

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

January 7, 2015

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, January 7, 2015 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, David Collins, John Jackson, Richard Taylor, Wendy Taylor Humphrey, Alan Doucet (alternate) and George Alzaibak (second alternate)

Also present were: David Petrarca, Town Solicitor, Christopher Synnott, Building Official, and Mary Ann Escobar, Court Reporter.

1. A petition has been filed by Douglas and Lynne Swass of Tiverton, RI requesting a special use permit to Article IV Section 3.b. of the Tiverton Zoning Ordinance in order operate a kennel to breed Labrador Retrievers on the property located at 1595 Bulgarmarsh Road, Tiverton, RI being Plat 512 Lot 135 on Tiverton Tax Assessor's maps whereby a special use permit is required in a R80 zoning district.

DECISION: The parties withdrew their petition. Mr. Jackson had a question of whether or not the board had to vote on said withdrawal. Attorney Petrarca stated that the board does not have to vote on this.

2. A petition has been filed by Jonathan A & Rebecca Cottrell of Tiverton, RI requesting a variance to Article V Section 1 of the Tiverton Zoning Ordinance in order to construct a second story residential addition on an existing commercial structure creating a mixed use multi-family development, where only 2 residential units are allowed by right and 9 residential units are proposed at 35 Main Road, Tiverton, RI being Plat 101 Lot 118 on Tiverton Tax Assessor's maps exceeding the allowed number of residential units and density located in a Traditional Main Street zoning district.

DECISION: This petition did not go forward tonight due to a typographical error in the advertisement. The petitioners decided to re-advertise and try to get onto the agenda for the next meeting which will be on February 4.

3. Administrative Matters
 - a. Review and Approval of Minutes from the meetings of December 3, 2014.

DISCUSSION: Mr. Taylor made a motion to approve the minutes from the December 3, 2014 meeting. Mr. Collins seconded. The Vote was Unanimous. Voting were: Mr. Taylor, Ms. Gescheidt, Mr. Jackson, Mr. Collins, Ms. Humphrey.

b. Discussions/Information on pending legal issues

DISCUSSION: Ms. Gescheidt stated that she sent an email to the town administrator regarding the McLaughlin/Cottrell matter and have not received a reply. She also sent a copy of said email to Ms. Cottrell.

Ms. Cottrell was present at the meeting and stated the following: She has received a letter from Mr. McLaughlin stating that if she did not call the DEM off of him and that if she does not stop pushing that he has to remove his garage that he is going to sue her for \$1 million dollars. She also stated that DEM is now involved. Mr. McLaughlin went to Court and stated that he can't use his property now because DEM was coming down to do a soil sample. Ms. Cottrell asked the Board why all of a sudden is DEM involved? Is this now going to drag these whole proceedings out longer?

Ms. Gescheidt responded to her question by stating the board really has no idea what is going on and has no control over the situation.

Ms. Cottrell voiced her frustration with this whole situation and that she is seriously thinking of suing the Town of Tiverton for this. She said that she can't sue McLaughlin, because McLaughlin lives by his own rules and would not show up for anything and would not answer anything delivered to him. Ms. Gescheidt stated she understood her frustration but again stated this is something the board has no control over.

Ms. Gescheidt brought up discussion regarding the Tiverton Town Council requesting a workshop to provide the new council with some input about the Zoning Board and the workings of the Zoning Board. Ms. Gescheidt and Mr. Collins voiced some concerns regarding this because they believe that they should not go into policy. Attorney Petrarca stated that he believes the new council wishes to do this workshop to familiarize themselves with the goings on of each board in town. He believes that this workshop will not get into the policy-making topics and that there will be a town attorney also present to make sure the workshop doesn't get involved in that topic.

Mr. Jackson made a motion to adjourn. The Vote was Unanimous. Voting were: Mr. Taylor, Ms. Gescheidt, Mr. Jackson, Mr. Collins, Ms. Humphrey.

The meeting adjourned at 7:19 p.m.

C E R T I F I C A T E

I, Mary Ann C. Escobar, Registered Professional Reporter, and Commissioner for the State of Rhode Island, do hereby certify that the foregoing pages 1 through 3 are complete, true and accurate to the best of my knowledge, skill & ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 8th day of January, 2015.

Mary Ann C. Escobar, RPR

My Commission expires: September 30, 2016.

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