

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

June 3, 2015

The following petitions were received and were heard by the Tiverton Zoning Board on June 3, 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 and Alan Doucet (alternate), George Alzaibak (second alternate)

Also present were: Anthony DeSisto, Town Solicitor, Mary Ann Escobar, Court Reporter and Neil Hall, Building Official.

1. A petition has been filed by Cellco Partnership d/b/a Verizon Wireless c/o McLane Law Firm, Ryan J. Swartz, Esquire requesting a special use permit to Article IV Section 5.d. of the Tiverton Zoning Ordinance in order to construct a 150' telecommunications tower for the installation of wireless telecommunications equipment by applicant and to promote collocation for other wireless carriers located at 500 Eagleville Road, Tiverton, RI being Plat 205 Lot 104 on Tiverton Tax Assessor's Maps and located in an Industrial zoning district.

DECISION: Mr. Christopher Swiniarski appeared before the Board. Mr. Swiniarski gave a brief summary of the matter, which has been continued from previous meetings. Mr. Keith Vellente from C-Squared Systems, New Hampshire testified and answered questions from the Board regarding the reasoning for them to have this tower located on this particular property. He showed the Board a chart showing the lack of coverage in this area and how it can be improved by installing this tower on Eagleville Road. He stated that it's about expanding coverage, but also this tower is needed to relieve the overload on the current tower at the North Tiverton site.

The Chairwoman requested that the petitioner produce findings of fact and requested that the Board order a copy of the transcript for review due to the very technical and fact dense presentation in this matter. Due to budget constraints Mr. Swiniarski stated he would pick up the cost of the transcript. Mr. Swiniarski was asked to waive the 120 day time limit. Mr. Swiniarski agreed only if the board makes a decision at the next meeting. Mr. Collins made a motion to continue until the July meeting. Mr. Taylor seconded. The Vote was Unanimous. Voting were: Mr. Taylor, Mr. Collins, Ms. Taylor-Humphrey, Mr. Jackson and Ms. Gescheidt.

2. A petition has been filed by Cellco Partnership d/b/a Verizon Wireless c/o McLane Law Firm, Ryan J. Swartz, Esquire requesting a variance to Article V

Section 1 of the Tiverton Zoning Ordinance in order to construct a 150' telecommunications tower for the installation of wireless telecommunications equipment by applicant and to promote collocation for other wireless carriers located at 500 Eagleville Road, Tiverton, RI being Plat 205 Lot 104 on Tiverton Tax Assessor's Maps exceeding maximum height allowed in an Industrial zoning district.

DECISION: Mr. Christopher Swiniarski appeared before the Board. Mr. Swiniarski gave a brief summary of the matter, which has been continued from previous meetings. Mr. Keith Vellente from C-Squared Systems, New Hampshire testified and answered questions from the Board regarding the reasoning for them to have this tower located on this particular property. He showed the Board a chart showing the lack of coverage in this area and how it can be improved by installing this tower on Eagleville Road. He stated that it's about expanding coverage, but also this tower is needed to relieve the overload on the current tower at the North Tiverton site.

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3. A petition has been filed for Four Corners Properties LLC by Timothy T. More, Esquire requesting a special use permit to Article IV Section 4.b. and Section 8.c. of the Tiverton Zoning Ordinance in order to allow concerts, theatrical performances, weddings and other social and community center events at 28 East Road, Tiverton, RI being Plat 706 Lot 111 on Tiverton Tax Assessor's maps whereby a special use permit is required in a Village Commercial zoning district.

DECISION: Ms. Weir appeared on behalf of the petitioner requesting a continuation until August 5th. She stated they are waiting for a decision by the Town Council regarding whether both a variance and a special use permit can be heard at the same time by the Zoning Board. Mr. Collins made a motion to continue to August 5. Mr. Taylor seconded. The Vote was unanimous. Voting were Ms. Humphrey, Ms. Gescheidt, Mr. Collins, Mr. Taylor and Mr. Jackson.

4. A petition has been filed for Four Corners Properties LLC by Timothy T. More, Esquire requesting a variance to Article X Section 1.a. of the Tiverton Zoning Ordinance in order to allow less than required parking spaces at 28 East Road, Tiverton, RI being Plat 706 Lot 111 on Tiverton Tax Assessor's maps and located in a Village Commercial zoning district.

DECISION: Ms. Weir appeared on behalf of the petitioner requesting a continuation until August 5th. She stated they are waiting for a decision by the Town Council regarding whether both a variance and a special use permit can be heard at the same time by the Zoning Board. Mr. Collins made a motion to continue to August 5. Mr. Taylor seconded. The Vote was unanimous. Voting were Ms. Humphrey, Ms. Gescheidt, Mr. Collins, Mr. Taylor and Mr. Jackson.

5. A reconsideration will be held on a petition filed by Bruce Manuel of Tiverton, RI requesting a variance to Article V Section 1 and Article V Section 2.c. in order to maintain a previously constructed single family dwelling at 45 Willow Street, Tiverton, RI being Plat 201 Lot 110 on Tiverton Tax Assessor's maps closer to the front property line than the front yard setback minimum of 25 feet and located in a R60 zoning district.

DECISION: Attorney Bernard appeared before the board. The Board requested an additional month so they may order the transcript for review in this matter. Ms. Bernard stated her objection to this due to the hardship it will cause her client. Mr. Jackson made a motion to continue to next month in order to review the transcript. Ms. Humphrey seconded. The Vote was 4-1. Voting for were: Mr. Jackson, Ms. Humphrey, Ms. Gescheidt and Mr. Doucet. Voting against was Mr. Taylor.

6. A petition has been filed by Rachel & Sean Frodyma of Tiverton, RI requesting a variance to Article XIV Section 7.b.(2) of the Tiverton Zoning Ordinance in order to conduct a yoga studio in a legal non-conforming structure which was previously used as an office space located at 2490 Main Road, Tiverton, RI being Plat 409 Lot 153 on Tiverton Tax Assessor's Maps whereby a use variance is required in order to change a non-conforming commercial use to any other non-conforming use in a R80 zoning district.

DECISION: Mrs. and Mrs. Frodyma appeared before the Board and stated that they wish to open a small yoga studio in this building. Mrs. Frodyma states that this building has been in her family for years and she remembers previous businesses being in this office building including a DEM office and a baseball card store.

Mr. DeSisto stated that under Article 17 Section 7.b. it states that a nonconforming use may be changed only to a use that conforms to the provisions of this ordinance. The previous office space was a DEM office. This yoga studio would be changing the use of this intended space. Ms. Humphrey agreed and also mentioned that in this particular section it states that an athletic club is a non-permitted use. Mr. Frodyma and Mrs. Frodyma debated whether this would be considered an athletic club ~~due to as~~ there would be no equipment required. Mr. Collins mentioned to the Frodymas that they should go back and research the original zoning petition that was granted for this building back in 1986 and see what the board had put on ~~there~~ for restrictions. The Frodymas requested a continuance in this case in order to get more information and history about this particular space in this building.

Mr. Collins made a motion to continue this matter until next month, July 1. Mr. Jackson seconded. The Vote was unanimous. Voting were Ms. Humphrey, Ms. Gescheidt, Mr. Collins, Mr. Taylor and Mr. Jackson.

Mr. Collins made a motion to adjourn. Ms. Humphrey seconded. The Vote was unanimous. Voting were Ms. Humphrey, Ms. Gescheidt, Mr. Collins, Mr. Taylor and Mr. Jackson, Mr. Doucet and Mr. Alzaibak.

The meeting concluded at 9:44 p.m.

ZBR:MAE

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 5 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 14th day of July, 2015.

Mary Ann C. Escobar, RPR

My Commission expires: September 30, 2016.

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LEDGEWOOD COURT REPORTING
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