

Chairperson
Kenneth Aurecchia

Vice-Chairperson
Richard Fascia

Secretary
Douglas Jeffrey

Counsel for the Board
Joseph Ballirano, Esq.



Zoning Official
Bernard J. Nascenzi, C.B.O.

Zoning Board Members
Anthony Pilozzi
Joseph Anzelone

Alternate Board Members
Bernard Frezza
Costanzo Caparelli, Sr.

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW

100 Irons Avenue, Johnston, Rhode Island 02919
Tel: 401-231-4135; Fax: 401-231-4181

MINUTES

January 31, 2008

The Zoning Board of Review held its monthly meeting on the 31st day of January, 2008, at 7:00 p.m., in the cafeteria at the Ferri Middle School, 10 Memorial Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Chairman Kenneth Aurecchia, Vice Chairman Richard Fascia, Anthony Pilozzi, Bernard Frezza, Joseph Anzelone, Secretary Douglas Jeffrey

Also present: Timothy J. Chapman, Town Solicitor, Susan Leonardi, Recording Secretary, and Dianne Edson, Stenographer

Mr. Aurecchia made the announcement that Ruggieri application for Golden View Avenue, would not be heard that evening. The application for Serzan on Dayton Avenue also would not be heard.

Mr. Pilozzi made the motion to accept the minutes of the December, 2007 meeting. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

File 2007-41 – Clarification of Decision

Owner/ Applicant: 1302 Associates, LLC
Location: 1302 Atwood Avenue; AP 44 – Lot 50
Lot Dimension: Lot Frontage: 130 ft; Lot Width: 426 ft; Area: 53,778± square feet.
Zoning District: R-15/B-1 (Residential – 15,000 sq. ft. /Neighborhood Business) Zone
Attorney: Alfred Russo, Jr., Esq.
Surveyor: Bibeault & Florentz
Existing Use: Single Family Dwelling
Development
Proposal: Demolish existing structure and construct a 92' x 43' (3,956 sq. ft.) retail store

Dimensional Variance petitioned under Article III, Section F, Table III-F-1 and Section H (5) – Parking

Minimum Left Side Setback Required: 20 ft.; Proposed Rear Setback: 10 ft.; Relief Requested for 10 ft.

Frank Manni, attorney for the applicant, presented the information to the Board. Mr. Manni stated that he sent a letter to the Board on January 3, 2008, explaining the situation. Mr. Manni handed a copy of the letter to the Board. Mr. Pillozzi made the motion to accept the letter as Exhibit A for the applicant. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor. Mr. Manni explained that the plans submitted to the Board showed a building size of 4800 sq. ft. The application was submitted as 3956 sq. ft. The decision that was recorded showed an incorrect size of 3956 sq. ft. He would like the Board to clarify the decision so that it reads the correct building size of 4800 sq. ft. Mr. Aurecchia stated that there was also a stipulation that the only ingress/egress be on Atwood Avenue. Mr. Pillozzi made the motion to approve the revised building size. A voice vote was taken, all in favor.

Mayor Joseph Polisena approached the Board and requested to speak. Mayor Polisena thanked the Board for their continued hard work and dedication to the Town. Mayor Polisena stated that he does not appoint to this Board. He is here to ask the Board for their help in stopping what he considers to be an injustice. Vice-President Councilwoman Stephanie Manzi, the entire Town Council, and I are very concerned about the granting of some reliefs in this town. He is speaking about small lots in the R-40 Zone. The 25,000, 35,000 square feet of relief in a required 40,000 square foot zone. It is not good for the neighborhood. He believes it is absurd to allow the quality of life to change, not for the better, as developers and land speculators come to Town and purchase undersized lots, build small houses and then sell them. They don't have to live with the result. It leaves the neighborhoods with drainage problems. Mayor Polisena stated that there is a loophole in the current zoning regulation that allows this relief. He is working with Vice-President Stephanie Manzi, Councilman Pitochelli, Councilman Gabe DeFeo, Councilman Wells and Council President Russo to end this loophole. An ordinance will be presented to the Town Council.

Mayor Polisena stated that he is aware that many are concerned about lawsuits, if the Board denies an application, the Town will be sued. Mayor Polisena stated that the Town has a competent legal team now and the lawyers will fight and win these cases. He asked the Board for their cooperation; be confident that the current legal team will fight and win and end this miscarriage of justice to the neighborhoods and the citizens of Johnston.

Mayor Polisena requested that the Board delay the decisions or granting of relief, especially in the R-40 neighborhoods. The Town Council and he will be closing the loophole created by the previous administration.

Mr. Aurecchia stated that he agrees with Mayor Polisena for the simple reason that the Board has had several requests to build small houses on small lots. He lives in an R-40 and he doesn't want that happening in his neighborhood. People buy in an R-40 for a reason. They want the openness; no close neighbors. It is a travesty.

Mayor Polisena stated that the Town has about 4.2 million dollars in legal judgments against it. He has no problem in fighting or defending the incompetence of the past. The prior legal team did not show up in court, literally, and that is why the Town would lose the case. This will not happen again.

Mr. Anzelone stated that the Mayor specifically spoke to the R-40 Zone, what about R-15 or R-10. Mayor Polisena stated that all the zones are being worked on. Mr. Anzelone verified that the Town would fight any appeal. Mayor Polisena confirmed.

Mayor Polisena stated that the assistant Town Solicitor, William Connolly, is currently working on an ordinance to fix the loophole. It will go to the Town Council at the February meeting. The

Town Council will ask for the Board's approval. It will end the madness and the nonsense. Mr. Frezza stated that the ordinance will also need to look at oversized houses on the undersized lots. Mayor Polisena agreed. These houses affect not only abutting properties, but the Town. These areas in Johnston are rural settings, not a city. Mr. Fascia stated that he supports the Mayor in this point of view. He has voted against these large-scale variances in the past. It is his presumption that these small lots were created 60-70 years ago to offer an opportunity for abutting owners to increase the size of their lots. It is outside the means of some of these owners to purchase these lots. Mr. Fascia is happy to know that the Board has the full faith and support of the Town in regard to the decisions and any resulting legal action.

Mayor Polisena stated that he does not want the Court to think that he, as Mayor, or the Council is trying to usurp the powers of this Board.

Mr. Pilozzi stated that the Board thought that Ordinance 2002-21 was a terrible ordinance. The Board denied the first two applications that came in under that ordinance. They were remanded back and the Board was forced to approve them.

Mr. Pitochelli stated that he voted for 2002-21. The way it is written, is not the way it was presented to the Council. It was supposed to help the elderly. It didn't help the elderly, it helped the developers.

Mayor Polisena stated that he is not looking to spend money on legal fees, but to protect the citizens of Johnston. He is prepared to take these cases all the way to the Supreme Court.

File 2007-27

Continued from the November 29, 2007 meeting

Owner/Applicant: VicGenka Realty, LLC.
 Location: Ridgeway Avenue, AP 45/1 - Lot 79
 Lot Dimensions: Frontage 51.37'±; Depth: 100'±; Area: 5,137± sq. ft.
 Zone: R-40 (Residential – 40,000 sq. ft.) Zone
 Attorney: William Gallogly, Esq.
 Surveyor: Daniel Cotta, P.L.S. – American Engineering, Inc.
 Present use: Vacant Land
 Development
 Proposal: Construct a 32' x 24' (768 sq. ft.) single family dwelling

Dimensional Variance petitioned under Article III, Section F, Table III-F-1

Minimum Lot Size Required: 40,000 sq. ft.; Proposed Lot Size: 5,137 sq. ft.; Relief requested for 34,863 sq. ft.

Minimum Lot Frontage Required: 140 ft.; Proposed Lot Frontage: 51.37 ft.; Relief requested for 88.63 ft.

Minimum Lot Width Required: 140 ft.; Proposed Lot Width: 51.37 ft.; Relief requested for 88.63 ft.

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Setback: 24 ft.; Relief Requested for 16 ft.

Minimum Rear Yard Setback Required: 75 ft.; Proposed Rear Yard Setback: 44 ft.; Relief Requested for 31 ft.

Minimum Left Side Yard Setback Required: 35 ft.; Proposed Left Side Yard Setback: 13.67 ft.; Relief Requested for 21.33 ft.

Minimum Right Side Yard Setback Required: 35 ft.; Proposed Right Side Yard Setback: 13.68 ft.; Relief Requested for 21.32 ft.

William Gallogly, attorney for the applicant, presented the application to the Board. Daniel Cotta, engineer, was duly sworn. Mr. Gallogly stated that the prior time Mr. Cotta testified, he had done so as an expert witness; however, Mr. Gallogly would like to go over his qualifications again for the record. Mr. Cotta stated that he is self-employed with American Engineering; he is a licensed engineer in the State of Rhode Island. Mr. Pilozzi made the motion to accept Mr. Cotta as a qualified witness. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

Mr. Gallogly stated that several documents were submitted to the Board marked as Exhibits. Exhibit A is a Zoning Certificate for this particular lot. Mr. Cotta confirmed this. Mr. Pilozzi made the motion to accept the Certificate as Exhibit A for the applicant. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

The next document is a re-plat of Bishop Heights, stated Mr. Cotta. Mr. Pilozzi made the motion to accept this document as Exhibit B. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

The third document is a site plan as of December 14, 2007, according to Mr. Cotta. This site plan shows the location of adjacent wells, it also shows a slight shift in the driveway to accommodate Mr. King, an abutter. Mr. Pilozzi made the motion to accept the document as Exhibit C for the applicant. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

The fourth document submitted to the Board is an aerial photo of the surrounding neighborhood. Mr. Pilozzi made the motion to accept this photo as Exhibit D for the applicant. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

The fifth document is DEM records. It is the ISDS for the lot behind the subject lot that shows the well had been abandoned in 1997 as a condition of their approval, stated Mr. Cotta. Mr. Pilozzi asked who verified that well was abandoned. Mr. Cotta stated that it is on the DEM paperwork. Mr. Pilozzi asked if the DEM official visited the site to verify it was abandoned. Mr. Cotta stated that the ISDS is 25 feet from their well. It was a condition of their ISDS approval to abandon the well. The well is 86 feet from the proposed ISDS for the subject lot. Mr. Pilozzi stated that the Johnston Water Board has been before the Board stating that septic systems need to be 150 feet from the wells. We are waiting for a final determination from the State, but for now the Board will err on the side of caution and use 150 feet. Mr. Pilozzi stated that the Board is responsible for the health, safety, and welfare of the residents. Mr. Cotta stated that the owner of that lot has represented to DEM that the well has been abandoned. The owner of the lot, St. Pierre, has stated to DEM that the well has been abandoned. Mr. Pilozzi stated that the Board visits the sites and make their conclusions based on site inspections. Mr. Pilozzi made the motion to accept the document as Exhibit E for the applicant. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

The final document is a record of ownership for this parcel going back to 1940. Mr. Pilozzi made the motion to accept this as Exhibit F for the applicant. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Mr. Gallogly asked Mr. Cotta about the most recent site plan. Mr. Cotta stated that this plan does not show any active wells within 100 feet of the proposed ISDS. Mr. Cotta did identify one abandoned well on the St. Pierre property, Lot 97. Mr. Gallogly asked if Mr. Cotta relied on DEM paperwork in his daily business to determine validity of ISDS. Mr. Cotta stated that he does rely on DEM paperwork on a regular basis. Francis Justin Keller, applicant, after being duly sworn, stated that the well has been sealed. Mr. Pilozzi stated that Mr. Keller is not an expert. Mr. Gallogly stated that Mr. St. Pierre signed that document on July 8, 1997. Mr. Pilozzi stated that no one has visited the site in 11 years to verify that the well is sealed. Mr. Cotta stated that the well must be abandoned based on his condition of conformance with DEM.

Mr. Pilozzi asked when Mr. Keller purchased the lot. Mr. Gallogly stated it was purchased approximately one year ago. Mr. Pilozzi asked if the applicant knew it was undersized when it was purchased. Mr. Gallogly stated that the plan is to build a home. Mr. Aurecchia asked what the hardship was. Mr. Gallogly stated that testimony as to hardship was provided at a prior hearing by Mr. Coyle, real estate expert. Mr. Gallogly stated that it is a legal non-conforming lot of record, according to the Zoning Official. As a legal non-conforming lot, it allows us to request variances from the Board. Mr. Aurecchia asked again what the hardship was. Mr. Gallogly stated that he is not testifying, but the hardship is that there is no other use for this property other than to build a single family house on it. It will be conformity with the other single family homes in the area. Mr. Aurecchia asked how this small lot would be in conformity to the rest of the area. Mr. Gallogly stated that it is a single family home, in an area of single family homes. Mr. Aurecchia asked about the devaluation of the neighborhood. What about the people who live there? Mr. Aurecchia referred to the Mayor's speech about undersized lots.

Mr. Gallogly stated, that in his opinion, the Mayor was speaking improperly on issues, he was not sworn, this is supposed to be a quasi-judicial Board, there was no cross examination of the Mayor, and the Mayor made certain statements that the Board agreed with, appeared to me to be a prejudgment on this decision. But, he would like to continue with testimony.

Mr. Cotta stated that the rules changed in January for non-potable wells. The setbacks were reduced. He does not have the exact figures with him, but they were considerably reduced. Mr. Pilozzi asked when this was done; Mr. Cotta stated that the change went into effect on January 1st. Mr. Pilozzi asked what type of septic is being proposed. Mr. Cotta stated that it is a conventional septic system. It is an Elgin system.

Mr. Fascia asked if the applicant would be living in the house if the variances were to be granted. Mr. Gallogly stated that since the present owner is an LLC, no. The present owner will either sell the land or sell the house with the land.

Mr. Pilozzi asked if a neighbor had connected to municipal water or was using their well. Mr. Cotta stated that the abutter, Hagerty, had not connected to municipal water and was using their well. Their well is beyond the 100 foot radius. Mr. Pilozzi asked about another abutter, Coppa. Mr. Cotta stated that they did speak to her and the well is abandoned. But they have nothing in writing.

Mr. Pilozzi asked about King, another abutter. Mr. Cotta stated that Mr. King uses his well for irrigation purposes only and the well is outside the 100 foot radius. The final abutter with a well is Fortin. They have two wells. Mr. Cotta stated that one is over 200 feet away and the other is 110 feet away.

Mr. Pilozzi reviewed the relief being requested. He stated that he disagrees with the real estate expert; he believes that the house will devalue the neighborhood. Mr. Gallogly asked that all the

documents originally submitted with the application be marked as exhibits. Mr. Chapman stated that all documents are part of the record.

Mr. Gallogly asked Mr. Cotta about the St. Pierre's ISDS. Mr. Cotta stated that it is within the 100 foot radius of their abandoned well. Mr. Gallogly asked Mr. Cotta how long he had been working with DEM regarding ISDS'. Mr. Cotta stated he had been working with DEM in the regard since about 1983. DEM has not changed the setbacks for potable wells during that time.

Mr. Gallogly stated that the only item he would like marked as an exhibit is a letter submitted at a prior meeting by Mr. Coyle, the real estate expert. Mr. Pilozzi stated that if it was given to the Board at a prior meeting, it is part of the record.

Mr. Anzelone verified that the proposed driveway is two feet off the property line. Mr. Cotta confirmed this. Mr. Anzelone stated that it is too close. There is not enough room between the house and the side property lines. The lot is too small and the house is too large for the lot.

Mr. Anzelone made the motion to deny based on the findings of fact of health and safety.

Mr. Gallogly asked that if the Chairman could recuse himself before the Board votes. Based on the comments made by the Chairman after the Mayor spoke, the Chairman had prejudged all the small lots that are non-conforming. Mr. Aurecchia stated that he has no problem with that. Is the entire Board going to recuse themselves because they heard the Mayor? Mr. Gallogly stated that it was not because they heard the Mayor; it was not the responses made by the individual members. Mr. Gallogly stated that it was the comment made by the Chairman that he was not going to approve it. It is prejudging this application and other applications that come before the Board.

Mr. Aurecchia stated that he is a Johnston resident and can make any statements he chooses under the First Amendment. He lives in an R-40 and does not want any small lots next to his house. He agreed to recuse himself.

Mr. Fascia stated that the Rhode Island Public Ethics Commission states that a person must only recuse himself if he has a financial interest in an issue that comes before the Board, not if they have an opinion or a frame of reference. He feels personally insulted that Mr. Gallogly would think any member of this Board would be swayed or controlled by any of the comments made by the Mayor. Mr. Aurecchia stated that he will recuse himself and not vote on the issue.

Mr. Jeffrey stated that he is a licensed Real Estate Broker in the State of Rhode Island. He has appeared before many Boards. He is very familiar with the area. He stated that he can look at the aerial photograph and tell that this development would have a negative impact on the area. Any real estate expert that states otherwise, Mr. Jeffrey would have to question their qualifications. It is obscenely undersized. His findings of fact would be that the development of this land would have a negative impact on the quiet enjoyment of the neighbor's properties. Mr. Jeffrey stated that he will vote against this, he wanted to be on record and stating such.

Mr. Aurecchia asked if there were any abutters in the audience for the project. None appeared. He then asked if there were any abutters here against the project.

Mr. Robert King, abutter, was duly sworn. Mr. King stated that he is an abutting landowner. He appreciated the Mayor's comments earlier because he spoke to exactly what concerns the abutters in this area. He has lived in Johnston his entire life. He does not feel the lot is large enough to raise a family on. There is no room for a child to play safely. Mr. Pilozzi asked Mr. King how

large his property was. Mr. King stated that he and his wife own about 4 or 5 acres. The road is not large enough to allow for parking, emergency vehicles, delivery trucks, etc.... He and his wife tried to buy the lot previously, but were unsuccessful.

Mr. Anzelone made the motion to deny the application based on his earlier statements. The driveway is too close to the property line, the ISDS is too close to the property line and the house. If there should be a fire, there isn't enough room for emergency vehicles. Mr. Jeffrey seconded the motion, stating that it will have a negative impact on the abutting property owners.

Mr. Aurecchia stated that he is recusing himself and turning his vote over to alternate Bernie Frezza. Mr. Chapman stated that Mr. Aurecchia needed to sign the recusal form and absent himself from the room. Mr. Aurecchia relinquished the Chair and left the room. Mr. Fascia assumed the duties of the Chairman.

Mr. Fascia stated that he has a history of voting against these types of variances. This is known as an "orphan lot". The lot was first deeded in 1940 and has never been developed. It's gone for tax sale at least twice. The relief being requested amounts to more than a mere inconvenience. These small lots were never intended to support a single family home by themselves. They were intended to allow owners to purchase them to increase their own lot size. The development of this lot will go against public health, safety and welfare of the neighborhood. It will have a negative impact on the neighborhood. It is his intention of voting against this when the vote is called for. Those members wishing to deny the application say aye.

Mr. Jeffrey, aye; Mr. Frezza, aye; Mr. Pillozzi, aye; Mr. Fascia, aye; Mr. Anzelone, aye.

Mr. Pillozzi stated that his findings of fact were that he is concerned about the public safety, health and welfare of the neighborhood. He believes that there are working wells in the area. The amount of relief being requested is too much. It is not in conformance with the neighborhood; it will devalue the neighborhood. Mr. Pillozzi stated that he has visited the site several times. There is a water issue in the neighborhood.

Mr. Fascia stated that dimensional variances are for the purpose of granting relief for situations where there would be no other use or enjoyment of a piece of property. Profit is not a reason for relief. This house will not be lived in by the owner. It will be sold.

Mr. Frezza stated that he agrees with the other members of the Board. He votes to deny.

Mr. Anzelone stated that he votes to deny the application. His findings of fact include his earlier statements and that the hardship is not the result of any prior action of the applicant, but to realize financial gain. The requested variance will alter the general characteristics of the neighborhood. The requested variances are not the least necessary.

The application does not pass. 5-0 to deny the application.

Mr. Fascia made the motion that Mr. Aurecchia resumes his place as Chairman. Mr. Frezza seconded the motion.

Mr. Aurecchia resumed the Chair.

File 2007-68

Owner: Stephen Palmieri
 Applicant: Polisena Construction, Inc.
 Location: 624 Killingly Street, AP 15 - Lot 328
 Lot Dimensions: Frontage: 106 ft; Depth: 130 ft; Area: 9,228± square feet
 Zone: B-2 (General Business) Zone
 Surveyor: N. Veltri Survey, Inc.
 Present use: Bakery
 Development
 Proposal: Install 1 - 16 sq. ft. sign on front of building and 1 – 48 sq. ft. sign on side of building
 Dimensional Variance petitioned under Article III, Section J, Subsection 5.1.11 – Signs

Vincent Polisena, Contractor, was duly sworn. Mr. Polisena stated that he is here tonight to request a variance for signage on the bakery. The owner of the bakery is also here, if you should have any questions. The bakery has two frontages because it is a corner lot. They are requesting 16 square feet of signage on the Killingly Street side and 48 square feet on the King Street side. These sizes are more than the Zoning Ordinance allows. The signs will be installed on the soffitt, the overhang over the sidewalk. The signs will be flat with no protrusions. There will be low-voltage lighting over the signs. Mr. Pilozzi asked if the new building had been completed. Mr. Polisena stated that they are about two weeks from opening.

Mr. Anzelone made the motion to approve the application. Mr. Pilozzi seconded the motion. A voice vote was taken, all in favor.

File 2007-70

Owner/Applicant: David Kaufer and Deborah Serabian-Kaufer
 Location: 10 Celona Drive, AP 48 - Lot 501
 Lot Dimensions: Frontage: 147 ft; Depth: 110 ft; Area: 16,170± square feet
 Zone: R-20 (Residential – 20,000 sq. ft.) Zone
 Present use: Single Family Dwelling
 Development
 Proposal: Construct a 9' x 16' 3-season room and a 10' x 16' deck, incorporating the existing 12' x 16' deck.

Dimensional Variance petitioned under Article III, Section F, Table III-F-1

Minimum Lot Size Required: 20,000 sq. ft.; Proposed Lot Size Requested: 16,170 sq. ft.; Relief Requested for 3,828 sq. ft.

Minimum Rear Yard Setback Required: 50 ft.; Proposed Rear Yard Setback: 27 ft.; Relief Requested for 23 ft.

David Kaufer, was duly sworn. He stated that he is requesting to build a three-season room and a deck, incorporating the existing deck. He needs relief on the rear setback. No abutters appeared for or against the project.

Mr. Jeffrey made the motion to grant the application. Mr. Fascia seconded the application. A voice vote was taken, all in favor.

File 2008-01

Owner/Applicant: Shirley Baldwin & Cherilyn Tavares
 Location: 23 Almond Drive, AP 43 - Lot 331
 Lot Dimensions: Frontage: 300 ft; Depth: 319 ft; Area: 83,729± square feet
 Zone: R-40 (Residential – 40,000 sq. ft.) Zone
 Present use: Single Family Dwelling
 Development
 Proposal: Construct a 7' x 28' farmer's porch and a 20' x 36' kitchen/family room

Dimensional Variance petitioned under Article III, Section F, Table III-F-1

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Side Setback: 31.11 ft.; Relief Requested for 8.89 ft.

Frank Manni, attorney for the applicant, presented the application to the Board. Cherilyn Tavares, owner, was also sworn. Mr. Manni explained the relief being requested. Mr. Anzelone stated that the relief required is very minimal. He would approve this type of variance for anyone standing in front of him.

Bill Baldwin, abutter, was duly sworn. He states that the applicant is also his cousin. He is in support of the application. Mr. Pilozzi asked why they needed the addition. Ms. Tavares stated that her children are getting older and the family needs more room.

Mr. Fascia made the motion to approve the application. Mr. Jeffrey seconded the motion. A voice vote was taken. All in favor.

File 2008-02

Owner/Applicant: Mary Mercurio
 Location: 10 Cherry Hill Drive, AP 18 - Lot 334
 Lot Dimensions: Frontage: 80 ft; Depth: 100 ft; Area: 10,939± square feet
 Zone: R-15 (Residential – 15,000 sq. ft.) Zone
 Present use: Single Family Dwelling
 Development
 Proposal: To legalize a pre-existing Accessory Family Dwelling Unit (in-law apartment).

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 2 and Article II, Section 2.

Frank Lombardi was duly sworn. Mr. Chapman stated that the gentleman before the Board is not listed on the application. Do we have something from the applicant stating that he can speak on their behalf? Mr. Lombardi stated that his mother in-law is 103 years old. Mr. Chapman states that the Board normally requires something authorizing someone else to speak.

Mr. Pilozzi asked the Board to waive that formality because of the situation. Ms. Mercurio needs 24-hour nursing care and the extra space is needed for medical care.

Mr. Aurecchia stated that Mr. Lombardi should bring a letter to the Zoning Office explaining the situation as soon as possible.

Mr. Lombardi stated that the in-law apartment is used for the medical care of his mother in-law. The footprint of the house is not being changed.

Mr. Fascia stated that when the apartment is not used for its current purpose any longer, it cannot be rented out. Mr. Lombardi agreed.

No abutters appeared for or against the project.

Mr. Pilozzi made the motion to approve the project. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Aurecchia asked if there was any other business before the Board. Mrs. Leonardi stated that the Board needed to appoint or re-appoint a member of the Zoning Board of Review to the Land Trust.

Mr. Aurecchia nominated Anthony Pilozzi. Mr. Fascia seconded the motion. Mr. Jeffrey also seconded the motion.

Mr. Fascia made the motion to adjourn. This was seconded by Mr. Pilozzi. A voice vote was taken.

Adjourned at 8:45 p.m.