

TOWN OF TIVERTON
ZONING BOARD OF REVIEW MINUTES

February 3, 2016

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, February 3, 2016 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson, Ms. Wendy Taylor-Humphrey, and Mr. George Alzaibak first alternate.

Also present were: Mr. Peter Swirkza, Esq., Town Solicitor, Neil Hall, Building Official, and Ms. Sally Ferreira, Court Reporter.

1. A petition has been filed by Michael A. Kelly, Attorney for John & Marcy Scaduto of Bridgewater, MA appealing a Notice of Violation of the Tiverton Building/Zoning Official, Neil J. Hall dated September 2, 2015 regarding the expansion of a legal non-conforming structure located at 24 Shore Road, Tiverton, RI being Plat 806 Lot 154 & 158 on Tiverton Tax Assessor's maps and located in a R80 zoning district.

DECISION:

As the petitioner also had a Special Use and a Dimensional Variance pending before the Board should the appeal fail, the Chairwoman asked Mr. Kelly if he had any objections to consolidating the evidence for purposes of this hearing. Mr. Kelly responded he had no objection.

Mr. Kelly, attorney for the petitioners stated Mr. and Mrs. Scaduto purchased this property in 2014 and it had an existing wooden deck with a railing. There had been a variance granted for that deck in 2002 by this Board. After he purchased the property, Mr. Scaduto began improving it and obtained three building permits, an electrical permit, and a plumbing permit. Mr. Scaduto came each and every time to the Zoning and Building inspector and followed the required rules and regulations as he understood them.

Mr. Kelly went on to say that in October 2014, Mr. Scaduto spoke with the Building and Zoning Official and indicated he wanted to replace the deck with a hardscape patio about 18 inches high, filled with gravel and indicated that it was going to be larger than the existing deck. Mr. Scaduto asked if he needed any additional permits or any additional relief and was told if he left the existing deck in place, he would not need any additional relief and was told it was fine. Mr. Kelly further stated Mr. Scaduto started to build the outside walls of the hardscape patio and one of the inspectors at the time came down, viewed it, took a picture and verified its location and where it was being built. The photograph was marked as an exhibit and made part of the record.

Mr. Kelly went on to say, thereafter complaints were filed by the adjoining neighbors and Mr. Scaduto inquired again of the Building Inspector before completion if the patio was acceptable and he was told again it was fine and there was no problem. Mr. Kelly stated that sometime

later, a Notice of Violation was issued by Mr. Hall the present Building Official following numerous complaints.

Mr. Kelly went on to explain the neighborhood is heavily built up and there is quite a bit of infringement by various structures in the area in terms of the side yard setbacks. The house next to Mr. Scaduto is approximately two feet away from his house and the houses across the street are only separated by two feet from each other.

At this time, Mr. Scaduto was sworn in and Attorney Kelly asked him numerous questions as did the Board. Many exhibits were marked and made part of the record. Mr. Matthew Landry, an attorney at Blish & Cavanagh was present on behalf of Kimberly Waltz and Elaine Barbosa who own resident's located at 18 and 19 Shore Road and who are opposing the new deck. Mr. Landry began by saying the Scadutos were misinformed by the town. Mr. Landry went on to say this is clearly a deck that required a variance because it was much larger, almost three times the size of the old deck. 300 square foot as opposed to 100 square foot for the old deck. Mr. Landry stated the definition of a structure is a combination of materials to form a construction for use, occupancy or orientation and it's hard to argue that this isn't a combination of materials for some use.

The Chairwoman stated there were many letters sent in from abutters and neighbors that were not opposed to this petition. At this time, the Chairwoman opened up questions from the audience and many neighbors came up to speak in favor of the structure. The Board asked Mr. Hall questions about the materials used in constructing the deck.

At this time, the Board closed the Public Hearing and began a discussion for the purpose of reaching a decision. Mr. Taylor stated that in regards to the Notice of Violation he cannot find that the current Zoning Official is wrong in issuing the violation because he is trying to comply with the definition in the zoning ordinance. Ms. Taylor-Humphrey stated in her opinion the Board has no choice because the zoning definition of structure is horrible and probably needs to be addressed at some point by the powers that be. Ms. Taylor-Humphrey also stated Mr. Hall was correct in noticing the violation and strictly using the definition that is given in the zoning ordinance. Mr. Jackson stated two building inspectors went there and they looked at it as a building code situation rather than a zoning situation and to them this wasn't a structure. Mr. Taylor made a motion to uphold the issuance of a Notice of Violation regarding the expansion of a legal non-conforming patio. Mr. Collins seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

The Chairwoman made a motion to grant the variance in order to maintain a constructed hardscaped patio replacing an existing nonconforming patio and allowing the new 17 by 18 foot patio to remain and to permit the increased coverage from 25 to 37 percent and noted that Mr. Scaduto went to considerable expense and sweat equity relying on the then Building and Zoning Official's representations and the fact that, after going down to view the property, there are no abutters to this deck only streets and there is no obstruction of the view. There's no inability to bring a fire hose over that to get to any structure that might be behind it. It doesn't pose a traffic danger and the neighbors have noted a significant improvement to what was there before and

there's no alteration of the general character of the neighborhood by allowing this. The applicants are asking for the least relief necessary based upon the property dimensions and its odd shape. The hardship is more than a mere inconvenience and it was occasioned by the misinformation given by town officials. Ms. Taylor-Humphrey seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

2. A petition has been filed by Michael A. Kelly, Attorney for John & Marcy Scaduto of Bridgewater, MA requesting a variance to Article XIV.5.d. of the Tiverton Zoning Ordinance in order to maintain a constructed hardscaped patio to replace an existing nonconforming patio located at 24 Shore Road, Tiverton, RI being Plat 806 Lot 154 & 158 on Tiverton Tax Assessor's maps whereby extending, enlarging or moving a nonconforming structure located in a R80 zoning district.

DECISION:

As the petitioner also had a Special Use and a Dimensional Variance pending before the Board should the appeal fail, the Chairwoman asked Mr. Kelly if he had any objections to consolidating the evidence for purposes of this hearing. Mr. Kelly responded he had no objection.

Mr. Kelly, attorney for the petitioners stated Mr. and Mrs. Scaduto purchased this property in 2014 and it had an existing wooden deck with a railing. There had been a variance granted for that deck in 2002 by this Board. After he purchased the property, Mr. Scaduto began improving it and obtained three building permits, an electrical permit, and a plumbing permit. Mr. Scaduto came each and every time to the Zoning and Building inspector and followed the required rules and regulations as he understood them.

Mr. Kelly went on to say that in October 2014, Mr. Scaduto spoke with the Building and Zoning Official and indicated he wanted to replace the deck with a hardscape patio about 18 inches high, filled with gravel and indicated that it was going to be larger than the existing deck. Mr. Scaduto asked if he needed any additional permits or any additional relief and was told if he left the existing deck in place, he would not need any additional relief and was told it was fine. Mr. Kelly further stated Mr. Scaduto started to build the outside walls of the hardscape patio and one of the inspectors at the time came down, viewed it, took a picture and verified its location and where it was being built. The photograph was marked as an exhibit and made part of the record.

Mr. Kelly went on to say, thereafter complaints were filed by the adjoining neighbors and Mr. Scaduto inquired again of the Building Inspector before completion if the patio was acceptable and he was told again it was fine and there was no problem. Mr. Kelly stated that sometime later, a Notice of Violation was issued by Mr. Hall the present Building Official following numerous complaints.

Mr. Kelly went on to explain the neighborhood is heavily built up and there is quite a bit of infringement by various structures in the area in terms of the side yard setbacks. The house next to Mr. Scaduto is approximately two feet away from his house and the houses across the street are only separated by two feet from each other.

At this time, Mr. Scaduto was sworn in and Attorney Kelly asked him numerous questions as did the Board. Many exhibits were marked and made part of the record. Mr. Matthew Landry, an attorney at Blish & Cavanagh was present on behalf of Kimberly Waltz and Elaine Barbosa who own resident's located at 18 and 19 Shore Road and who are opposing the new deck. Mr. Landry began by saying the Scadutos were misinformed by the town. Mr. Landry went on to say this is clearly a deck that required a variance because it was much larger, almost three times the size of the old deck. 300 square foot as opposed to 100 square foot for the old deck. Mr. Landry stated the definition of a structure is a combination of materials to form a construction for use, occupancy or orientation and it's hard to argue that this isn't a combination of materials for some use.

The Chairwoman stated there were many letters sent in from abutters and neighbors that were not opposed to this petition. At this time, the Chairwoman opened up questions from the audience and many neighbors came up to speak in favor of the structure. The Board asked Mr. Hall questions about the materials used in constructing the deck.

At this time, the Board closed the Public Hearing and began a discussion for the purpose of reaching a decision. Mr. Taylor stated that in regards to the Notice of Violation he cannot find that the current Zoning Official is wrong in issuing the violation because he is trying to comply with the definition in the zoning ordinance. Ms. Taylor-Humphrey stated in her opinion the Board has no choice because the zoning definition of structure is horrible and probably needs to be addressed at some point by the powers that be. Ms. Taylor-Humphrey also stated Mr. Hall was correct in noticing the violation and strictly using the definition that is given in the zoning ordinance. Mr. Jackson stated two building inspectors went there and they looked at it as a building code situation rather than a zoning situation and to them this wasn't a structure. Mr. Taylor made a motion to uphold the issuance of a Notice of Violation regarding the expansion of a legal non-conforming patio. Mr. Collins seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

The Chairwoman made a motion to grant the variance in order to maintain a constructed hardscaped patio replacing an existing nonconforming patio and allowing the new 17 by 18 foot patio to remain and to permit the increased coverage from 25 to 37 percent and noted that Mr. Scaduto went to considerable expense and sweat equity relying on the then Building and Zoning Official's representations and the fact that, after going down to view the property, there are no abutters to this deck only streets and there is no obstruction of the view. There's no inability to bring a fire hose over that to get to any structure that might be behind it. It doesn't pose a traffic danger and the neighbors have noted a significant improvement to what was there before and there's no alteration of the general character of the neighborhood by allowing this. The applicants are asking for the least relief necessary based upon the property dimensions and its odd shape. The hardship is more than a mere inconvenience and it was occasioned by the misinformation given by town officials. Ms. Taylor-Humphrey seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

3. A petition has been filed by Michael A. Kelly, Attorney for John & Marcy Scaduto of Bridgewater, MA requesting a special use permit to Article VII Section 4.b. of the Tiverton Zoning Ordinance in order to maintain a constructed hardscaped patio to replace an existing nonconforming patio located at 24 Shore Road, Tiverton, RI being Plat 806 Lot 154 & 158 on Tiverton Tax Assessor's maps and located in a R80 zoning district.

DECISION:

As the petitioner also had a Special Use and a Dimensional Variance pending before the Board should the appeal fail, the Chairwoman asked Mr. Kelly if he had any objections to consolidating the evidence for purposes of this hearing. Mr. Kelly responded he had no objection.

Mr. Kelly, attorney for the petitioners stated Mr. and Mrs. Scaduto purchased this property in 2014 and it had an existing wooden deck with a railing. There had been a variance granted for that deck in 2002 by this Board. After he purchased the property, Mr. Scaduto began improving it and obtained three building permits, an electrical permit, and a plumbing permit. Mr. Scaduto came each and every time to the Zoning and Building inspector and followed the required rules and regulations as he understood them.

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Mr. Kelly went on to say, thereafter complaints were filed by the adjoining neighbors and Mr. Scaduto inquired again of the Building Inspector before completion if the patio was acceptable and he was told again it was fine and there was no problem. Mr. Kelly stated that sometime later, a Notice of Violation was issued by Mr. Hall the present Building Official following numerous complaints.

Mr. Kelly went on to explain the neighborhood is heavily built up and there is quite a bit of infringement by various structures in the area in terms of the side yard setbacks. The house next to Mr. Scaduto is approximately two feet away from his house and the houses across the street are only separated by two feet from each other.

At this time, Mr. Scaduto was sworn in and Attorney Kelly asked him numerous questions as did the Board. Many exhibits were marked and made part of the record. Mr. Matthew Landry, an attorney at Blish & Cavanagh was present on behalf of Kimberly Waltz and Elaine Barbosa who own resident's located at 18 and 19 Shore Road and who are opposing the new deck. Mr. Landry began by saying the Scadutos were misinformed by the town. Mr. Landry went on to say this is clearly a deck that required a variance because it was much larger, almost three times the size of the old deck. 300 square foot as opposed to 100 square foot for the old deck. Mr. Landry stated the definition of a structure is a combination of materials to form a construction for use,

occupancy or orientation and it's hard to argue that this isn't a combination of materials for some use.

The Chairwoman stated there were many letters sent in from abutters and neighbors that were not opposed to this petition. At this time, the Chairwoman opened up questions from the audience and many neighbors came up to speak in favor of the structure. The Board asked Mr. Hall questions about the materials used in constructing the deck.

At this time, the Board closed the Public Hearing and began a discussion for the purpose of reaching a decision. Mr. Taylor stated that in regards to the Notice of Violation he cannot find that the current Zoning Official is wrong in issuing the violation because he is trying to comply with the definition in the zoning ordinance. Ms. Taylor-Humphrey stated in her opinion the Board has no choice because the zoning definition of structure is horrible and probably needs to be addressed at some point by the powers that be. Ms. Taylor-Humphrey also stated Mr. Hall was correct in noticing the violation and strictly using the definition that is given in the zoning ordinance. Mr. Jackson stated two building inspectors went there and they looked at it as a building code situation rather than a zoning situation and to them this wasn't a structure. Mr. Taylor made a motion to uphold the issuance of a Notice of Violation regarding the expansion of a legal non-conforming patio. Mr. Collins seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

The Chairwoman made a motion to grant the variance in order to maintain a constructed hardscaped patio replacing an existing nonconforming patio and allowing the new 17 by 18 foot patio to remain and to permit the increased coverage from 25 to 37 percent and noted that Mr. Scaduto went to considerable expense and sweat equity relying on the then Building and Zoning Official's representations and the fact that, after going down to view the property, there are no abutters to this deck only streets and there is no obstruction of the view. There's no inability to bring a fire hose over that to get to any structure that might be behind it. It doesn't pose a traffic danger and the neighbors have noted a significant improvement to what was there before and there's no alteration of the general character of the neighborhood by allowing this. The applicants are asking for the least relief necessary based upon the property dimensions and its odd shape. The hardship is more than a mere inconvenience and it was occasioned by the misinformation given by town officials. Ms. Taylor-Humphrey seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

4. A petition has been filed by Raymond C. Holland Jr., Attorney for Charles Barmonde & Aiden Fitzgerald requesting a variance to Article VI Section 3(b) of the Tiverton Zoning Ordinance in order to construct an unattached but connected garage and studio in the front yard but not in the front yard setback located at 385 Puncateest Neck Road, Tiverton, RI being Plat 801 Lot 137 on Tiverton Tax Assessor's maps and located in a R80 zoning district.

DECISION:

Mr. Holland introduced himself and presented the architect Peter Twombly as his first witness. Mr. Twombly was sworn in and stated he is an architect with ESTES Twombly Architects in

Newport, Rhode Island. At this time, Mr. Twombly was accepted by the Board as an expert witness.

Mr. Holland asked Mr. Twombly to describe the design of the home. Mr. Twombly explained the parcel is roughly 19 acres and predominately wetlands. There is an existing house on the property and a cleared area toward the west side of the property toward the water. The existing dwelling is over 1,000 feet from Neck Road and it is screened from the road by approximately 16 acres plus of wetlands and woods. Mr. Twombly went on to say they would take down the existing house which is pretty outdated and put in a new larger house for the Barmonde's growing family where the existing house sits because it is the high point of the property and has a fairly high water table. Due to the ledge on the property, there will be a partial basement under the house on the highest point of the property. The Chairwoman asked if there is a basement on the original house and Mr. Twombly answered the existing house is like a split level so the lower level is partially in the ground.

Mr. Twombly stated the old septic system which failed will be replaced with a new system in conformance with the Coastal regulations. The studio will be placed in what's considered the front yard and set away from the house and placed on a slab.

William Smith of Engineering Concepts was sworn in and accepted by the Board as an expert witness. Mr. Smith stated in order to design the septic system, he conducted soil evaluations through DEM and it was found there are several issues on this site. There is a large expanse of fresh water wetlands to the east of where the property is now. There is a 200-foot CRMC setback from the Sakonnet River that precludes any activity in that area. There is a well that serves the house that's good quality and good quantity that's located in the general vicinity of where the garage is. Mr. Smith explained the site on the map for the septic was approved by DEM.

Mr. Nathan Godfrey was sworn in and accepted by the Board as an expert witness. Mr. Godfrey stated he is a real estate appraiser with Newport Appraisal Group in Newport, Rhode Island. Mr. Holland asked Mr. Godfrey numerous questions. Mr. Godfrey explained that he viewed the property and stated from the house to the water it drops off down to the river and there is one buildable area on the entire 19 acres where the house can be built. Mr. Godfrey went on to say there is substantial buffering from trees and foliage in three directions where the studio is to be built. Mr. Godfrey submitted two photographs showing the foliage and they were marked as an exhibit and made part of the record. Mr. Godfrey stated there would be no adverse impact in placing the house and studio in the proposed location nor alter the general character of the neighborhood.

Mr. Barmonde was sworn in and Mr. Holland asked him to explain what the purpose of the studio is. Mr. Barmonde stated he is a potter and an artist and he wants to keep his house separate from his office, a place where he can do his work. He has two young children and probably another on the way and he wants to have an area where he can do his work in a private setting. Mr. Barmonde explained he will not meet clients at the studio or make sales there and there will be no bedrooms or a kitchen and it will not be rented. Mr. Barmonde further stated it will be a place for him to go and do his thinking as part of his job.

At this time, the Board closed the Public Hearing and began a discussion for the purpose of reaching a decision. Mr. Jackson stated based on the fact that they are bound in by the CRMC 200 foot jurisdiction from the shoreline and DEM jurisdiction from the wetlands you can only use a very little piece of the property that makes this piece of property unique. Mr. Taylor agreed this is a unique piece of property. The Chairwoman stated she can understand why an artist wants a studio removed from his garage and house and there is certainly a big enough piece of property to do that. Mr. Taylor also stated even if you took away the wetlands and the CRMC boundaries and all the other things, you have a very small place that you can actually build on.

Mr. Taylor made a motion to grant the requested relief to the zoning ordinance to allow the two requested structures to be in the front yard setback for the proposed studio and the proposed garage. Public interest will be served and there is no real prohibition that would go against the Comprehensive Community Plan and that's further complicated by the gray area wording of the ordinance and what was intended and how it's defined. The conditions placed are that the property not be used for any commercial purpose and that the accessory structure cannot be converted to any kind of commercial or residential use or that the lavatory facility be expanded to ultimately become an apartment. Mr. Collins seconded. Ms. Taylor-Humphrey voted for the garage but opposed the studio. Ms. Gescheidt, Mr. Taylor, Mr. Collins and Mr. Jackson voted in favor of granting the variance for the studio and the garage. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey. The motion passed.

5. A petition has been filed by Mark and Patricia DePiero of Ramsey, NJ requesting a special use permit to Article VII Section 4.b. of the Tiverton Zoning Ordinance in order to raze an existing dwelling and construct a new dwelling with balcony at 292 High Hill Road, Tiverton, RI being Plat 806 Lot 164 on Tiverton Tax Assessor's maps closer to the front, side and rear yard setbacks than required and exceeding lot coverage in a R80 zoning district.

This petition was not heard due to the fact of the late hour. The Board rescheduled this petition to the next zoning board meeting of March, 2, 2016 and will be the first petition to be heard.

6. A petition has been filed by Georgianna J. Moniz of Tiverton, RI requesting a special use permit to Article IV Section 4.m. and Article XVI Section 3.c. of the Tiverton Zoning Ordinance in order to allow the use of land for a cemetery or burial ground located at 408 Stafford Road, Tiverton, RI being Plat 207 Lot 117 on Tiverton Tax Assessor's maps whereby a special use permit is required in a R60 zoning district.

DECISION:

Joseph Moniz was sworn in and introduced himself and stated on January 7th his father suddenly passed away and he would like to fulfill his father's wishes by constructing a cemetery on the farm his father was born on. William Smith of Civil Engineers Concept qualified as an expert by the Zoning Board was sworn in and stated the property is located on Stafford Road adjacent to Arruda Dairy Farm. Mr. Smith went on to say there is an existing historical cemetery on the

southwest corner of the property. Mr. Smith also stated public convenience and welfare will be served and the proposed use would not negatively impact the public convenience and welfare. The cemetery will be compatible with the adjacent historical cemetery that is set back from the road a little bit.

Mr. Smith continued by saying there is vegetation there so it will hardly be noticeable from the road. The cemetery will not be detrimental to public health, safety, morals or welfare of the town. Mr. Smith further stated all burials will be done under the direction of a certified funeral home and in conformance with all the state laws. The cemetery will be compatible with the neighboring uses and will not adversely affect the general character of the area as there is an existing historical cemetery already there. Mr. Smith stated this will not create a nuisance in the neighborhood nor hinder or endanger vehicular or pedestrian movement. Access to the cemetery will be via an existing driveway and there will be a right of way to access the cemetery that would be filed in the land evidence records. The cemetery will be compatible with the Comprehensive Community Plan of Tiverton.

Ms. Taylor-Humphrey asked how the cemetery will be marked and Mr. Smith responded the cemetery or burial ground will have permanent boundary markers so that it is distinguishable as to where the sites will be by placing survey markers on each corner. Mr. Moniz added he will place fence right around the whole cemetery.

Mr. Smith added the area to be used as a cemetery or burial ground is located on a separately deeded parcel of land recorded in the land evidence records of the Town of Tiverton which deed shall specifically set forth that the land contained here will be used as a cemetery or burial ground. Mr. Swirkza agreed with Mr. Smith stating that this doesn't require a subdivision to create a new lot that it just requires recording it in the land evidence records identifying that. Mr. Smith stated he will dedicate a right of the way to access the cemetery via the existing driveway by an easement.

Mr. Alzaibak asked who is taking care of the cemetery now and Mr. Moniz responded his wife. Mr. Smith added that the easement language will include that there is a requirement for care of the cemetery.

At this time, the Board closed the Public Hearing and began a discussion for the purpose of reaching a decision. Mr. Alzaibak stated they have the land and the cemetery will be away from the road and it is not affecting the town. Mr. Alzaibak also stated they do a great job on the historical cemetery that is there now. Mr. Collins and Mr. Jackson had no problem with the petition.

Mr. Collins made a motion to grant the request for a special use permit in order to allow the use of land for a cemetery or burial ground based on the testimony and evidence presented that the public convenience and welfare will be served. There's no indication that it will be detrimental to the public health, safety, morals, or welfare. The cemetery will be compatible with the existing cemetery on the property now and it will not have an adverse affect on the character of the neighborhood. There are several requirements that don't apply such as sewerage and water service and fire protection and there will be no vehicular traffic or pedestrian movement so that

will not be a hindrance. It is compatible to the Comprehensive Community Plan. The burials will be done under the direction of a certified funeral home in conformity with state law, that it be located 30 feet from the property and from the street. There is no visual impact due to the fact that it is located behind a stone wall. There will be permanent access via an easement that will be recorded in the land evidence records, and that there be a provision and an easement for perpetual care of the property and that there will be a border or permanent boundary and the minimum size of not less than 625 feet. Mr. Taylor seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

ADMINISTRATIVE ISSUES:

There was no further discussions. Ms Gescheidt made a motion to adjourn. Ms. Taylor-Humphrey seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson, Ms. Wendy Taylor-Humphrey, and Mr. George Alzaibak.

The Zoning Board meeting concluded at 10:40 p.m.

CERTIFICATE

I, Salvina S. Ferreira, Registered Professional Reporter, hereby certify that the foregoing 11 pages of the Tiverton Zoning Board of Review minutes are transcribed to the best of my knowledge, skill and ability.

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

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 23rd day of February, 2016.

Salvina S. Ferreira, RPR

My commission expires: September 26, 2017
ID # 28792

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