

Chairperson
Kenneth Aurecchia

Vice-Chairperson
Richard Fascia

Secretary
Joseph Anzelone

Counsel for the Board
Joseph Ballirano, Esq.



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

Zoning Board Members
Anthony Pillozzi
Bernard Frezza

Alternate Board Members

Dennis Cardillo

Recording Secretary
Holli Stott

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

September 29, 2011

The Zoning Board of Review held its monthly meeting on the 29th day of September, 2011, at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Kenneth Aurecchia, Chairperson, Richard Fascia, Vice-Chairman, Anthony Pillozzi, Joseph Anzelone, Bernard Frezza and Dennis Cardillo. Also present: Joseph Ballirano, Town Solicitor, Holli Stott, Recording Secretary, and Dianne Edson, Stenographer

Mr. Pillozzi made the motion to approve the minutes of the August 25, 2011 meeting. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

File 2011-44

LOCATION: 6 Peppermint Lane
OWNER/APPLICANT: Christiana and Michael Fagbote
LOT: AP 43 — Lot 370; 37,017 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: Construct a second floor addition over existing garage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	40,000'	37,017'	2,983'

Mr. Alfred Russo is sworn in and he is representing the applicant Mr. Fagbote. Mr. Russo explains that the room is going to be used for a family room and a half bathroom over the garage. Mr. Fascia asked if the septic system is going to need to be increased because of the additional bathroom and Mr. Nascenzi states that the number of people are not changing so septic system will uphold the additional bathroom.

Mr. Caraco is the contractor on the project and he is sworn in to explain the construction of the additional room and bathroom. Mr. Caraco explains that there is no bedroom to be added and no footprint changes because it is going over the garage. Mr. Fascia while reviewing the building plans states that the plans are showing a master bedroom and a master bathroom. Mr. Caraco explains to the board that he had changed the plans and never submitted the correct building plans to the zoning office.

No abutters appeared for or against

Mr. Fascia made the motion to continue the application until October so that Mr. Caraco can submit the correct building plans to the zoning office. Mr. Pillozzi seconded the motion. A voice vote was taken; all in favor.

File 2011-45

LOCATION: 23 Tartaglia Street
OWNER: Maria Gunson/Felippo Aceto
APPLICANT: R&M Builders
LOT: AP 27 Lot 136, 240; 3.06 acres; R-20 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: Lot to be reconfigured shed removed and no alterations/additions to existing house

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— FRONT	30'	11'	19'

Mr. Al Russo is representing the applicant and he explained to the board that there will be no construction on this existing house; he is simply here because they are subdividing the lots and they are seeking front yard relief. Mr. Robert Moll is sworn in and he is the contractor on this project. Mr. Nascenzi asks why they are seeking front yard relief when actually they need side yard relief of 14 feet.

Mr. Frezza makes a motion to amend the application to side yard in stead of front yard. Mr. Pillozzi seconds. A voice vote was taken; all in favor.

No abutters appeared for or against

Mr. Frezza made the motion to grant the application. Mr. Pillozzi seconded the motion. A voice vote was taken; all in favor.

File 2011-46

LOCATION: 91 Hill Top Drive
 OWNER/APPLICANT: Kevin and Kristen Marcotte
 LOT: AP 65 Lot 94; .29 acres; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: 34' 4" x 5' 7 1/2" Farmer's style front porch

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— FRONT	40'	26.17'	13.83'

Mr. John Malloy representing the applicants is sworn in and he explains to the board about the project. Mr. Marcotte as the owner of the property explains the dimensions, height etc.

Mr. Frezza made the motion to grant the application. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor.

Recess 7:29 pm
Back in session 7:46

File 2011-47

LOCATION: 17 Bigelow Road
 OWNER/APPLICANT: William and Claudette Baumlin, Sr. and William Baumlin, Jr.
 LOT: AP 59 Lot 35; 7.75 acres; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Appending subdivision of existing lot into three lots, third lot to have a single family dwelling and extension of Bigelow Road to provide frontage for all three lots and legalize existing structure in rear yard.

Dimensional Variance petitioned under Article III, Section F, Table III F-1, Ord. 2003-15, Article III, "Lot width and frontage shall be continuous, not interrupted by any other lot and on a Town-accepted road" and Article III, Section G (7) (c)

Mr. Al. Russo representing the applicants and Mr. Joseph Casale is the engineer on the project. Mr. Casale explains to the board when traveling down Bigelow road the road splits at the end and forks to both homes numbers 16 and 17 and that they are here tonight to have the lot divided into three separate lots asking for frontage on a paper street. Mr. William Baumlin Sr. is sworn in. Mr. Nascenzi asks if structure is being rented to some other than Mr. Baumlin's son and he admitted it is that his son moved out several years prior. Mr. Nascenzi reads the original zoning minutes dated December 1997 and in the minutes it states that Mr. Baumlin agreed to only use that accessory structure for a family member and now he is in violation because he has been renting the dwelling to an outsider.

Mrs. Claudette Baumlin is sworn in and she asks the board if something happens to her husband what she is supposed to do with such a large parcel of land if it is not divided and Mr. Ballirano explains to her that you would have to sell the parcel as a whole.

Mr. Ballirano asks since the accessory structure was built without permits, from what year have you been paying taxes on it and Mr. Baumlin stated that since 2009 he has been paying taxes on this structure. Therefore, for about 5 years that accessory structure has not been taxed on from when it was built. Mr. Ballirano also stated that if taxes are not paid up to date you cannot come in front of the zoning board. Mr. Baumlin agreed to pay all taxes that are owed.

Mr. Hanson is sworn in as an abutter against the project and he explains to the board that the Baumlin's son has not lived there for quite some time and that they are renting that accessory structure to two separate parties. One upstairs and one downstairs. Mr. Baumlin states that when they bought the house it had a kitchen and bathroom downstairs. So when Mr. Baumlin built the other house he started to rent the original home to his son and then the son moved out and rented it to outsiders. Mr. Hanson is concerned about the easement in front of his house and the constructing of the new road if approved. Mr. Hanson submits pictures of the road and drains in front of his house. Mr. Anzelone makes a motion to accept the pictures as exhibits A and B, Mr. Pilozzi seconds; A voice vote was taken; all in favor.

Mr. Fascia states that when Mr. Baumlin built this accessory structure he created his own hardship, therefore he asked Mr. Aurecchia to deny the application. Mr. Fascia makes a motion to deny. Mr. Anzelone seconds and Mr. Pilozzi agrees with his colleagues. Mr. Russo asks the chairman if they can continue this matter for another month. Mr. Fascia withdraws his motion pending research for for both attorneys and Mr. Anzelone seconds.

Mr. Frezza made the motion to continue the application. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.