

TOWN OF TIVERTON  
ZONING BOARD OF REVIEW  
MINUTES

**October 5, 2016**

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, October 5, 2016 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, David Collins, John Jackson, Wendy Taylor Humphrey, and George Alzaibak.

Also present were: Anthony DeSisto, Town Solicitor, Peter Skwirz, Assistant Town Solicitor, Neil Hall, Building Official, and Barbara Montijo, Court Reporter.

1. A petition has been filed by Edward F. Adamowski of Tiverton, RI requesting a variance to Article VIII, Section 3.d(1) of the Tiverton Zoning Ordinance in order to construct an addition to the existing residence within 200 feet of Stafford Pond and renovations of same at 979 Old Stafford Road, Tiverton, RI being Plat 213 Lot 130 on Tiverton Tax Assessor's maps whereby development within 200 feet of Stafford Pond and its direct tributaries requires a use variance when located in a R60 zoning district.

The Board received a letter dated 9/30/2016 requesting the matter be continued to November due to new developments and potentially new construction plans.

Attorney Cox stated in reviewing the structure and preparing for the application it became evident the structure is no longer viable. His client is intending to file an amended petition to build a new structure completely outside the 200 setback, which would change the application to a special use permit versus a use variance and will present evidence that the existing ERS would be compliant with the new application.

Mr. Collins made a motion to continue this matter to November 2, 2016 and seconded by Mr. Jackson. The Vote was unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Ms. Taylor Humphrey, and Mr. Alzaibak.

2. A petition has been filed by Norbert E. & Pauline Berube of Tiverton, RI requesting a variance to Article VIII, Section 3.d(1) and Article V, Section 1 of the Tiverton Zoning Ordinance in order to construct a detached garage within 200 feet of Stafford Pond, closer to the side yard setback and exceeding maximum lot coverage allowed at 985 Old Stafford Road, Tiverton, RI being Block 213 Lot 129 on Tiverton Tax Assessor's maps whereby a variance is required when located in a R60 zoning district.

Mr. Berube requested a continuance to November 2, 2016.

Mr. Collins made a motion to continue this matter to November 2, 2016 and seconded by Mr. Jackson. The Vote was unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Ms. Taylor Humphrey, and Mr. Alzaibak.

3. Request for reconsideration of Zoning Board's June 1, 2016, denial of a petition filed by Bruce H. Cox, Attorney for Valley Farm, LLC c/o Robert Glanville of Bristol, RI requesting a special use permit to Article XIV § 7.b of the Tiverton Zoning Ordinance in order to continue the use of horse stabling, two dwelling units on common lot, operation of landscaping services on site and off-season storage of boats at 3622 Main Road, Tiverton, RI being Plat 707 Lot 111 on Tiverton Tax Assessor's maps and located in a R80 zoning district, and reconsideration of Zoning Board's June 1, 2016 denial of a petition filed by Bruce H. Cox, Attorney for Valley Farm LLC c/o Robert Glanville of Bristol, RI requesting a special use permit to Article XIV § 7.b of the Tiverton Zoning Ordinance in order to continue the use of cows and cattle farming, operation of landscaping services on site and off-season storage of boats at 3634 Main Road, Tiverton, RI being Plat 707 Lot 114 on Tiverton Tax Assessor's maps and located in a R80 zoning district.

Mr. Pagliarini requested a continuance to the November 2, 2016 meeting.

Mr. Collins made a motion to continue this petition to November 2, 2016 and seconded by Mr. Alzaibak. The vote was unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Ms. Taylor Humphrey, and Mr. Alzaibak.

4. A petition has been filed by Robert Johnson of Island Avenue Realty, LLC, of Tiverton, RI requesting a variance to Article IX Section 1b(3) & 7g(3) of the Tiverton Zoning Ordinance in order to subdivide a 7.78 acre unimproved lot on southerly side of Four Rod Way, a private way, having "0" feet of frontage on a public road which is less than required located at 0 Four Rod Way - west side of Lake Road being Plat 904 Lot 138 on Tiverton Tax Assessor's maps currently in a R80 zoning district.

Mr. Johnson requested a continued of this petition to November 2, 2016.

Ms. Gescheidt commented she may be an abutter to this property. Attorney DeSisto stated this is a rule of necessity situation and the request is for a continuance; there would be no quorum otherwise, which is recognized by the State Ethics Commission and the Rhode Island Supreme Court.

Mr. Collins made a motion to continue this petition to November 2, 2016 and seconded by Mr. Alzaibak. The Vote was unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Ms. Taylor Humphrey, and Mr. Alzaibak.

ZBR: BMM