

**Chairperson**  
Thomas Lopardo

**Vice-Chairperson**  
Anthony Pilozzi

**Secretary**  
Joseph Anzelone

**Counsel for the Board**  
Joseph Ballirano, Esq.



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

**Zoning Board Members**  
Richard Fascia  
Russell Campanelli

**Alternate Board Members**  
Dennis Cardillo  
Albert Colannino

**Recording Secretary**  
Lou Fabrizio

**JOHNSTON ZONING BOARD OF REVIEW**  
100 Irons Avenue, Johnston, Rhode Island 02919  
**Tel: 401-231-4000 EXT 4068 Fax: 401-231-4181**

**MINUTES**  
**August 25, 2016**

*The Zoning Board of Review held its monthly meeting on the 25th day of August, 2016 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue Johnston, RI 02919.*

*Present: Chairperson Thomas Lopardo, Vice-Chairperson Pilozzi, Secretary Joseph Anzelone, Member Campanelli, Alternate Member Cardillo, Alternate Member Colannino, Legal Counsel Joseph R. Ballirano, Esquire, Lou Fabrizio Recording Secretary.*

*Mr. Anzelone made a motion to approve the minutes for the Julys meeting. Seconded by Mr. Pilozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

**A. File 2011-47(Remand from Superior Court)**

Location: 17 Bigelow Road  
Owner: William & Claudette Baumlin, & William Baumlin, Jr.  
Lot: AP 59 — Lot 35; R40 Zone 7.75 Acres  
Existing Use: Single Family Dwelling  
Proposal: Dimensional Variance /Frontage  
**Dimensional Variance** Section 340-9 Article III Table of Dimensional Regulations

	<b>DIMENSION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
<b>SETBACKS:</b>	Min Lot Frontage 1	140	25	115
	Min Lot Frontage 2	140	25	115

*Al Russo, attorney for the applicant, stated that this matter was appealed to Superior Court and was suggested that the Zoning board takes another look at this item. This property has seven acres of land, with two dwellings and a barn. The proposal is to create three lots. Also, the applicant would extend Bigelow to have access for the new lot. The length of the new lot has frontage due to being on top of the property. The engineer planning calls for 150 plus feet of pavement and the rest will be gravel*

*designed to absorb water per DEM. Concerned over tar road for someone new that may come in. Mr. Baumlin would give up 155 feet by 24 feet that would have to be approved by the Town Council. Discussion on fire trucks/emergency vehicles accessibility. The board comes to an agreement that a Cul-de-sac should be stipulated if approved. Marvin Hanson, dully sworn in, questioned the plowing and blocking him in. Abutter questioned the easement. Also, there is a ditch that has caused problems near the abutters' driveway. It was explained that he would not be losing his easement. Also, the swale is to take the drain water from the road and seep it out. Claudette Baumlin was sworn in addressing where the water did or did not come from. Tammy Cardillo, sworn in, asking for clarifications on easements. The board discussed the road width, and options for widening the road. Phillip Parsons, sworn in, asked clarification on their vested right of the subdivision. Board came to agreement on stipulations Planning should consider.*

*Mr. Anzelone made a motion to approve with recommendations to the Planning Board; It's subject to final Planning Board approval and the recommendations that road is 155 feet long from where the gravel now ends and 24 feet wide and they definite reply got a remediation plan for the water so that it doesn't interfere with the abutter's driveway, and the cul-de-sac should be approved by the Fire Department and be in compliance with I believe the 60 foot turn around law and the height for trees so they don't interfere with a leader truck should it have to get in there and last, the Town has to accept that as a road so that they would have to maintain it. Those are the board's recommendations these recommendations are requested to be considered in the Planning Boards Final Approval. Mr. Lopardo seconded. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

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Mr. Lopardo made a motion for a five minute recess (8:12PM). Mr. Anzelone Seconded. Reconvened at 8:16 PM.

**I. New Business**

**B. File 2016-27**

Location: 99 Waveland Street  
 Owner/Applicant: Ernest Duhaime  
 Lot: AP 16 — Lot 408; R15 Zone, 16,000 Sq. Ft.  
 Existing Use: Single Family Dwelling  
 Proposal: Breezeway & Two-Car Garage

**Dimensional Variance** Petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	FRONT YARD	25	17.4	7.6
	REAR YARD	45	32.6	12.4
	LEFT SIDE	20	>20	N/A

	RIGHT SIDE	20	19.92	0.08
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*Ernest Duhaime, dully sworn in, stated his proposal to replace his one car garage with a two- car garage and breezeway attached to the house. The above floor of the garage will be for storage. Lisa Duhaime, co-owner of the house, sworn in. She stated she may someday want to live there if necessary. The board made clear that if the applicant would like to make an in-law, they must come back to the board. The left side relief for this application will be 11 feet and 5 feet on the right side.*

*Mr. Anzelone made a motion to approve the two-car garage and Breezeway. Seconded by Mr. Pillozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2016-27- Approved*

### **C. File 2016-28**

LOCATION: Flanders Street  
 OWNER/APPLICANT: Valentino & Kelly Cairo  
 LOT: AP 22 — Lot 32; R15 Zone, 7,000 Sq. Ft.  
 EXISTING USE: Vacant Lot  
 PROPOSAL: Single Family Dwelling

**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	MIN LOT SIZE	15,000	7,000	8,000
	LOT FRONTAGE	100	70	30
	LOT WIDTH	100	70	30
	MIN REAR YARD	45	37	8
	MIN LEFT SIDE YARD	20	13	7
	MIN RIGHT SIDE YARD	20	13	7

*Valentino Cairo and Nicholas Veltri were dully sworn in. Mr. Pillozzi made a motion to accept Nick Veltri as an expert witness. Seconded by Mr. Anzelone. Al Russo, attorney for applicant, addressed the board stating that the proposal is to seek dimensional variances for frontage and lot size. Mr. Pillozzi made a motion to accept exhibit A (Assessors map comparable lots in that neighborhood). Seconded by Mr. Anzelone.*

*Mr. Pillozzi made a motion to approve with stipulations that the neighbors work together and that Mr. Cairo look for the bond, Mr. Veltri check out the stream concern. Seconded by Mr. Anzelone with stipulations of the bond and Narragansett Bay. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2016-28- Approved*

10/17/2016

*Mr. Pilozzi made a motion for take a five-minute recess from the Zoning Board of Review and reconvene as the Board of Appeals. Seconded by Mr. Anzelone. WHEREUPON VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

**Prior to adjournment the board shall convene as the Board of Appeals and hear the following matter:**

File 2016-26 – Yvonne Boutin, Owner; 6 Kitchener Rd; AP 11 Lot 354; R-10 Zone; Appeal to the decision of the Building Official- Chickens in Residential Zone

*Yvonne Boulin, was sworn in. Stated she has four laying hens, three small bantams, and they are in cages two feet off of the ground. The board made clear that no chickens are allowed in an R-10 Zone. However, the applicant can apply for a use variance.*

*Mr. Pilozzi made a motion to uphold the Building Officials decision. Seconded by Mr. Anzelone. WHEREUPON A VOICE WAS TAKEN; ALL IN FAVOR.*

*Adjournment: Mr. Lopardo made a motion to adjourn. Seconded by Mr. Pilozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. (Meeting Adjourned at 9:05 P.M.)*