use Permit from Sections 803A & 902- to allow alterations/expansion of a nonconforming use by enlarging existing dwelling units where there are more than one dwelling unit on a lot. Said Real Estate is located at 277 & 279 Allston Ave. & 5 Eastin Terrace And further identified as lot 175, 176,177 &178 on Tax Assessor's Plat 116 ne.

2. Petition of :BRA.Co.Inc.& Jem Co.Inc.-C/O Barry McGoff- 438 Purgatory Ln.-Middletown, R.I.(Owner)(- Wait'n'Sea.LLC-440 Purgatory Ln. Middletown, R.I.(applicant)- By their attorney Vernon

Gorton Jr.- for a Variance from Sections 603,701,& 803g- to allow the alteration of the buildings within the existing footprints and the addition of porches closer to the lot line as set forth on the attached schedule. Said real estate is located at 277 & 279 Allston Ave. & 5 Easton Terr. And further identified as lot 175, 176, 177,& 178 on Tax Assessor's Plat 116 ne.

Attorney Vernon Gorton spoke on behalf of Wait'nSea and submitted 8 letters into record .

From abutters approving the petition.

Letter in file from Peter M. Cosel 152 Tuckerman Ave.dated March 18,2009 in opposition of this petition and other abutters .

Letter on file dated March 12,2009 from the Eastern Point Association urging the Zoning Board to deny this petition of .

Attorney Gorton introduced the following Exhibits.# Exhibit A-1&2 plans#Exhibit B credentials of Glen GardnierAIA. Architects, Inc.

#Exhibit C-Sustainable improvements presented by the Architect

Exhibit D- Pictures of surrounding property- # Exhibit E-Aerial Photo of all of Eastern Point

area . #Exhibit F-1,2,3- Picture of stone towers- #Exhibit G- rendering of project-#Exhibit H-Picture of the house with a porch and same roof

line like Stone Towers.-# Exhibit I- Floor Plan- # Exhibit J- Mr.

Connors house-#Exhibit K- Real Estate Appraiser Paul Hogan ND #

Exhibit L from Hogan Appraiser a Multi-Unit Demographic Apartment surveyed.#Exhibit M – Letter dated March 20,2009 from Sharon Fahy,

President of Stone Tower board of directors. With issues to be

addressed at the meeting #Exhibit.N- Stone Towers Deed. Eric
Offenberg 55 John Clark Rd. Civil Engineer North Eastern.
Spoke on storm water run off .

Attorney Gorton stated that the applicant is seeking to renovate and
rehabilitate the existing dwellings- which predate Zoning Regulations
and are located within the required setbacks. All new construction
will be within the footprint of the existing building and no new
construction Page 2

will take place closer to the property line.-and are located within the
required setbacks. The
renovation will not increase the density of the site. This development
will not result in any hazardous conditions or public safety , due to
storm water issues in the area. It is more beneficial to expand up than
to add to the building footprint..Mr. McGroff is not Encroaching
further into existing set back there fore he is seeking the least relief
neccessary.

A motion was made by Steve MacGillivary and second by Lucy
Levada to grant the Variance and the Special Use Permit petition with
the condition that the lot lines be removed by the Planning
board and this petition will not cause a nuisance in the area and will
increase the value of the surrounding property. The upgrade from
rental property (that now exist) to home ownership would increase
the value of the surrounding properties.To deny Mr. McGoff this relief
would amount to more than a mere inconvenience.

Petition granted 5-0

Meeting adjourn 10;25

Respectfully submitted

Lucy Levada

Secretary