

TOWN OF TIVERTON  
ZONING BOARD OF REVIEW  
MINUTES

Wednesday, April 6, 2016

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, April 6, 2016 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 George Alzaibak (alternate).

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

1. A petition has been filed by Jennifer Miguel of Cambridge, Massachusetts requesting a special use permit to Article VII § 4.b. of the Tiverton Zoning Ordinance in order to raze an existing deck and stairs and construct a 10' x 16' two story addition with 3' x 10' second floor balcony to existing single family dwelling located at 4 Tony Street, Tiverton, RI being Plat 806 Lot 172 on Tiverton Tax Assessor's maps closer than the front setback allowed and exceeding lot coverage allowed in a R80 zoning district.

**DECISION:** Ms. Jennifer Miguel appeared before the Board with her fiancé, Richard Cashin. First off, she apologized that her builder was on vacation, and she and her fiancé were the only ones present to address the Board.

Ms. Miguel explained that she is seeking a special use permit in order to raze an existing deck in order to construct a 10' x 16' two story addition with 3' x 10' second floor balcony, which will be used as additional living space. The current square footage of the house is 520 square feet and she stated that this extra living space will be utilized for a kitchen table and the upstairs portion will be an office space area. The relief needed is for the front yard setback and the lot coverage percentage. Her dwelling is currently at 29 percent coverage and this proposed addition will increase it to 31 percent coverage. Her current front yard setback currently is 13.7 feet.

The current house has a cesspool, and it will be replaced with a new state of the art septic system. She brought all the paperwork for this system, should the Board wish to review it. Ms. Miguel stated that they already have approval from DEM. In order to put the septic where it was suggested, the deck had to move a few feet toward the front of the house in order to accommodate the system.

Also, Ms. Miguel mentioned to the Board that this addition is compatible with all of her neighbors and the nearby neighborhood. The height of this dwelling will not be over 25 feet, in accordance to the Tiverton Zoning. She will not be blocking any of her neighbors.

Upon questioning by the Board, Ms. Miguel stated that this dwelling will remain a one bedroom, one bathroom dwelling. She also said that she has talked to her neighbors about this proposed improvement and they were all in support of it. The only request that one of her neighbors asked her to do is not build any extra decks around the house. Ms. Miguel expressed her desire to honor those wishes and added that if the Board wants to make it a condition, if they should so grant this special use permit, that's fine with her.

In closing, Ms. Miguel stated that she didn't want to make this addition very large. She feels it is very minimal compared to the rest of the homes down there.

Mr. Collins questioned whether Ms. Miguel will need to have a step or two coming out from the sliding door and rear doorway. According to Mr. Hall, she will be in need of one or two riser steps, although he stated that some homes don't have them, and people just step out onto their grass. It will not be a huge drop off.

Mr. Taylor expressed his concerns regarding this petition. He does not like the idea of people turning their summer cottages into permanent year round dwellings and stated he was opposed to any increasing the size of any pre-existing substandard structure in that area. Ms. Taylor Humphrey was in agreement with Mr. Taylor, but stated that due to this petition being a special use permit and not a variance, she feels that the petitioner has met her requirements needed for this special use.

Mr. Collins made a motion to grant the special use permit for the following reasons:

1. It is not detrimental to the public, health, welfare and safety in the neighborhood
2. It is compatible with neighboring uses
3. It will not create a nuisance in the neighborhood, nor hinder vehicular or pedestrian traffic.
4. The current cesspool will be replaced with a new septic, and, therefore, there will be adequate provisions for water and sewer services
5. It is compatible with the Comprehensive Community Plan.

Mr. Collins wished to add a condition that the petitioner does not expand any further beyond what she is currently building and to also include the few steps needed for the sliding door and rear door to her addition. Mr. Jackson seconded the motion. The vote was 4-1. Voting for were Ms. Gescheidt, Mr. Collins, Ms. Taylor-Humphrey and Mr. Jackson. Voting against was Mr. Taylor for reasons mentioned previously. The motion carries and the petition was granted.

## **2. Administrative Matters:**

**a. Review and Approval of Minutes from the meeting of March 2, 2016.** Ms. Gescheidt stated there were a few mistakes in the minutes and recommended corrections. The first is on Page One of the minutes. It states "Mr. and Mrs. Ramsey", where it should state Mr. and Mrs. DiPiero.

The second is on Page Three. In Paragraph labeled 2, the sentence beginning with "That was an appeal to the superior court", Ms. Gescheidt suggests it should be "there was an appeal to the superior court."

And the third correction is a misspelling on Attorney Skwirz's name on the fourth page, second paragraph. Ms. Gescheidt asked for the minutes as amended be accepted by the Board. Mr. Collins seconded. The Vote was unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Taylor, Ms Taylor Humphrey and Mr. Jackson.

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

Whereupon the meeting adjourned at 8:05 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 4 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 7th day of April, 2016.

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Mary Ann C. Escobar, RPR

My Commission expires: September 30, 2016.

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455